Research Article

Received: 19 March, 2026
Accepted: 28 May, 2026
Published: 03 June, 2026

Constitutional Judicial Oversight of the Ministerial Program in Iraq

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Cite this article:

Zidan, R. F., & Abd, L. K. (2026). Constitutional judicial oversight of the ministerial program in Iraq. *Cultura Científica*, (24), pp. 461–474.

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Abstract

The Iraqi constitution of 2005 establishes a parliamentary democracy characterized by collaboration and equilibrium between legislative and executive authorities. In this regard, the ministerial program carries constitutional weight since the Prime Minister-designate is required to present it to the House of Representatives in the course of gaining parliamentary confidence. After its approval, the ministerial program is to be regarded as a political and constitutional basis for the future conduct of the government and its evaluation for adherence before Parliament and other regulatory bodies. This paper focuses on the position of the Iraqi Federal Supreme Court regarding the ministerial program in light of whether constitutional judicial oversight can cover the existence, content, and application of the latter. The analytical-legal research method was employed to examine Articles 47, 76, and 93 of the Iraqi Constitution of 2005 as well as legislation, parliamentary procedures, and court judgments. According to the findings, the Iraqi Federal Supreme Court does not conduct any direct judicial oversight concerning the ministerial program as an independent political act. Nevertheless, indirect judicial oversight can take place with respect to the establishment of the government, the doctrine of the separation of power, financial pressure on the executive authority, and decisions/procedures taken by federal bodies while implementing the ministerial program. This paper concludes that the decisions made by the Iraqi Federal Supreme Court outline the constitutional boundaries of the ministerial program.

Keywords: Ministerial program; Federal Supreme Court; Constitutional judicial review; Parliamentary system; Separation of powers; Iraq

1. INTRODUCTION

According to the Constitution of the Republic of Iraq of 2005, the formation of the government is closely connected with the principles of parliamentary systems and the cooperation of the legislative and executive authorities. In particular, the procedure of forming the Council of Ministers is regulated by Article (76). According to this provision, the candidate of the largest parliamentary bloc is appointed the Prime Minister-designate and must obtain the confidence of the House of Representatives. Unlike other candidates to be assigned the post of the head of the government, the confidence of the Prime Minister-designate is not given only based on the list of nominees, but rather also on the ministerial program of the candidate.

Therefore, the ministerial program acquires great constitutional significance. It is a reflection of the general vision, policy priorities, and directions of management of public affairs during the mandate of the government. Moreover, the ministerial program is an example of practical cooperation between the legislative and executive authorities, since the confidence of the House of Representatives is given based on the evaluation of both the ministerial cabinet and the program itself. After obtaining confidence, the program serves as a political and constitutional tool for assessing the activity of the government and its compliance with its promises and commitments to Parliament.

However, the ministerial program has constitutional significance not only at the stage of forming the government. While being appointed as a condition of obtaining confidence, the program imposes the responsibility on the government to implement it. Thus, legal issues arise, which concern the nature of the ministerial program, the scope of responsibility of the government regarding the implementation of the program, methods of overseeing this process, and competence of bodies controlling the implementation of the program. These control measures can be political – undertaken by the House of Representatives using its constitutional mechanisms –, administrative – within the executive authority –, or judicial – indirectly by the constitutional judicial body when it falls into the competence of this authority.

This paper deals with the issue of the role of the Iraqi Federal Supreme Court in relation to the ministerial program. As for the core problems addressed by the article, they include whether the constitutional judicial body has competence to control the ministerial program; if yes, whether the control concerns only the existence of the program, its content or its implementation. Additionally, the Federal Supreme Court's ability to review the implementation of the ministerial program in disputes involving federal authorities, separation of powers, and additional financial burdens to the executive authority is considered.

It is assumed that the Federal Supreme Court plays the most important role in the monitoring process as a constitutional judicial body. However, the role of the court is mostly indirect, since it usually does not deal with directly reviewing the ministerial program as a document. Instead, the role of the Federal Supreme Court involves its review of constitutional disputes, in which there is an indirect mention of the ministerial program.

The significance of the current study is due to the fact that although the ministerial program has great constitutional importance for government formation in the parliamentary system of the Republic of Iraq, the existing legal writing on constitutional judicial control of this program is insufficient. Analyzing the judgments of the Federal Supreme Court, the author aims at identifying constitutional foundations and limitations of judicial oversight in this context.

Analytical and legal research method is applied in the current study. Constitutional provisions, specifically Articles (47), (76), and (93) of the Constitution of the Republic of Iraq of 2005, are analyzed in correlation with other documents regulating the process of government formation, parliamentary confidence, and implementation of the ministerial program. Moreover, a set of selected cases of the Federal Supreme Court concerning this issue are considered in detail.

The structure of the current article includes two main sections. In the first part, judicial control over the existence and content of the ministerial program is analyzed. In the second part, the attention is focused on the Federal Supreme Court's approach to the implementation of the ministerial program. The article is concluded with the results of the analysis and some proposals for regulating the ministerial program in Iraq in the future.

1.1. JUDICIAL CONTROL OF THE MINISTERIAL PROGRAM'S CONTENT VIA THE PRINCIPLE OF SEPARATION OF POWERS

Article (76/II) of the Constitution of the Republic of Iraq of 2005 requires the submission of the ministerial program within the established period of time and by the competent authority. Thus, the program is considered to be a document that is formally subject to constitutional requirements. In turn, the content of the ministerial program should not violate any constitutional requirement. For example, the program can be inconsistent with the Constitution of the Republic, which is considered in paragraph (V) of the analyzed article. Moreover, according to the same provision of the Constitution, the ministerial program may contradict the principle of separation of powers.

Thus, the constitutionality of the ministerial program is guaranteed by the separation of powers doctrine, since it is prohibited to adopt the program, which encroaches on the functions of other branches of power or the functions of federal authorities. Therefore, when dealing with constitutional disputes that involve separation of powers, the Federal Supreme

Court may indirectly consider the issue of the validity of the ministerial program. As for the connection of the program with the general policy of the state, paragraph (III) of Article (76) of the analyzed document guarantees its compliance with the general policy of the Republic of Iraq.

In addition, the ministerial program cannot establish the obligation to pay extra financial expenses to the executive authority. Paragraph (VI) of Article (76) of the Constitution of the Republic of Iraq prohibits the imposition of any additional financial burdens on the executive branch. According to the same provision, the prime minister has the exclusive right to submit the budget of the executive branch.

These requirements provide certain limitations of control exercised by the legislature in relation to the executive branch. On the contrary, it is impossible to limit the authority of the executive branch and force it to pay additional expenses. However, as already mentioned, the Federal Supreme Court can indirectly control the issue of imposing financial obligations to the executive authority by examining disputes related to the principle of separation of powers. Such disputes may be related to different types of decisions issued by federal authorities.

1.2. REVIEW OF THE SUBMISSION AND CONSTITUTIONAL TIMING OF THE MINISTERIAL PROGRAM

According to Article (76/IV) of the Constitution of the Republic of Iraq, "The Prime Minister-designate shall submit the names of the members of his ministry and the ministerial program to the House of Representatives, and shall be considered to have its confidence upon the approval of the individual ministers and the ministerial program by an absolute majority." This article clearly states the constitutional position of the ministerial program in the process of government formation. It is worth noting that confidence shall be granted not only to the proposed cabinet but also to the ministerial program.

The Federal Supreme Court has the right to determine whether or not the period established by Article (76) has expired in respect of the presentation of the proposed council of ministers and the ministerial program. According to Article (76/II) of the Constitution, the period shall not exceed thirty days from the moment the President of the Republic assigns the candidate of the largest parliamentary bloc. Non-compliance with the above period may affect the constitutionality of the government formation process.

This question was addressed by the Federal Supreme Court in Decision No. (240/Federal/2022), dated 31/1/2023, regarding the legality of Mr. Mohammed Shia Al-Sudani's appointment as Prime Minister. The Court rejected plaintiffs' request to invalidate the decision to assign Mr. Mohammed Shia Al-Sudani as Prime Minister-designate. In its reasoning, the Court noted that Article (76) requires the President of the Republic to assign the candidate of the largest parliamentary bloc to form the Council of Ministers within fifteen days from the moment of election of the President of the Republic and for the Prime Minister-designate to nominate the members of his ministry within a period of thirty days from the moment of assignment. Further, the Court pointed out that the decision to assign was adopted by the President of the Republic in favor of the candidate of the largest parliamentary bloc; that the Prime Minister-designate nominated his council within the constitutional period; and that the House of Representatives approved the submitted council by an absolute majority. Thus, the Court concluded that there were no grounds to invalidate the assignment decision [1].

It can be argued that Federal Supreme Court Decision No. (240/Federal/2022) shows that the Court may review the compliance with the time limits established by Article (76). Despite the emphasis on the issues of assignment and the acceptance of the proposed council by the House of Representatives, the Court recognized its ability to analyze whether the process of government formation, including the submission of the ministerial program, was carried out in accordance with the Constitution. If the Prime Minister-designate does not submit the ministerial program within the constitutional period, or if he fails to submit it altogether, the process of government formation will be unconstitutional due to failure to comply with Article (76).

The time limits connected with government formation were reviewed again by the Federal Supreme Court in Decision No. (55/Federal/2010), dated 24/10/2010, related to the decision of the House of Representatives to keep the first session open indefinitely. The Court ruled that the decision was unconstitutional since it hindered the realization of procedures that must be completed within the constitutional periods specified by the Constitution. In its reasoning, the Court stated that the President of the Republic must perform the constitutional duties, primarily, the assignment of the candidate of the largest parliamentary bloc in order to form the Council of Ministers in accordance with Article (76), so that it could perform its constitutional obligations stipulated in Article (80) of the Constitution under the supervision of the House of Representatives. As a result, the Court decided that keeping the first session open without constitutional reasons interferes with the objective of Article (55) and prevents the operation of the government formation mechanism. Consequently, the Court declared invalid the decision of the House of Representatives to keep the first session open [2].

The decision is noteworthy because it shows that the Federal Supreme Court may act where parliamentary procedures hamper the constitutional schedule of government formation. Article (76) describes the process of formation, including the assignment, nomination, and submission of the ministerial program. The decision to nullify the resolution of the House of

Representatives to hold its first session indefinitely allowed the protection of the constitutional procedure and, implicitly, of the submission and adoption of the ministerial program.

It should be added that Federal Supreme Court Decision No. (93/Federal/2010), dated 19/12/2010, clarified the constitutional approach to the time limit for the House of Representatives. According to this decision, the House of Representatives is able to adopt the ministerial program and ministers outside the thirty-day period mentioned in Article (76/II). In its reasoning, the Court notes that the Constitution does not impose any time limits on the House of Representatives for adopting the individual ministers and the ministerial program. Moreover, Article (76/II) provides that the Prime Minister-designate may propose the members of the ministry and the ministerial program until the very last day of the thirty-day period. In this case, the House of Representatives would have to consider and make a decision beyond this deadline. Thus, the Court argues that the period imposes limitations not on the House of Representatives, but on the Prime Minister-designate [3].

Decision No. (93/Federal/2010) draws the clear borderline between constitutional obligations of the Prime Minister-designate and the constitutional status of the House of Representatives. Thirty days is a period for nomination and submission of the ministerial program by the Prime Minister-designate. The Federal Supreme Court believes that it does not impose a time limit for discussion and voting on the proposed council and the ministerial program by the House of Representatives.

While it is undeniable that the Constitutional Court provided an explanation for the absence of the period established for the House of Representatives in the constitutional text, this interpretation leaves room for legislative action. Indeed, leaving the matter completely open can become the cause of a delay in the process. The lack of a fixed term for considering the program may lead to weakening of the effect of Article (76), in particular, if the House of Representatives delays the approval or rejection of the program, without a proper constitutional justification. That is why, it is important to introduce an additional time limit for the consideration of this procedure into the Iraqi constitution.

1.3. REVIEW OF THE CONTENT OF THE MINISTERIAL PROGRAM THROUGH THE PRINCIPLE OF SEPARATION OF POWERS

Separation of Powers is one of the main principles forming the basis of the Iraqi parliamentary system. Accordingly, Article (47) of the Constitution of the Republic of Iraq of 2005 states that "the federal authorities shall consist of legislative, executive and judicial authorities, exercising their powers and functions on the basis of the principle of separation of powers". In the context of the principle of separation of powers, it cannot be understood in an absolute manner that entails the full separation of the authorities' competencies. On the contrary, it implies that there should be a constitutional balance in the activities of the authorities based on cooperation, restriction, and the exercise of powers assigned to each authority separately [4].

In regard to the cooperation of the authorities, the principle prohibits any intercession in the constitutional competencies of other authorities. Any such intercession might breach the principle of separation of powers and have consequences for the violation of constitutionally protected rights and freedoms. As a matter of fact, this point was clearly stated in the Decision of the Federal Supreme Court of 2/12/2021 No. (142/Federal/2021) whereby it noted that cooperation between the authorities does not mean that any authority could interfere in the competencies and powers of another authority since it breaches the principle of separation of powers and the rights and freedoms protected under the Constitution [5].

The similar point of view was reflected in the Decision of the Federal Supreme Court of 24/5/2023 No. (262/Federal/2022). In particular, the Court pointed out that Article (47) of the Constitution adopts the principle of separation of powers, and that no authority could infringe on the competencies of another authority by decision, procedure, execution, etc. If it takes place, then the Court will hear the case in accordance with the constitutional jurisdiction and order the authority that exceeded its powers to restore the constitutional order [6].

It can be said that the Court's consideration of the content of the ministerial program may take place indirectly when examining the principle of separation of powers. In other words, the principle allows the Court to consider the issue of the ministerial program when the House of Representatives adopts laws or regulations infringing on the executive power's competencies in connection with the planning of the state's policy in a broader sense or in case these laws impose additional financial obligations and/or contradict the content of the ministerial program on the basis of which the government obtains confidence.

This position of the Court was confirmed by its Decision of 6/7/2015 No. (19/34/Unified/Federal/2015). Therein, the Court ruled that adoption of legislative amendments to certain norms without obtaining prior consent of the executive branch was against the principle of separation of powers as provided for by Article (47) of the Constitution. In this regard, the Court stressed that the planning of the general state policy is under the jurisdiction of the Council of Ministers according to Article (80/I). At the same time, the amendment added to the norms has a financial character [7].

The same approach was also expressed in Decision No. (21/Federal/2015 and its consolidated case No. 29/Federal/2015)

of 14/4/2015. In this case, the Federal Supreme Court stressed that the principle of separation of powers is adopted by the Constitution of 2005 under Article (47). It also pointed out that the exercise of legislative competence should comply with this principle. Moreover, laws adopted directly by the House of Representatives could infringe on the principle of separation of powers where they impose additional financial obligations on the executive authority without obtaining its consent in advance or include provisions that contradict the ministerial program on the basis of which the government obtained the confidence of the House of Representatives [8].

Therefore, it becomes clear that the Federal Supreme Court has performed an indirect supervisory function concerning the ministerial program during examination of cases involving infringement on the principle of separation of powers. In other words, the Court considers it unconstitutional when legislation contradicts the content of the ministerial program of the government and imposes additional financial obligations not approved by the government.

It should be noted that the Federal Supreme Court does not accept cases challenging laws which do not relate to the state's financial policy, contradict the government's program, and interfere with the independence of the judiciary. This fact can be seen in Decision No. (36/Federal/2015) of 29/6/2015 dealing with the constitutionality of Law No. (3) of 2015, the First Amendment Law to the Law on the Abolition of Legal Texts Prohibiting Courts from Hearing Cases No. (17) of 2005. In this case, the Court dismissed the lawsuit arguing that the contested law was in compliance with previous judicial practice and had no link to the state's financial policy and contradiction with the ministerial program. It does not infringe on the independence of the judiciary. Instead, the Court stated that this law promotes judicial independence; hence, the plaintiff's claim had no legal ground [9].

As can be seen from the decision discussed above, it proves that in cases where laws do not interfere with the state's financial policy, impose additional obligations on the executive authority, contradict the ministerial program, and undermine the judiciary's independence, then the Court will hardly rule them to be unconstitutional in the course of interpreting the principle of separation of powers. Otherwise, legislation affecting these issues may fall under the jurisdiction of the Court.

For instance, there is a similar situation in Federal Supreme Court Decision No. (18/Federal/2020) of 9/6/2021. Therein, the Court considered the issue concerning constitutionality of Article (10) of Law No. (82) of 2017, the Second Amendment Law of the Central Bank of Iraq Law No. (56) of 2004. As claimed by the plaintiff, this article imposed additional financial obligations on the executive authority not contained in the government's plan and contradicted the content of the ministerial program on the basis of which the government obtained confidence. Nevertheless, the lawsuit was dismissed for the reasons that the Minister of Finance, besides his official capacity, is not the right adversarial party since the Council of Ministers as the proposing body could institute a lawsuit in the court of law on behalf of the Ministry of Finance because it imposed additional financial obligations to the government that were not approved by the government. This conclusion was made taking into account Article (62) of the Constitution and Article (130) of the Rules of Procedure of the Iraqi Council of Representatives [10].

Even though this case was dismissed on the procedural grounds, it proves that in cases where legislation imposes additional financial obligations that are not included in the government's plan or budget and/or contradict the ministerial program, the Federal Supreme Court has jurisdiction in examining those issues. In addition, the party initiating the action should be the Council of Ministers instead of the Minister of Finance.

From the aforementioned facts, it can be concluded that the Federal Supreme Court has the right to indirectly examine the ministerial program in the process of interpreting the principle of separation of powers when legislation or procedural acts interfere with the constitutional powers of the executive branch. It is primarily connected with the following issues:

1. Where the challenged law or procedure violates the principle of separation of powers by interfering with the constitutional powers of the Council of Ministers.

2. Where the challenged law or procedure imposes additional financial burdens on the government without obtaining its approval or without being included in its plans or financial budget.

3. Where the challenged law or procedure contradicts the ministerial program on the basis of which the government obtained the confidence of the House of Representatives.

Accordingly, the ministerial program is not only a political undertaking presented to Parliament. It also functions as a constitutional reference that may be considered by the Federal Supreme Court when reviewing disputes concerning legislative action, executive competence, financial burdens, and the constitutional balance among public authorities.

2. FEDERAL SUPREME COURT OVERSIGHT OF THE IMPLEMENTATION OF THE MINISTERIAL PROGRAM

As soon as the individual ministers and the ministerial program receive the vote of confidence by the House of Representatives through an absolute majority vote according to Article (76) of the Constitution of the Republic of Iraq of

2005, the ministerial program will enter into the implementation phase. During the implementation stage, the ministerial program becomes a framework within which the government makes its policy priorities, administrative decisions, and undertakings considering political, economic, financial, and institutional circumstances.

The implementation of the ministerial program might need the Council of Ministers to take certain governmental decisions, issue directives, approve governmental procedures, or put certain programs of the ministerial program on the agenda of its meetings. Article (8) of the Rules of Procedure of the Council of Ministers No. (2) of 2019, issued by Council of Ministers Resolution No. (83) of 2019 states that the Council of Ministers is obligated to discuss the agenda and adopt decisions on those subjects according to [11]. Therefore, the paragraphs of the ministerial program might become governmental decisions or procedures, particularly when implementation requires administrative coordination, financial allocation, or legal measures.

The role of the General Secretariat of the Council of Ministers in following up the implementation of the government program is vital. Article (32/IX) of the Rules of Procedure of the Council of Ministers indicates that the General Secretariat of the Council of Ministers follows up the implementation of the government program, its decisions, and instructions and submits the necessary reports related to the implementation [12]. This shows that implementation of the ministerial program is not only a political aspect, but also an administrative and institutional process of follow-up, submission of reports, and assessment within the executive branch.

The essential constitutional issue lies in knowing whether the Federal Supreme Court supervises directly the government's adherence to the implementation of its ministerial program, or this supervision is exercised indirectly through reviewing governmental decisions, regulations, instructions, or procedures adopted by the government in the process of implementing the program. Indeed, this distinction is important since the ministerial program is neither law nor regulation enforceable at all. However, governmental decisions adopted by the government for implementing the ministerial program are subject to review by the Federal Supreme Court as governmental actions adopted by a competent federal authority.

In this regard, Article (93) of the Constitution of the Republic of Iraq of 2005 states the jurisdiction of the Federal Supreme Court over certain matters. Particularly, this Article includes paragraph (Third) that provides the Federal Supreme Court to adjudicate disputes concerning applications of federal laws, decisions, regulations, instructions, and procedures issued by federal authorities. Article (4/III) of the Federal Supreme Court Law No. (30) of 2005, as amended by Law No. (25) of 2021 confirms the above-mentioned jurisdiction [13]. This means that governmental decisions, regulations, instructions, and procedures adopted by the government to implement the ministerial program are subject to constitutional judicial oversight.

It should be noted here that certain governmental decisions, regulations, instructions, and procedures adopted by federal authorities used to be regarded as acts of sovereignty, thus excluding judicial review thereof according to Article (10) of the Judicial Organization Law No. (160) of 1979, as amended. Later on, however, legal texts precluding judicial review of certain cases were repealed by Law No. (17) of 2005, the Law on the Repeal of Legal Texts Prohibiting Courts from Hearing Cases [14]. Thus, disputes concerning governmental decisions, regulations, instructions, or procedures issued by federal authorities are now within the jurisdiction of the Federal Supreme Court pursuant to Article (93/III).

The concept of "federal authorities" as per the Constitution is defined in Article (47). Specifically, this Article indicates that federal authorities include the legislative, executive, and judicial authorities carrying out their functions in accordance with the principle of separation of powers. Further, Article (66) of the Constitution provides that the federal executive authority consists of the President of the Republic and the Council of Ministers each of whom carries out its functions under the Constitution and the law. Thus, decisions, regulations, instructions, and procedures issued by the Council of Ministers are also subject to review by the Federal Supreme Court if a constitutional dispute arises with respect to them.

Indeed, this jurisdiction is apparent in many decisions of the Federal Supreme Court, most importantly in Federal Supreme Court Decision No. (170/Federal/2022) issued on 25/1/2023, in which the Court invalidated a series of Cabinet decisions that violated Article (62/Second) of the Constitution of the Republic of Iraq of 2005. Specifically, the Court stated that the violation of the Constitution by any action or abstention of federal authorities cannot be justified because such violation is a breach of the highest legal rule that is the Constitution. Hence, every governmental decision, regulation, instruction, or procedure contradictory to the provisions of the Constitution must be declared invalid in the jurisdiction of the Federal Supreme Court [15].

Indeed, the above-mentioned ruling is important to clarify that the jurisdiction of the Federal Supreme Court to supervise decisions issued by the Council of Ministers extends beyond positive governmental acts to abstentions or failures to undertake constitutionally obligatory actions as far as this non-compliance with constitutional provisions. In this regard, the government's duty to implement the government program approved by the House of Representatives falls into this category. This means that the supervising role of the Federal Supreme Court is not limited to the review of governmental decisions, instructions, or procedures adopted by the Council of Ministers for implementing its ministerial program, but it also extends to governmental abstention in this process.

The above-mentioned position regarding the relationship between governmental decisions, regulations, instructions,

or procedures on one hand and the Constitution and the ministerial program on the other hand is also reflected in other decisions of the Federal Supreme Court. Particularly, in Decision No. (97/Federal/2022) issued on 15/5/2022, the Federal Supreme Court held that draft laws should be prepared and submitted by the government to the House of Representatives in conformity with the ministerial program approved by the House of Representatives [16]. This means that the ministerial program might also become relevant to the constitutional assessment of legislative initiatives especially if those initiatives involve financial and administrative powers of the executive branch.

The essential objective of the aforementioned approach adopted by the Federal Supreme Court is to make sure that legislative measures do not bind the government in implementing its program in the manner that hinders the latter's capability to carry out its undertakings. This is also confirmed by various decisions of the Federal Supreme Court annulling some legislative provisions not submitted to and approved by the Council of Ministers, which imposed additional financial burden on the executive authority.

To illustrate, Federal Supreme Court Decision No. (127/Federal/A.S./2017) issued on 5/2/2018 declared unconstitutional paragraph (Fourth) of Article (21) of the Iraqi Academics Syndicate Law No. (61) of 2017 for the reason that this provision requires that the Council of Ministers provide financial grant from the general budget of the Republic to that syndicate, thus imposing an additional financial burden on the general budget of the country. Indeed, the above-mentioned provision increased the financial expenditure in the annual budget of the state. According to the above-mentioned ruling, such imposition of additional financial burden must be declared unconstitutional unless the proposal of the draft law is submitted to and approved by the Council of Ministers [17].

The same approach can be found in Federal Supreme Court Decision No. (83/Federal/Media/2018) issued on 10/7/2018, in which the Federal Supreme Court rendered unconstitutional Articles (58/I/B, III) of the Budget Law of 2018 because the House of Representatives adopted them without the Council of Ministers' approval and without taking its opinion while these provisions imposed additional financial burdens on the government. The Council of Ministers considered that these provisions increased financial burdens on the treasury of the state without its consent. For this reason, the provisions in question were unconstitutional in light of Article (62/II) of the Constitution [18].

Based on the above discussion, it can be concluded that the Federal Supreme Court may supervise indirectly the government's implementation of its ministerial program through its jurisdiction over governmental decisions, regulations, instructions, or procedures. Several examples of this supervision can include:

1. The Federal Supreme Court may review decisions, regulations, and instructions issued by the Council of Ministers where they are connected with the implementation of the ministerial program and give rise to a constitutional dispute.

2. The Court may review procedures adopted by the Council of Ministers in the course of implementing specific paragraphs of the ministerial program, particularly where those procedures affect constitutional rights, public powers, or the distribution of authority among federal institutions.

3. The Court may examine whether abstention or failure by a federal authority to act amounts to a constitutional violation, especially where the authority is constitutionally required to take a measure connected with the implementation of the ministerial program.

4. The Court may address legislative or institutional measures that hinder the government's implementation of its program by imposing additional financial burdens on the executive authority without its approval or outside the constitutional procedure established for financial legislation.

5. The Court may indirectly ensure compatibility between governmental action, parliamentary legislation, and the approved ministerial program by applying constitutional principles such as separation of powers, legality, financial competence, and respect for the constitutional distribution of authority.

Accordingly, the Federal Supreme Court's control over the implementation of the ministerial program is not direct political supervision of governmental performance. Rather, it is constitutional judicial oversight exercised through the Court's review of federal decisions, procedures, legislation, and omissions that may affect the implementation of the program. This form of oversight preserves the constitutional character of the ministerial program while respecting the political responsibility of the government before the House of Representatives.

3. LIMITS ON THE FEDERAL SUPREME COURT'S OVERSIGHT OF THE IMPLEMENTATION OF THE MINISTERIAL PROGRAM

Although the Federal Supreme Court recognizes in some decisions certain forms of indirect supervision over matters relating to the ministerial program, the Federal Supreme Court's practice also shows that this indirect supervision has limits. The reasons for the Court's unwillingness to rule on disputes over the implementation of the ministerial program

vary from one decision to another and may be linked to the absence of the law issued by the federal authority, the political-governmental nature of the ministerial program as distinct from a law or regulations in force, and the absence of any additional financial burdens imposed on the executive authority.

The first limitation refers to the condition that the challenged law should be issued by the federal authority or by an entity whose acts are subject to the jurisdiction of the Federal Supreme Court in accordance with Article (93/III) of the Constitution. According to Article (93/III) of the Constitution of the Republic of Iraq of 2005, the jurisdiction of the Federal Supreme Court includes adjudicating cases that arise out of application of laws, decisions, regulations, instructions, and procedures issued by federal authorities. In other words, if the challenged act in question is not an act issued by the authorities enumerated in Article (47) of the Constitution, then the Federal Supreme Court cannot exercise jurisdiction over it.

This limitation of the Court's jurisdiction is demonstrated in Federal Supreme Court Decision No. (242/Federal/2022) issued on 27/12/2022. In this decision, the Federal Supreme Court dismissed the case because there were no decisions or procedures issued by the Federal Council of Ministers or the General Secretariat of the Council of Ministers about the withholding of the allocations claimed by the plaintiffs. The Federal Supreme Court ruled that, in the absence of decisions or actions issued by the competent federal authorities, it had no jurisdiction to adjudicate the dispute brought before it [18]. Thus, the Court ruled that the mere fact of a public-law dispute does not activate the jurisdiction of the Court but requires the presence of a law, decision, regulation, or procedure issued by a federal authority as defined in Article (47) of the Constitution.

In addition, the jurisdictional limitation referred above was also manifested in respect of the implementation of the ministerial program according to the provisions of paragraph (13) of the government program concerning Kirkuk. First, the Court issued a state order prohibiting the implementation of paragraph (13) of the ministerial program on the basis of which the Prime Minister, in his capacity as Commander-in-Chief of the Armed Forces, had ordered the transfer of the headquarters of the Joint Operations Command in Kirkuk to the Kurdistan Democratic Party. In Decision No. (213/Federal/State Order/2023), issued on 3/9/2023, the Court stressed that it was incumbent on all federal authorities to contribute to preserving security in Kirkuk and the safety of its people. The Court added that the priority should be given to the preservation of historical coexistence among the Kurds, Arabs, and Turkmen in Kirkuk and putting Iraq's interests above everything else. Thus, it ordered to suspend the implementation of the Prime Minister's order that requires evacuation and transfer of the headquarters until resolution of the case [19].

This state order is important insofar as it proves that the Federal Supreme Court would consider taking measures to preventatively interfere with the implementation of any paragraph of the ministerial program in the case when such implementation may threaten public security and social coexistence as well as national interests. In particular, the Court exercised its authority to issue urgent orders in accordance with Article (39) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2022, which gives the Court the right to consider applications of summary judgement and orders on petitions in accordance with the Civil Procedure Law No. (83) of 1969, as amended. By means of the provision order, the Court treated the implementation of paragraph (13) as a subject capable of producing serious constitutional and public consequences.

At the same time, this decision illustrates the understanding of the Federal Supreme Court about the importance of public security and coexistence in the implementation of the ministerial program. The implementation of paragraph (13) of the ministerial program was interpreted by the Federal Supreme Court as posing threats to the safety and security of the population in Kirkuk and the rest of Iraq and giving preference to the interests of the country and its population above political or national interests. This means that, at least in some cases, the implementation of a paragraph of the ministerial program can become constitutionally significant.

Nonetheless, after examination of the arguments raised in the petition, the Federal Supreme Court dismissed the lawsuit. In its Decision No. (213/Federal/2023), issued on 11/10/2023, the Federal Supreme Court held that Joint Operations Command Order No. (843) of 2023 was not subject to invalidity under Article (93/III) of the Constitution, Article (4/III) of the amended Federal Supreme Court Law, and Article (25) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2022. The Court ruled that the right of the Court to invalidate decisions, regulations, instructions, and procedures requires these acts to be issued by a federal authority within the meaning of Article (47) of the Constitution or by an independent body within the meaning of Chapter Four of Part Three of the Constitution. The Court ruled that, being neither a federal authority nor an independent body within the meaning of the Constitution, the orders, decisions, and procedures issued by the Joint Operations Command were not subject to review in terms of invalidity before the Court. Thus, the Federal Supreme Court ruled to dismiss the case for lack of jurisdiction [20].

This Court ruling raises the constitutional issue about the possibility to review the acts issued by a federal authority, although it is not the act that the Court considers as invalid. In particular, the reasoning of the Court is based on a formal interpretation of Article (93/III), according to which the acts subject to review by the Court must be issued by a federal authority. At the same time, it must be kept in mind that the implementation of paragraph (13) of the ministerial program

did not result from a voluntary initiative of the Joint Operations Command. Namely, this act was issued in response to the decision made by the Prime Minister in his capacity as Commander-in-Chief of the Armed Forces. In Article (1/Second) of the Rules of Procedure of the Council of Ministers No. (2) of 2019, it was provided that the Council of Ministers shall consist of the Prime Minister, his deputies, and the ministers who took the constitutional oath before the House of Representatives. Thus, it can be argued that the act under consideration was issued with regard to a decision of one of the federal authorities.

It can, therefore, be argued that the final Court ruling in the case of Kirkuk shows that the Court has a somewhat inconsistent stance toward matters related to the ministerial program. On the one hand, the Court found that the matter was urgent enough to be subject to provisional measures. On the other hand, the Court rejected the application because the act at issue had been issued by an entity not included in Article (47) of the Constitution. While the Federal Supreme Court dismissed the application on a formal ground, namely, on the ground of lack of jurisdiction, one might argue that it was the practical authority behind the act (namely, the Prime Minister) and, therefore, the matter should have been examined by the Court.

This issue is reinforced by the previous experience of the Federal Supreme Court. In particular, it reviewed a directive issued by the Prime Minister regarding authority of the Prime Minister's human rights advisers to receive complaints concerning confessions made under duress. This decision can be seen in Decision No. (262/Federal/2022) issued on 24/5/2023 and demonstrates that the directives and decisions issued by the Prime Minister fall under the jurisdiction of the Federal Supreme Court where they are related to constitutional competences and authority [21].

This case shows that the decision or directive issued by the Prime Minister as Commander-in-Chief of the Armed Forces should not automatically be considered as issued by an independent body not included in Article (47) of the Constitution. Therefore, such an act could and should be subject to review by the Federal Supreme Court on the basis of the Constitution.

The second limitation relates to the nature of the ministerial program. The Federal Supreme Court indicated that the ministerial program is not within the category of laws and regulations in force and, accordingly, it cannot be challenged in terms of unconstitutionality under Article (93/I) of the Constitution. This statement was also contained in Decision No. (213/Federal/2023) issued on 11/10/2023. According to this decision, for an unconstitutional challenge to be made in terms of Article (93/I) of the Constitution and Article (4/I) of the Federal Supreme Court Law No. (30) of 2005, as amended by Law No. (25) of 2021, the challenged law must be within the category of laws and regulations in force. The Federal Supreme Court ruled that, being neither laws nor regulations in force, the Joint Operations Command Order No. (843) of 2023 and paragraph (13) of the government program should not be subject to unconstitutional challenge. Thus, the Federal Supreme Court decided to dismiss the case [22].

While it cannot be denied that the reasoning of the Court in this point is correct, it may still be interpreted in a manner which suggests that this case does not preclude the possibility for the Court to review issues related to the ministerial program. Indeed, the fact that the ministerial program is not a law or regulation does not imply that the act implementing this program may not be challenged before the Court in terms of unconstitutionality. As can be seen from the provisions of Articles (93/I, III) of the Constitution, the acts falling under Article (93/III) of the Constitution may be challenged in terms of Article (93/I). Thus, where the implementation of a paragraph of the ministerial program involves an act issued by the federal authority and raises the constitutional issue, such implementation should not necessarily be excluded from constitutional supervision.

The third limitation concerns the absence of additional financial obligations on the executive authority resulting from the challenged procedure. According to the Federal Supreme Court, if the challenged act does not involve any extra financial burden for the executive authority and does not contradict the ministerial program and the government program, then the challenge will be dismissed by the Court. This issue appears in Decision No. (126/Federal/2019 and its consolidated cases Nos. 127, 130, 145, and 148/Federal/2019) issued on 17/12/2019, which concerns challenge to Law No. (24) of 2019, the Law on the Cancellation of the Dissolved Coalition Provisional Authority Order No. (57) of 2004. According to the petitioners, this Law has a negative effect on the legal status of thousands of citizens, is inconsistent with the ministerial program, complicates the work of the government, and is in violation of the principle of separation of powers. At the same time, the defendant insisted that the challenged law did not violate the principle of separation of powers, did not involve additional financial burdens for the executive authority, had a positive impact on the budget, was consistent with the ministerial program of the government, and did not relate to the judicial authorities.

As a result of the examination, the Federal Supreme Court concluded that the issuance of Law No. (24) of 2019 was not in contradiction with the Constitution. The reason was that this law does not affect the principle of separation of powers, does not have any effect on the state budget, does not impose any financial obligations on the executive authority, and does not affect any other matter concerning the affairs of the judiciary. For that reason, the Federal Supreme Court decided to dismiss the case since the petitioners did not raise any constitutional issue [23].

While the reasoning of the Federal Supreme Court seems to be clear enough and cannot be questioned, it is important to stress that its conclusion was based, first of all, on the absence of financial burden. This example demonstrates that the

existence of the ministerial program does not preclude the possibility for the legislature to adopt acts and laws that do not create conflict of constitutional nature. Indeed, while the adoption of laws should necessarily comply with the principles set forth in the Constitution, the mere existence of the ministerial program cannot be considered as restricting the freedom of the legislature from passing laws.

A similar situation can be seen in Decision No. (36/Federal/2015), issued on 29/6/2015, concerning challenge of Law No. (3) of 2015, the First Amendment Law to the Law on the Abolition of Legal Texts Prohibiting Courts from Hearing Cases No. (17) of 2005. According to the Court, the challenged law does not impose financial obligations on the executive authority and is an application consistent with the ministerial program of the government. It is also noted that the law is consistent with the earlier directives of the Court because it does not belong to the area of the financial policy of the state, is consistent with the approved ministerial program of the government, and does not affect the independence of the judiciary. Consequently, the Federal Supreme Court ruled to dismiss the lawsuit on the grounds that the plaintiff's claim has no legal justification [24].

From the foregoing, it can be concluded that the Federal Supreme Court's indirect supervision of the ministerial program is conditional and limited by the fact that the challenged act should comply with the requirements of the Constitution. The acts relating to implementation of the existence and content of the ministerial program can be reviewed under Article (93/III) of the Constitution or on another constitutional ground. However, if the conditions are not fulfilled, i.e., the act is not issued by a federal authority, the challenged act is the ministerial program itself rather than an act implementing it, and it does not impose any additional financial obligations on the executive authority, then the Federal Supreme Court will either refuse to exercise its jurisdiction or dismiss the application.

Thus, the following standards can be formulated based on the Federal Supreme Court's decisions:

1. Draft laws and legislative measures should not contradict the ministerial program presented by the government and approved by the House of Representatives.

2. The implementation of the ministerial program should not prejudice the security and safety of the country or undermine constitutional responsibilities connected with public order and national unity.

3. No additional financial burdens should be imposed on the government without its approval, especially where such burdens may hinder the government's ability to implement the program on the basis of which it obtained parliamentary confidence.

4. The Federal Supreme Court's jurisdiction depends on whether the challenged decision, regulation, instruction, procedure, or omission is attributable to a federal authority or another constitutionally recognized body.

5. The ministerial program itself should not be treated as a law or regulation in force for the purposes of direct constitutional challenge, but implementing acts connected with it may be subject to review when they fall within Article (93/III) of the Constitution.

Accordingly, the Federal Supreme Court's reluctance to review some disputes concerning the ministerial program does not eliminate the constitutional importance of the program. Rather, it clarifies that judicial review in this field must respect the distinction between political responsibility, administrative implementation, and constitutional adjudication. The ministerial program remains a central constitutional-political instrument, but the Court's role is activated only when disputes connected with it take a legal form that falls within the Court's constitutional jurisdiction.

4. CONCLUSION

The purpose of this paper was to analyze the Iraqi Federal Supreme Court's role in relation to the constitutionality of judicial oversight over the ministerial program. As a result of this analysis, the following conclusions can be made. Firstly, the ministerial program is not just a political statement made by the Prime Minister-designate as means of obtaining parliamentary confidence. The above-mentioned statement has constitutional importance because it is considered as one of the stages in the process of forming a new government as stipulated by Art. (76) of the Constitution of the Republic of Iraq of 2005. The program is used as the reference base to assess the future performance of the government.

The ministerial program reflects the political and administrative vision of the Prime Minister-designate regarding the management of state bodies during the next governmental stage. The ministerial program shall be submitted by the largest parliamentary bloc among the constitutional period of 30 days from the assignment of forming the government by the President of the Republic. The confidence of the House of Representatives in the government is granted on the basis of approval of the ministerial program and each individual member of the government by an absolute majority. The Federal Supreme Court considers the term "absolute majority" as a majority exceeding the number of more than half of the total number of members of the House of Representatives wherever it occurs in the constitutional text.

Another important point proved by this research is that the refusal of granting confidence to the Prime Minister-designate has constitutional consequences. The refusal means that the Prime Minister-designate will not be able to start forming a new government and, consequently, the President of the Republic should appoint another person who will form the council of ministers according to the constitutional procedure. Consequently, the ministerial program is directly connected with the question of legitimacy and formation of the government in constitutional terms.

One of the important findings of the study is that the ministerial program is considered as an obligatory document both politically and constitutionally. In this case, it is important to note that such obligation concerns not only the government, but also the House of Representatives which should refrain from legislative actions interfering with the implementation of the obligations adopted in the program. Thus, laws or measures undertaken by the House of Representatives violating the obligations stipulated in the ministerial program can give rise to some constitutional questions related to the violation of the separation of powers' principle.

As it was mentioned above, there exist several types of monitoring over the government's activity in relation to the implementation of its ministerial program. Thus, the political monitoring is carried out by the House of Representatives using such tools as questioning, interrogation, withdrawal of confidence, etc. The government may conduct administrative monitoring within the executive power through the processes of supervision, report and review. In addition, the Federal Supreme Court may carry out judicial monitoring if the dispute connected with the question of the implementation of the ministerial program falls under the constitutional jurisdiction of the Court.

The involvement of the Federal Supreme Court into the process of monitoring over the government is indirect. Thus, the court does not consider the document itself as a separate political act. Nevertheless, the Court may consider the issue related to the presence of such program in the process of the government formation. Moreover, the Court can evaluate the contents of the program indirectly if the issue involves the question concerning the violation of the separation of powers' principle, additional financial burdens for the government, and legislative or parliamentary measures contradicting the approved program as a reference point.

It is also important to mention that the Court can exercise its monitoring function when considering the issue related to implementation of the ministerial program. Thus, if the government adopts some decisions, regulations, instruction or any other acts regarding the implementation of the ministerial program or fails to undertake actions required by the Constitution, the Federal Supreme Court will have jurisdiction to consider such acts. Article (93/III) of the Constitution establishes that the Court can adjudicate cases arising from the execution of federal laws, decisions, regulations, instructions and procedures issued by federal bodies. Hence, if the implementation of the program is expressed by the issuance of the above-mentioned document by a federal authority, the Court may consider such case.

However, it is necessary to note that the Federal Supreme Court cannot exercise its powers related to the consideration of all disputes regarding the implementation of the ministerial program. Thus, first of all, it is necessary to emphasize that the Court cannot deal with the issue if the contested act issued by other entities apart from the federal bodies is involved in the case. Besides, the Court does not have competence for reviewing the ministerial program when the document is challenged as the law or the regulation. The fact is that the latter documents are legally different from the ministerial program adopted by the government. Thus, such approach is aimed at preserving the political character of the document.

In summary, this research proves that judicial oversight over the ministerial program carried out by the Federal Supreme Court is based on certain criteria. According to the above findings, it is possible to say that the adoption of laws and legislative measures contradicting the program approved by the House of Representatives is prohibited. In addition, implementation of the program should not be harmful to the security and safety of the state. Besides, no additional financial burdens for the government should be allowed unless such burden might hinder the work of the government in the field of the implementation of the program. Finally, the jurisdiction of the Court in this matter will depend on whether the contested act is issued by a federal body or other body specified by the Constitution.

On the basis of the above conclusions and recommendations made during the research process, the following suggestions are made for the future practice of legislative regulation and judicial activities in the area under consideration. First of all, it is recommended that the Iraqi legislative authority adopt special legislation regulating preparation, form, and contents of the ministerial program. According to this recommendation, the law adopted in this regard should define the legal requirements for such document including the fact that its provisions must be formulated precisely and measurably. Hence, the ministerial program must not only refer to constitutional or statutory provisions. It is recommended that the document includes specific policy axis, priorities and real goals of the government which can be reviewed during the work of the government.

Secondly, it is necessary to recommend amendment of Art. (76) of the Constitution and/or adoption of complementary legislation which would oblige the House of Representatives to discuss and adopt the ministerial program and proposal of the Cabinet during a certain period of time. Leaving such term undefined might lead to the possibility of delay, blocking and political ambiguity. It is recommended to establish a fixed period during which the discussed procedures will be completed.

Thirdly, the Federal Supreme Court should re-consider its judgments related to some aspects of the issue concerned such as parliamentary attendance and majority required in voting. In this respect, the decision of the Court No. (16/Federal/2022) dated 3/2/2022 must be reconsidered in the sense that the attendance of the two-thirds of the members in order to hold the election of the president should be recognized as an exception to Art. (59/First). Thus, it will be necessary to provide some clarifications about the difference between the condition of holding the valid session of the parliament and adopting the constitutional decision.

Finally, it is important to recommend the Federal Supreme Court to continue observing constitutional aspects of monitoring over the implementation of the ministerial program. This is important when the contents of the program include some policy axes conflicting with the Constitution and settled judgment of the Court.

REFERENCES

[1] For more information, please see the Federal Supreme Court Decision No. (240/Federal/2022) issued on 31/1/2023 and published on the Federal Supreme Court's website and at the following link: `https://www.iraqfsc.iq` Visit date 30/1/2024 at 4:55 pm.

[2] For more information, please refer to the Federal Supreme Court Decision No. (55/Federal/2010) issued on 24/10/2010 and published on the Federal Supreme Court's website and on the following link: `https://www.iraqfsc.iq` Visit date 30/1/2024 at 5:5 pm.

[3] For more information, please see the decision of the Federal Supreme Court No. (93/Federal/2010) issued on 19/12/2010 and published on the website of the Federal Supreme Court and on the following link: `https://www.iraqfsc.iq` Date of visit 30/1/2024 at 7:54 pm.

[4] More: Diaa Najm Ali Judai, The Principle of Separation of Powers and Its Applications in Contemporary Systems, Research Published in the Journal of the Iraqi University, Issue 55, Vol. 2, p. 551.

[5] For more information, please see the Federal Supreme Court Decision No. (142/Federal/2021) issued on 2/12/2021 and published on the Federal Supreme Court's website and at the following link: `https://www.iraqfsc.iq` Visit date 31/1/2024 at 9:55 am.

[6] For more information, see the Federal Supreme Court Decision No. (262/Federal/2022) issued on 24/5/2023 and published on the Federal Supreme Court's website and on the following link: `https://www.iraqfsc.iq` Visit date 31/1/2024 at 11:12 am.

[7] For more information, please refer to the Federal Supreme Court Decision No. (19/34/United/Federal/Flag/2015) issued on 6/7/2015 and published on the Federal Supreme Court's website and on the following link: `https://www.iraqfsc.iq` Visit date 31/1/2024 at 11:30 am.

[8] For more information, please refer to the Federal Supreme Court Decision No. (21/Federal/Announcements/2015 and its Unified 29/Federal/Flag/2015) issued on 14/4/2015 and published on the Federal Supreme Court's website and on the following link: `https://www.iraqfsc.iq` Visit date 31/1/2024 at 12:12 am.

[9] For more information, please refer to the decision of the Federal Supreme Court No. (36/Federal/2015) issued on 29/6/2015 and published on the website of the Federal Supreme Court and on the following link: `https://www.iraqfsc.iq` Date of visit 31/1/2024 at 6:12 pm.

[10] For more information, please refer to the Federal Supreme Court Decision No. (18/Federal/2020) issued on 9/6/2021 and published on the Federal Supreme Court website and on the following link: `https://www.iraqfsc.iq` Visit date 1/2/2024 at 10:23 am.

[11] Article (8) of the Rules of Procedure of the Council of Ministers No. (2) of 2019 stipulates that "the Council shall discuss the topics included in the agenda before it and take the necessary decisions thereon, and shall not consider any subject not included in the agenda except for an absolute necessity assessed by the Chairman."

[12] For more information, see the text of Article (4/Third) of the Federal Supreme Court Law No. (30) of 2005 as amended by Law No. (25) of 2021.

[13] This law was amended by the First Amendment Law on the Repeal of the Legal Texts Prohibiting Courts from Hearing Cases No. (17) of 2005 published in the Iraqi Chronicle No. (4354) and issued on 2/3/2015.

[14] For more information, please consider the Federal Supreme Court Decision No. (170/Federal/2022) issued on 25/01/2023 and published on the Federal Supreme Court's website and at the following link: https://www.iraqfsc.iq Visit date 1/2/2024 at 5:55 pm.

[15] For more information, please refer to the Federal Supreme Court Decision No. (97/Federal/2022) issued on 15/5/2022 and published on the Federal Supreme Court's website and on the following link: https://www.iraqfsc.iq Visit date 2/2/2024 at 6:10 pm.

[16] For more information, please see the Federal Supreme Court Decision No. (127/Federal/Flag/2017) issued on 5/2/2018 and published on the Federal Supreme Court's website and on the following link: https://www.iraqfsc.iq Visit date 2/2/2024 at 8:40 pm.

[17] For more information, please refer to the Federal Supreme Court Decision No. (83/Federal/Media/2018) issued on 10/7/2018 and published on the Federal Supreme Court's website and on the following link: https://www.iraqfsc.iq Visit date 2/2/2024 at 9:12 pm.

[18] For more information, please see the Federal Supreme Court Decision No. (242/Federal/2022) issued on 27/12/2022 and published on the Federal Supreme Court's website and on the following link: https://www.iraqfsc.iq Visit date 3/2/2024 at 12:11 AM.

[19] For more information, see the Federal Supreme Court Decision No. (213/Federal/State Order/2023) issued on 3/9/2023 and published on the Federal Supreme Court's website and on the following link: https://www.iraqfsc.iq Visit date 3/2/2024 at 9:20 am.

[20] For more information, see the Federal Supreme Court Decision No. (213/Federal/2023) issued on 11/10/2023 and published on the Federal Supreme Court's website and on the following link: https://www.iraqfsc.iq Visit date 4/2/2024 at 11:11 am.

[21] For more information, please see the Federal Supreme Court Decision No. (262/Federal/2022) issued on 24/5/2023 and published on the Federal Supreme Court's website and at the following link: https://www.iraqfsc.iq Visit date 4/2/2024.

[22] For more information, see the Federal Supreme Court Decision No. (213/Federal/2023) issued on 11/10/2023, which was referred to earlier.

[23] For more information, please refer to the Federal Supreme Court Decision No. (126/Federal/2019 and its units 127, 130, 145, and 148/Federal/2019) issued on 17/12/2019 and published on the Federal Supreme Court's website and on the following link: https://www.iraqfsc.iq Visit date 5/2/2024 in the evening.

[24] For more information, please see the Federal Supreme Court Decision No. (36/Federal/2015) issued on 29/6/2015 and published on the Federal Supreme Court's website and at the following link: https://www.iraqfsc.iq Visit date 6/2/2024 at 7:00 PM.