

**THE IMPACT OF CONSTITUTIONAL OVERSIGHT ON THE
SOVEREIGNTY OF PARLIAMENT**

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ABSTRACT	KEYWORDS
<p>The Constitution imposes restrictions on the political system in countries, as the authorities cannot exceed the powers specified for them and stipulated in the Constitution. All authorities must cooperate in a balanced manner to fulfill the function of the state and guarantee the rights and freedoms of individuals, without one of them interfering in or controlling the work of the other.</p> <p>If any authority exceeds its constitutional limits, the Constitution imposes sanctions on it within the political system. Political systems vary in their organization and types (presidential, parliamentary, representative assembly, or mixed) in determining aspects of cooperation and balance between authorities or in separating them from each other.</p> <p>Constitutional documents include the means to achieve these goals, which are mechanisms for mutual oversight between the legislative and executive authorities. Constitutional jurisprudence reflects this balance, and its application differs between parliamentary and presidential systems .</p> <p>Therefore, it is important to study the impact of constitutional review on the work of the executive and legislative authorities in Iraq. The aim of this is to shed light on the constitutional guarantees provided by the Iraqi Constitution in order to protect the constitutional text from violations, ensure non-interference in the work of the authorities based on the principle of separation of powers, and provide balance in performing the functions of each authority and thus enhance individual rights and freedoms.</p> <p>The study reached several results including that the role of parliamentary oversight over the executive authority varies according to the type of political system; In the presidential system, its role is weaker due to the lack of mechanisms available to it, while in the parliamentary system, its role is more effective due to the availability of the mechanisms necessary to implement it.</p>	<p>Censorship, Iraqi constitutional law, The Sovereignty. Parliament</p>

Introduction

Research Topic

The Constitution imposes restrictions on the system of government in countries as the authorities may not exceed the powers specified for them and stipulated in the Constitution, and no authority must interfere in the powers of others or control them. Rather, all authorities must work in cooperation and balance to achieve the state's goals and guarantee the rights and freedoms of individuals

When an organ of authority exceeds its constitutional limits and exceeds the restrictions imposed on it, the Constitution imposes sanctions on it within the political system. Political systems vary in their nature and traditional methods (such as presidential, parliamentary, representative assembly, or mixed) in organizing cooperation and balance between powers or in separating them from each other

The Constitution includes means to achieve this balance and ensure adherence to it, through carefully defined constitutional mechanisms. These mechanisms are represented in what is known as constitutional jurisprudence," which mainly includes forms of mutual control between the legislative and executive powers, which differ in application between parliamentary and presidential systems

research importance

The importance of the research :

is highlighted in order to shed light on the constitutional guarantees provided by the Iraqi Constitution to protect constitutional texts from abuses that may be caused by the legislative and executive authorities. In order to ensure that no authority exceeds its limits and operates according to the principle of separation of powers, and to ensure balance in the performance of each authority's functions, which protects the rights and freedoms of individuals .

Research problem :

The importance of research highlights several questions, which are as follows:

What is the meaning of parliamentary sovereignty ?

What is the meaning of constitutional oversight ?

To what extent do constitutional oversight controls affect the work of Parliament?

Manifestations of the impact of constitutional oversight on Parliament's sovereignty ?

first topic

the frame Conceptual principles of parliamentary sovereignty and constitutional oversight

Through this study, which is the conceptual framework for the principles of parliamentary sovereignty and constitutional oversight, we will address two demands, which are as follows

The first requirement

the concept of the principle of parliamentary sovereignty

The concept of parliamentary sovereignty, also known as legislative sovereignty is a term enshrined in the constitutions of many representative democracies. This term indicates that the legislative branch has absolute sovereignty and authority over all other branches of government, including the executive branch and the judiciary. It also points out that the legislature is not tied to written laws (or even the Constitution in some cases) or to prior legal traditions, as it can amend or

(1) .repeal prior legislation as needed parliamentary sovereignty may conflict with the principle of separation of powers, often limiting the scope of legislative power in public law making and judicial

(.2) review ,Many countries have sovereign legislatures, such as the United Kingdom, Finland Netherlands, New Zealand, Sweden, Norway, Denmark, Iceland, Barbados, Jamaica, Papua New Guinea, and the Solomon Islands

The first guarantee provided by the Constitution is a well-established principle of the modern rule of law: all members of the people, whether rulers, ruled or state

(3) .authorities, are obliged to respect the law as a justification for their actions

In cases where a minimum level of security cannot be guaranteed to members of society, the law is not only an instrument of the operation of state power, but it is also a guarantee of the rights of .individuals facing this power

: The principle of the rule of law has the following consequences

In the British system, the rule of law in the British system means the supremacy of Parliament as a .legislative authority elected by the people

1.Positive: - It means that Parliament can enact laws as it wishes -

2 ,Negative: - It is expressed that no political party can have laws that prevent Parliament from acting - and it is indicated that the sovereign law in the English system is the unwritten law or the common .law

In the French system, the principle of the rule of law is that the legislative authority is the only source of this legitimacy and has no limits other than the authority of the Constitutional Council to decide .that any legal text is unconstitutional

,The right to parliamentary oversight is the main means by which Parliament monitors the government and it is a right guaranteed to all members of Parliament. This right is recognized in Article 65 of the 1950 Constitution, Article 70 of the 1973 Constitution, and Article 74 of the 2012 Constitution. The ,bylaws of the People's Assembly explain the mechanism for submitting parliamentary questions which The administrative authorities must respond to it within a month at most. If the answer is not sufficient for the member concerned, the question is referred to a special committee of the People's Assembly, which submits a special report with the approval of the People's Assembly, which the (4) .People's Assembly discusses and takes the necessary measures.

The second requirement

the concept of constitutional oversight

Constitutional oversight means that laws enacted by legislative authorities are subject to some form of scrutiny by an independent body to determine whether they are consistent with the principles set out in the Constitution. The concept of review is based on the fact that the Constitution is the supreme

¹ Waseem Hossam Al-Din Al-Ahmad: Judicial oversight of the administration's work in the) ,parliamentary and presidential system, Al-Halabi Legal Publications, Lebanon 2008 .p ,5 .

²) .Lawyer Waseem Hossam Al-Din Al-Ahmad, previous source, p 9 .

³ Dr. Hamid Rabie, Notes on Political Theory, Faculty of Economics and Political Science, Cairo) ,University 1987p ,320 .

⁴) Dr. Fares Omran, Parliamentary investigation in Egypt and the United States and a glimpse of it , in some Arab countries , Arab Nile Group 1999 .p ,332 .

law of the state and that the rules contained in the Constitution are the supreme rules and must be . (5) respected by all authorities of the state

The constitution is the true expression of the general will of the people. It includes the basic rules of ,the system of government, based on the peculiarities of its establishment by the constituent authorities) and clarifies the general powers of the state, their jurisdictions, and the relationships between them . (6

Thus, constitutions containing orders and prohibitions from which public authorities cannot deviate began to give Parliament an air of sanctity. If Parliament (the legislative authority) deviates from these orders and prohibitions, its actions will be unconstitutional. This is the reason why the principle of constitutional review emerged and became established in modern legal thought: the principle of constitutional sovereignty was affirmed as one of the pillars of the rule of law. There is a consensus :among constitutional jurists that the principle of constitutional sovereignty is manifested in two forms .7 the substantive and formal sovereignty of the constitution

This transcendence, both objective and formal , is what distinguishes the Constitution from ordinary law. This distinction has very important consequences , as ordinary law cannot conflict with the Constitution. For this reason, constitutional law began to look for mechanisms to guarantee the supremacy of the Constitution against violations and infringements by state power, especially the (8 .legislative power, which by its nature has the power to enact ordinary laws

Constitutional law adopts a system of reviewing the constitutionality of laws as a principle that has both theoretical and practical justifications. Among the practical justifications for reviewing constitutionalism that can be mentioned here is that one of the constitutional institutions, which is Parliament, may be artificial and therefore fragile in practice, and the electoral process itself may be subject to unrealistic influences, and the legislative authority may enact bad laws that contradict the letter and spirit of the Constitution, and the legislative authority may be considered It exercises a form . (9) of tyranny

In addition to the theoretical factor of the sovereignty of the constitution in form and content, these practical factors led to desacralizing Parliament and convincing it of the necessity of monitoring the .constitutionality of laws

As a result, the review of the constitutionality of laws imposed itself as an independent institution aimed at preventing legal texts that contradict the Constitution from entering into force, and it became a means of defending the Constitution against any attack and proving its sovereignty “ in form and (10) .content ” over other legal texts.

⁵)Abdel Azim Abdel Salam, Oversight of the Constitutionality of Laws, a comparative study (Al-Walaa Printing and Publishing199 .p , (23.

⁶) Saad Mufleh Al-Lawzi, Oversight of the Constitutionality of Laws in Jordan, a comparative ,study, doctoral dissertation (Faculty of Law, University of Aleppo2009 .p , (231.

⁷ ,Sam Dallah, Principles of Constitutional Law and Political Systems (Damascus University Press) 2005 .p , (113.

⁸ ,Ibrahim Shiha, General Constitutional Principles (University Printing and Publishing House) Beirut1982 .p , (231.

⁹ ,Ibrahim Abu Khuzam, The Mediator in Constitutional Law, Book One (United New Book House) Beirut2002 .p , (209.)

¹⁰ .Abdel Azim Abdel Salam, Oversight of the Constitutionality of Laws, previous source, p)322

While national constitutions recognize constitutional review, the design of review mechanisms varies from one constitution to another. However, these differences in methods do not affect the nature and purpose of constitutional review, and the nature and purpose of constitutional review has not changed (11).in most countries of the modern world.

The second topic

The impact of constitutional oversight on Parliament

Through this study, which is the impact of constitutional oversight on Parliament, we will address two :demands, which are as follows

The first requirement

The impact of constitutional oversight controls on the work of Parliament

First of all, it should be said that democracy is an institutional form of organization of political society ,that aims to peacefully manage the various divisions in society and achieve the common good. Hence the institutional dimension is one of the necessary and important aspects of achieving democracy, and the process of building institutions is one of the basic building blocks for building society, along with other social, economic, and intellectual components that must be present in any society that wants to build a modern state. Since the modern state is a state of institutions, this is one of the basic building (12 blocks in building the modern state.

Since 2003 the new Iraqi government began its efforts to build a modern, contemporary state with , legal and constitutional standards. The 2005 Constitution was one of the most important milestones in Iraq since 2003 According to Article of the 2005 Constitution, Iraq is a federal state with a democratic (13) .republican parliamentary system.

The Iraqi Council of Representatives (the legislative authority) is the most important institution in the system because it has great powers and authorities. However , the political process in Iraq since the establishment of the Governing Council and the political, constitutional, cultural, social and, above all, political problems that accompanied it directly affected the nature of the political system and the work of the authorities in this system, especially the legislative authorities, and led to the conclusion (14) that there are various obstacles that were reflected in The political process as a whole.

In constitutional law, this is one of the calmer methods of scrutiny , where the government and Parliament engage in dialogue on a particularly important issue and aim to reach a solution acceptable .to both parties (15)

¹¹) .Same source , p323

¹²) Dr. Amin Atef Saliba, The Role of the Constitutional Judiciary in Establishing the State of Law ,(A Comparative Study), Al-Hadith Book Foundation, Lebanon 2002 .p ,70 .

¹³ (Dr.. Amr Hashim Rabie, Parliamentary Oversight in Political Systems, His Study of the Experience of the Egyptian People's Assembly, Al-Ahram Center for Political and Strategic Studies ,Cairo ,2002 .p ,55 .

¹⁴ Dr. Muhammad Bahi Abu Younis, Parliamentary Oversight of Government Activities in the (,Egyptian and Kuwaiti Regimes, New University Publishing House 2002p ,78.

¹⁵ (.Dr.. Hamid Rabie, previous source, p335 .

For this reason, some scholars see it as a forum in which Parliament and the government exchange views and cooperate for the public interest. Hence, it satisfies Parliament's desire to know the government's policy on current issues and contemporary circumstances, and at the same time avoids Parliament's political accountability before Parliament, and at the same time makes clear to the government what Parliament is doing on those issues and the extent of Parliament's support for the measures taken by the government to confront those issues and is considered monitoring. Government policy among other monitoring tools is important, as it provides a clear picture of government policy on current issues and contemporary circumstances (16)

In fact, this approach has a constitutional basis in Article 129 of the Egyptian Constitution : “ At least 20 members of the People’s Assembly may set a public agenda and discuss it to clarify the ministry’s (17) ” . policy on this matter

Article 112 of the Kuwaiti Constitution stipulates that, upon a request signed by one-fifth of the members, general issues may be presented to the National Assembly to clarify the government’s policy on these issues and exchange opinions on them, and all other members have the right to participate in (18) .the discussion

:B At least twenty-five members of the House of Representatives may raise and submit to the Speaker of the House of Representatives a topic for public discussion to clarify the policy and performance of the Council of Ministers or any of the ministries, and the Prime Minister or the ministers must be present in the Council to discuss the topic

(Accordingly, the Iraqi Constitution requires the approval of the House of Representatives 25 members) . After that, the request is submitted by the Prime Minister to the Speaker of the House of Representatives, indicating the topic to be discussed and the signature of the member submitting the request. The Speaker of the Council directs the relevant authorities, and the Prime Minister or Minister identifies the person to be discussed. Discussing a date to appear before the House of Representatives (19) .to discuss the issue, which will then be placed on the House’s agenda

There are several reasons for this, not the least of which is that the political situation in Iraq prevents representatives from directly accusing the government or holding it accountable through interrogations (20) .and investigations

,This is because it is not a means of bureaucratic accountability or a means of proving shortcomings but rather it is merely a means for the Prime Minister or Minister to express his or her point of view on a particular issue and for Parliament to hear the views of Parliament so that a solution that satisfies (21) .both parties and achieves the public interest can be reached

¹⁶) ,Dr. Anwar Al-Khatib, Parliamentary Principles in Lebanon and Other Arab Countries, Dar Al-Ilm Lil-Malayin ,Beirut1961p ,383 .

¹⁷) .Dr. Hamid Rabie, same source above, p 336 .

¹⁸) ,Dr. Anwar Al-Khatib, Parliamentary Principles in Lebanon and Other Arab Countries, Dar Al-Ilm Lil-Malayin ,Beirut1961 .p ,383 .

¹⁹ Dr. Ihab Zaki Salam, Political Control of the Works of the Executive Authority in the Parliamentary System, Alam al- (,Kutub1983 .p ,88 .

²⁰ (,a. Dr.. Yahya Al-Gamal, The Constitutional System in the Arab Republic of Egypt, Cairo, Dar Al-Nahda Al-Arabi 1974 .p ,226 .

²¹ ,Dr. Munther Al-Shawi, Constitutional Law, Constitutional Theory, Publications of the Legal Research Center) ,Ministry of Justice, Baghdad1981 .p ,58 .

Therefore, it is rare in Iraq for Parliament to question the Prime Minister or Ministers due to the difficulty of achieving the desired results, and this approach is considered the most appropriate for the (22) .Iraqi political situation

Moreover, Article 55 of the bylaws of the House of Representatives meeting stipulates that “25 members of the House of Representatives may raise general issues for discussion and present them to the Speaker of the House of Representatives to clarify the policy and performance of the Council of Ministers or one of the ministries. The Prime Minister shall set a date and time limit for participation The House of Representatives in discussion,” referring to the right of the House of Representatives to .raise public issues for discussion

Article 61 (Seventh) of the 2005 Iraqi Constitution permits the interrogation of the Prime Minister or) ministers after the approval of the members of the House of Representatives 25 members) , but on the condition that the purpose of the interrogation is to hold the Prime Minister or minister accountable ,regarding matters within his or her jurisdiction, as follows: Members of the House of Representatives

with the approval of 25 members of the House of Representatives. Members of the House of Representatives, with the approval of 25 members of the House of Representatives, may question the Prime Minister or the Minister for the following matters for the purpose of holding him accountable for matters within his jurisdiction. The interrogation shall be considered after seven days from “ The House of Representatives has the right to question officials of independent bodies in accordance with ” . the procedure relating to ministers, and it may dismiss them by a simple majority

Therefore, representatives are not interrogated, except in rare cases, such as the interrogation of the former Minister of Commerce, Farah Al-Sudani, and the withdrawal of confidence from her after her irresponsibility and incompetence in her duties were proven, and the subsequent interrogation of the (23) .former Minister of Electricity and her incompetence was proven

The political reality in Iraq limits the use of interrogation. This is because governments are formed by consensus, and interrogation is prohibited by consensus because it may lead to the collapse of relations between the parties concerned, which negatively affects the work of the government and Parliament and harms the public interest. However, this does not mean that if it is publicly proven that (24) .a minister is not fit to serve in the ministry, questioning the minister is prohibited

The internal regulations of the House of Representatives regulate interrogation procedures in Articles 56-61 Articles .5661 According to these articles, the interrogation procedure must be discussed no ; later than seven days from the date of the interrogation request. The interrogation request must be signed by the person submitting the interrogation and submitted in writing to the President of the Council with the approval of at least 25 members of the Council. The interrogation must state the ,matters to be interrogated. The reasons, evidence, and foundations on which the interrogation is based and the crime committed by the interrogated person. It is not permissible to request interrogation on a (25) .matter previously decided by the Council, unless new facts arise that justify it

A request for interrogation may be submitted at any time, and the person conducting the interrogation or who is leading it, if the person conducting the interrogation is a member of the House of

²² (. ,Dr.. Munther Al- Shawi, Meaning of Control over the Constitutionality of Laws, without year of publication without place of publication, p8 .

²³) Dr. Ihsan Hamid Al-Mufarji , Dr. Katran Zaghir Nehme, Dr. Raad Naji Al-Jeddah, The General Theory of ,Constitutional Law and the Constitutional System in Iraq, Baghdad 1989p ,186 .

²⁴ .Dr. Munther Al-Shawi, Constitution Theory, previous source, p 63)

²⁵ .Dr. Hamed Rabie, same source above, p)3,4 6.

Representatives office, must leave the office and take his designated seat in the House of (26) .Representatives.

The outcome of the discussion is either that the House of Representatives is convinced by the questioner's arguments and ends the questioning, or that the House of Representatives proves the .questioner wrong and casts doubt on the questioner's credibility

Article61 of the bylaws of the House of Representatives stipulates the following: “When the discussion ends and the House of Representatives is convinced of the arguments of the questioner, the deliberations are considered concluded. Otherwise, the House of Representatives may withdraw its (27) ”.confidence from the questioner in accordance with the procedure stipulated in the bylaws

The second requirement

Manifestations of the impact of constitutional oversight on Parliament’s sovereignty

The Iraqi Constitution of1970 ignored the issue of constitutional review and did not address it, but after the changes that occurred in the Iraqi political system in2003) Article ,44) (a) of the “Law of Administration of the Iraqi State in the Transitional Period” stipulated issues of constitutional review (28) .of the law

:B - The Federal Supreme Court has jurisdiction in the following matters 2 It has exclusive and - inherent jurisdiction in lawsuits related to non-compliance with laws, regulations or directives issued by federal, regional, state, municipal or local government authorities, at the request of the plaintiff or (29) .based on a referral from Another court

It ignored the Iraqi Constitution of 1970 and did not refer to provisions regarding constitutional 0 review, but after the change that occurred in the Iraqi political system in2003 the Interim Iraqi State , (Administration Law stipulated a review of the constitutionality of legislation in Article44.)

:The Federal Supreme Court has the following powers2 Exclusive and inherent jurisdiction in the - event of a claim from one of the plaintiffs or a request from another court in relation to a claim of non-compliance with a law, regulation or directive issued by the federal government, the regional or .governorate government, the municipal government and the local administrative bodies with this law Article3 (c) further states that “if the Federal Supreme Court decides that the contested law, regulation ”.or directive conflicts with this law, it shall be deemed invalid

.In fact, Law No30 of 2005 has been enacted and is still in effect, and a new draft law for the Federal Court is currently under discussion in the House of Representatives. The Iraqi Constitution of2005 , which is still in effect, regulates the issue of reviewing the constitutionality of laws in Article93 , which states that “the Federal Supreme Court shall 1. firstly review the constitutionality of the laws and regulations in force and 2 (30) secondly, shall interpret the provisions of the Constitution ..

As can be seen from the above, the Iraqi National Transitional Administration Law and the Iraqi Constitution of 2005 ,entrusted the task of reviewing the constitutionality of laws to a judicial body

²⁶ Dr. Anwar Al-Khatib, Parliamentary Principles in Lebanon and Other Arab Countries, previous (, source390

²⁷ (. Ihsan Al-Mafarji And others, previous source, p177

²⁸ ,Dr. Amin Atef Salbia, previous source123 .

²⁹ (Dr.. Ibrahim Darwish, Constitutional Law, General Theory, Constitutional Oversight, Dar Al- ,Nahda Al-Arabiya, 4th edition, Cairo2004 .p ,220 .

³⁰ .Dr. Ihsan Al-Mufarji and others , previous source, p 177) .

which is the Federal Supreme Court, whose work is regulated by a law enacted by the House of Representatives, and whose jurisdiction is regulated by a law that regulates the number of judges, their special conditions, and the method of their work within the court. The organization of the court can be (31) .observed as follows

The Federal Supreme Court Law of 2005) 1(Internal Rules for the Work of Courts ” was enacted “ under the Interim Iraqi National Administrative Law, and continues to be implemented under the Iraqi Constitution of 2005 The Council of Ministers has prepared a new draft law for the federal courts to . be legislated in accordance with the provisions of the Iraqi Constitution of 2005 This project has . been submitted to the House of Representatives for approval

Accordingly, reference is made to the draft law of the new Federal Court, with emphasis on its . formation and jurisdiction in accordance with Courts Law No1) of 2005 and Court Procedure Rules) .No30) of 2005.

Article 3 (c) further states that “if the Federal Supreme Court determines that the contested law, rule ”.or order is contrary to this law, it shall be deemed invalid

.Indeed, Law No(30 of (2005) .which is Law No ,30 of (2005 was legislated and is in effect to this , day, and a new draft law for the Federal Court is currently being discussed in the House of Representatives. The Iraqi Constitution of 2005 which is still in force, regulates the issue of oversight , of the constitutionality of laws in Article 93 and includes the following provisions: First, oversight of the constitutionality of laws and regulations in force; Secondly, interpreting the provisions of the .Constitution. Secondly, interpreting the provisions of the Constitution

The work of the court is regulated by a law enacted by the House of Representatives and specifies the) court’s powers, the number of judges, special conditions, and the method of work within the court (32.

.Federal Supreme Court Law No 1 of 2005 The internal system for the work of the courts ” was “ legislated under the Iraqi State Administration Law for the Transitional Period and continues to be implemented under the Iraqi Constitution of 2005 The Council of Ministers has drafted a new law for . the federal courts to be legislated in accordance with the provisions of the Iraqi Constitution of 2005 , .It is currently before the House of Representatives for approval

The above shows that the jurisdiction of the courts to review the constitutionality of laws is broad, as the rules of court procedure under the 2004 Interim Constitution specify the various parties that have .the right to challenge the unconstitutionality of a law, regardless of the existence of a dispute or not It also recognizes the right of litigants to challenge the unconstitutionality of laws, decisions and(33) .rules directly before the Federal Supreme Court

First, if there is a dispute in court and one of the opponents objects to the unconstitutionality of the law applied to him, he may submit a notice of appeal before the ordinary court on legal grounds, and the Federal Supreme Court may accept the appeal, and the appeal is recognized as payment of a fee to . (34) .the Federal Supreme Court

³¹) .Dr. Ibrahim Darwish, previous source, p 222) .

³² (Dr.. Munther Al-Shawi, The Meaning of Oversight of the Constitutionality of Laws, previous .source, p130.

³³ ,Dr. Amin Atef Salbia, previous source 139)

³⁴ .Dr. Muhammad Bahi Abu Younis, Parliamentary Oversight , p 176

Conclusion

Through our research, “ The Impact of Constitutional Review on Parliamentary Sovereignty ,” we reached several conclusions and a number of recommendations that we would like to present to the .legislative authority

Results

1 The role of parliamentary oversight over the work of executive authorities varies depending on the - political system. In the presidential system, this role is weak due to the lack of available tools, while in the parliamentary system, the role of parliamentary oversight is effective because of the tools .necessary to implement it

2 The success of parliamentary oversight depends on the availability of the necessary means for the . legislative authority to carry out its oversight role in the United Kingdom system, despite the availability of the necessary means for the legislative authority to carry out its oversight role in the United Kingdom system, despite the availability of the necessary means for the legislative authority to carry out its oversight role in the United Kingdom system, despite The availability of the necessary means for the legislative authority to carry out its oversight role in the United Kingdom system, despite the availability of the necessary means for the legislative authority to carry out its oversight role in the United Kingdom system, despite the availability of the necessary means for the legislative authority to carry out its oversight role in the United Kingdom system, despite the availability of the necessary means for the legislative authority to carry out its oversight role In the UK system

3 Oversight of the constitutionality of laws aims to protect the provisions of the Constitution from - deviations from the provisions of the legislative authority

4 In Iraq, oversight of the constitutionality of laws in Iraq is considered judicial oversight, as oversight - of the constitutionality of laws is judicial oversight, as it is entrusted to the judiciary (the Federal Supreme Court) in accordance with Article93 the Iraqi Constitution of 2005.

Recommendations

While it is clear that the Iraqi Constitution of -2005 and the internal regulations of the House of Representatives allow representatives greater freedom in performing their oversight role, many representatives do not perform their oversight role because they do not come from the ballot boxes but from the lists that carried them to their seats in the House of Representatives. Thus, proposing to re-introduce a new electoral law that guarantees their entry into Parliament with sufficient votes, as they are voices defending the party that carried them to the House of Commons and not voices expressing .the will of the people

1 Empowering Parliament’s oversight role. The Iraqi Constitution guarantees parliamentarians all the - .necessary conditions to play an oversight role by empowering them with constitutional provisions .This is the responsibility of the Iraqi Council of Representatives

3: We reviewed the draft Federal Court law and made a number of observations on the draft -

a. It is proposed that the composition of the court consist of(13 members instead of ((11 ,members (and it is proposed that nine members be judges with no less than20 ,years of practical experience .which is the practice in the majority of countries that have adopted such courts

B. Because of the court's critical role, we believe that the House of Representatives should approve all .members by a two-thirds majority, not just members of the House

C. The Shura Council must participate not only in the court's deliberations, but also in the decision-making process. We therefore support the abolition of the division of members of the Court into judges and advisory members, but since the role of the Court is not only to decide constitutional provisions but also to interpret constitutional provisions, all members of the Court should participate in both the deliberations and the decision-making process of the Court

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