

Disadvantages the Legal Effects of Reasoning and Operative Words in Writing a Civil Ruling (An Analytical Study)

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Abstract

The reasoning for civil judgments and what is said must be done in accordance with legal requirements and conditions that must be met in them, which we mentioned in the second chapter, so that the reasoning and what is said come out with something plausible and acceptable that It is suitable for justifying his ruling and the ruling issued by him in the case before him, so that he becomes able to understand all the elements of the realistic and legal case. Because causation is an obligation on the judge to achieve the goal. Because causation is an obligation on the judge to achieve the goal and the goal he seeks, and in the event of any defect in the causation and what is said, we are faced with a deficiency or contradiction between the reasoning and what is spoken It leads to a deficiency in the justification of judgments, as well as a contradiction between what is spoken and the justification. These two effects have an important consequence on the civil judicial ruling. Because the deficiency in the reasoning means not achieving the full goal intended by the legislator when it is necessary to mention the reasons in the ruling, so it is also called a deficiency in the legal basis of the ruling.

Keywords: Legal Effects, Operative Words, Writing a Civil Ruling.

Introduction

Praise be to God, Lord of the Worlds, and peace be upon the best of messengers and the Seal of the Prophets, our Master Muhammad, and upon the family of Muhammad and his noble companions and those who follow his guidance until the Day of Judgment... After that, the requirements of the study of the subject of our research dictate that we explain it according to the paragraphs.

First: Defining the subject of the study and explaining its importance

thatWhen the legislator required that the rulings include the reasons on which they were based, otherwise they would be invalid, then the judge would be subject to his judicial responsibility.And Which isAnd he hasThat's the project,representedAndBy applying the law, he faces a conflict."It may be necessary for the opponents to support it.OhvariousAndHe followsMoonEach of them requests a ruling based on what he has presented. The reasoning of judgments occupies the most important part of judgments, as the reasoning determines the legitimacy and authority of these judgments. Therefore, the reasoning of judgments must be included to ensure that the judge is not biased and that his judgments are issued without being affected by emotions. In addition, it is considered one of the means that lead to convincing the opponent who lost the case with the judgment, and in the event of his dissatisfaction, it enables him to studyAndThe reasons for the ruling when it is appealed, as well as the justification, help the Court of Cassation and Appeal to extend its control over the integrity of the ruling.,If the ruling is devoid of reasoning, we are faced with a formal defect that extends to include all parts of the ruling, and reasoning is not achieved except by informing the judge before whom the dispute is brought of the facts on which the parties relied in accordance with the legal rules.AndAnd the methods of proof used by law, and that the operative part means the recitation.AndOrally" and these recitationsAndEither its operative part and reasons are presented in a public session or in a secret session, as the draft ruling must include the operative part and reasons together.AndPronouncing them together, so there is a relationship between the ruling's text and the reasoning. If the ruling's text contradicts the reasoning, then the ruling is invalid."

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Second: Reasons For Choosing the Study Topic

Several points prompted us to choose the topic (The legal system of causation and the operative part in writing the civil judicial ruling) (study). And (Comparative analysis) of the scope of our research, which is as follows:

- Perhaps one of the most prominent reasons that prompted us to choose the topic is the lack of specialized studies. And By causation
- Also, the lack of a comprehensive and complete theory that covers the subject from all its aspects is the procedure that prompted us to choose this subject to reach the goal. And The desired And From that
- The topic (the legal system of causation and the operative part of his book, the civil judicial ruling) did not receive sufficient attention from the commentators of the system. And Procedural And Which led to Envelope The ambiguity and shortcomings of the chosen topic
- An attempt to come up with a legal regulation specific to the reasons and shortcomings in the procedural system. And Perhaps it will be taken into consideration and address all of the above.

Third: The Problem of the Study

This topic of our research raises an important problem, which is that the importance and legal basis of the reasoning and the operative part did not have a legislative presence within the texts of the Civil Procedure Code. And The aforementioned law lacked a comprehensive treatment of this system, as there was a deficiency in the texts of the articles that mentioned the reasoning and the operative part, as they did not mention them clearly. And Comprehensive and comprehensive The case is treated in a special way, as the Code of Civil Procedure mentioned the reasoning in general, and there were no texts that clarified some of them.

Obstacles facing the reasoning and the operative part. In light of what has been mentioned, some questions arise, perhaps the most prominent of which is: What is the legal basis for the reasoning and the operative part? And what are the conditions related to the public interest for the reasoning and the operative part?

Fourth: Scope of the Study

It will be limited basis Legal reasoning and operative part And its importance The judicial ruling is not limited to civil judicial rulings only, but extends to all judicial rulings. And Other, so the scope of our study will be determined in the causation The ruling is within the procedural aspect, far from On the penal side.

Fifth: Study Methodology

In our study, we will rely on the analytical approach, and thus analyze the texts of the Civil Procedure Code. And Iraqi Law No. 83 of 1969, as amended.

Sixth: Study Structure

We will discuss the subject of our study entitled (The defects and legal effects of the reasoning and the operative part in writing the civil judicial ruling) through the following discussions:

Section Two: The Legal Effects of Reasoning and the operative part in Writing a Civil Judgment

The first requirement /The effects of the deficiency in reasoning and the operative part on the civil judicial ruling

The second requirement: The effects of the contradiction in the reasoning and the operative part on the civil judicial ruling

The Second Topic

Legal effects and judicial applications of reasoning and the operative part

The reasoning behind a civil judicial ruling trace whatever It is a deficiency in reasoning. And spoken Judicial rulings And, It also follows that Also an effect That There is a contradiction between Reasoning and operative part We will explain These two The two effects through Two requirements: In the first requirement, we will explain the effects that a deficiency in the reasoning and the operative part of the judgment has on the civil judicial ruling, and in the second requirement, we will explain the effects that a contradiction in the reasoning and the operative part of the judgment has on the civil judicial ruling.

The First Requirement

The effects of the deficiency in reasoning and the operative part on the civil judicial ruling

The deficiency in the reasoning according to. For the above is A The judicial ruling must have included reasons., not that it Not enough to justify the result The one that You get it, It can be said that the deficiency in reasoning means that the full realization is not achieved. A For the purpose And What the legislator intended by the necessity of stating the reasons in the ruling, Therefore it is also called the defect of inadequacy. And Reasons or lack of legal basis for the judgment) (.

The term “lack of legal basis for the ruling” is different from the term “loss of legal basis”. The last When the judgment is correct. With its realistic evidence And And legality makes it a cause Oh Causing. Enough. But it is gone Its basis After its release, such as A It is ruled that a document on which the ruling was based was forged, This is in contrast to the lack of legal basis which Facing Supposedly. Different. It is not enough And Realistic reasons The one that The judgment was based on it when it was issued.) (,

And Anyway It was named And that Y This effect was called because its content is the same., unless And he is A The ruling has been Includes For reasons other than that it It is not sufficient to say that the judgment is reasoned.. Enough After we have clarified the concept of deficiency, we will distinguish deficiency from what it is mixed with, as well as the effect of deficiency on the civil judicial ruling. We will clarify this in two branches. In the first branch, we will discuss distinguishing deficiency from what it is mixed with in terms of situations and images, and in the second branch we will show the effect of deficiency on the civil judicial ruling.

The First Branch

Distinguishing shortcomings from situations and images mixed with them

Yes D Lack of reasoning is one of the effects of an unfair judicial ruling. A It is not the only effect, Which may lead to confusion with defects. Other, and To remove This confusion must be explained in terms of the differences between it and the faults that may be mixed with it.

Therefore, we will clarify this distinction in two objectives. In the first objective, we will show the distinction between deficiency in reasoning and the explicit text and the situations that are mixed with it. In the second objective, we will discuss the forms of deficiency in reasoning and the explicit text.

First destination

Distinguishing between deficiencies in reasoning and the operative part of the situation that is mixed with it

The first branch

Distinguishing between a deficiency in reasoning and the operative part and a defect in the absence of reasons

We mentioned earlier. The defect of the lack of reasons in the second chapter, and we explained it in detail., and that Here we distinguish it from the deficiency in reasoning and the operative part..

Failure to provide reasoning inevitably leads to. Lack of The reasons for each are the deficiency in the reasoning. And lack of Reasons for formal defect in the ruling) (, As the distinction between deficiency in reasoning And lack of Reasons why this is considered The last defect. Formally. In the ruling, While the lack of reasoning is considered a defect. Fashion Awareness, It follows that this defect is considered one of the defects that are Y The subject of the ruling cannot be discussed unless the ruling is correct.. In terms of form, While the defect of lack of reasons is a formal defect, which results in the fact that if this defect is completely present, Or partially invalid without the need to examine the content of the ruling and its objective value And) (.

The importance of this dispersion is evident. And By proportion And For authority Courts When considering the appeal, In the event of an appeal N In the ruling In vain Reasons, The authority of the arbitrator And It is limited to stating whether the judgment has been given a reason.. entirely. or A No, it is not a cause.. In part without it being her right An expresses her opinion on values And Legal And To rule, But If the judgment is challenged on the grounds of insufficient reasoning, then it is upon her to A We are looking for values And Legal And To judge and identify its shortcomings.

Therefore, a criterion for differentiation can be established. And Between total and partial lack of causation Yeah, and the deficiency in the reasoning And in R A We are facing a total lack of Reasons In the event of a judgment without reasons, while we are faced with the absence of a part and If it was The issue which must be caused either A It was a request.. A Push. substantially. Or in defense. No reason for acceptance, rejection or response was given..

But Deficiency in reasoning occurs in cases where the arbitrator refuses And There are reasons for this, but these reasons are not enough. And To reach the result The one that I got there or h I got bored Judge her.

The second branch

Distinguishing between deficiency and error in attribution

The line A in Attribution It means it should An builds judgment on Foundations correct And What is stated in the invitation papers And its elements, If the judge has authority And My appreciation And In proving the facts of the case I And appreciation Evidence Without the supervision of the judge And, not A This assessment must be based on the established facts of the case. I And its elements, so if the judge bases his ruling on the facts Oh It was not proven before it or was not raised by the opponents or was based on a rule And Or principle legal Not a place Oh To rely on We are facing a defect in the line A in Attribution) (.

after A We explain the meaning of the line A in Attribution above The difference between it and the deficiency in reasoning, What is meant by no Good as we explained A The reasons for which we are building I The ruling is not enough to carry the Result The one that was Reaching it means that the ruling was based on what is proven in the case papers. And Its elements are not A The reasons why I will drive In justifying the findings of the judgment is not sufficient, While the line means A in Attribution A The judge may have I His judgment on reality And It has not been proven before him or has not been raised by the opponents or when it

is Attribution Judge to Qaseveral Or a legal principle that is not valid no For AST Call him, Hence the essential difference between them becomes clear..

The Third Branch

Distinguishing between deficiency in reasoning and the text and corruption in reasoning

The judge should An shows his judgment on logical reasons leading to pregnancy the Result And that Get to it and if it is the Result The one that It ended with him A If the ruling does not agree with reason and logic, we are faced with the defect of corrupt reasoning, because the corruption in Reasoning is considered a judicial ruling in it. And What the judge has reached in the subject of the dispute, This is through the application of the premise. And The major is on the front And The minor one is through judicial analogy. When the judge takes on the matter For The dispute before him is a comparison between the elements of the base. And Legal And And between Facts conflict, to find Match each condition of the application of the rule. And Legal And The elements that make up the set of facts for the purpose of obtaining a judicial decision Decides the Conflict; because the judge, when practicing judicial work, faces a conflict. Oh component security total And From the waqa Oh which are raised by opponents against him, These facts are located burden Prove it A On the opponents according to the methods drawn up by law and then it falls on the judge Guest Burden of searching for the base And Legal The one that Applies to the facts, And that Starting from Who is sitting? And Judge's knowledge of the law and commitment h By applying it A On the dispute, so The judge reviews the case. And Legal And likely And To apply Ha On Waqa Oh Conflict and comparison between the assumptions of the rule And Legal And The set of facts presented And From the opponent and continues this work until he reaches the base And Legal The one that It will be applied to the facts of the dispute and the rule of law will apply to it.) (.

And for the judicial ruling to be correct. It should A The result will be And Which the judge reaches from a work he does wrongly G And acceptable without disturbances or abnormalities so that the legal effect is Y What he reached from the comparative process And Between the presenter And The Great And Small I It is the natural legal effect. Thousands Which is connected to logic and common sense from these comparisons And, But Right away And In which the judge reaches illogical conclusions that are inconsistent with the premises presented. And Because the ruling is tainted. With the defect of corruption in reasoning.

after A We have shown the corruption in reasoning. We see that the defect of corruption in reasoning falls under A Rich palaces in the Spib There will be difficulties And the Distinguish between logical and sufficient reasons It is That there is a connection between each one of them h What completes? The other, The deficiency in the reasoning relates to the condition of sufficiency. And Reasons for the ruling to clarify the reality And and the surrounding conditions And It contains evidence for each of them. But Corruption in reasoning is related to the condition of the logic of the reasons for the ruling, and this is achieved if the judge understands the reality and the surrounding circumstances. And They understand it. wrong. It does not agree with its reality and with what It must be understood. Correct for her) (.

And it is The deficiency in the reasoning is that the ruling, despite the Winter He has no other reasons A This is it The last Not enough to carry the Result The one that The ruling has reached this conclusion, while we are faced with a flaw in the evidence when the judge bases his ruling on the facts of the cases presented that lead, according to logic, to this result. The one that reach it, Hence, the reasons are not sufficient. And, But at the same time it is logical and valid. And To carry the judgment on it and it may happen The opposite for where Reasons are enough And However The invalid And Logically. To download the result And Incoming And In the spoken) (.

not A The defect of corruption in reasoning is consistent with the deficiency in the Spib While both are subjective flaws Y The judicial ruling is affected, However, the corruption in reasoning is related to the result. The one that The judge reached it from the comparison And wrong And between legal elements And and realistic elements And So that led This line A To the result And illogical, This defect is caused by a line. A In legal adaptation For The facts of the dispute so as to lead to the results of the actions And It doesn't make sense.. with the Introduction the Matrouh And) (.

Corruption in reasoning differs from error. Attribution, The defect of corruption in reasoning is merely an anomaly in conclusion and a departure from logic and reason. But the line Attribution He is an. The judgment is based on reality. And not verified or it will stand on a foundation. And or a principle that is not a place. For the last Mr. Dr. And in the sense. Otherwise, the corruption in reasoning is related to the conclusion that the judge made in reaching the result. And so as not to agree. The last With sound legal logic) (.

And revenge. The Owl. Does the lack of reasoning lead to corruption in reasoning and is it possible? The opposite happens?

In. The answer to this question is that the lack of reasoning means. The judgment shall include. For reasons, But these reasons are not enough. And to download the result. The one that reach it. But it is possible. There is a deficiency in the reasoning, in addition to the defect of corruption in the reasoning. This happens when the lack of reasons and their insufficiency leads to... I am gone. To the line. In reasoning by invalidating analogy in the comparative stage. And between the presenter. And the Great Standing. And on assumption. The sitting. And legal. And the presenter. And the youngest is standing. And on the spot. Oh which he presents to opponents, This line. It leads to corruption in reasoning and thus the answer to the first part of the question is. In the affirmative. Without to synchronize. Between them.

in. When the answer is about the crack. The other. From the previous question, by saying that corruption in reasoning is. I am satisfied. There are reasons for this. And actually. These reasons are invalid. And logically. To reach the result. The one that. The verdict has been reached, But deficiency in the sediment. Yes. The reasons are logical to carry the judgment, But it is not enough. And to justify the result. The one that. The verdict was reached) (.

We see. An relationship. And between the deficiency in reasoning and the illogicality of the reasons, it goes back to the stage of judicial analogy. with regards. For shortcomings in the. The reasons are. The judge's authority in analogy is not sufficient. And For business. The legal effect imposed by the judge on the dispute at hand, Thus, corruption in reasoning does not lead to deficiency in the. This is because corruption in reasoning makes the judge feel that comes to unrelated conclusions. And it has the facts of the dispute at hand. And so that the result is. And it does not conform to logic and reason..

The Second Purpose

Pictures of shortcomings in reasoning and operative part

There are many forms of failure to provide reasoning according to:.. As nature requires. And legal. And for causation, and the spoken, It is obligatory. He fulfilled it. For essential data. And certain, Whether in what related for statement of reality. And statement. Oh enough. A. Evidence that. It is upon her to prove the reality and its content, That's why the. He told. And in the. The reason and the spoken. Divided. A. It has two main sections.:

Either. An be proof. Unspecified reality. And evidence is intended by it. The judge did not specify these reasons specifically.. Enough. He did not search. radically. And he said. Oh the dispute of the matter which the court is unable to. Supreme Court on monitoring the correctness of the judge's application of the law; because. The judge did not show his face. And the opinion that. your. And these are the facts and the basis on which it was based. att. In his judgment) (.

and. It will be. This section contains pictures of vague reasons. And her thumb, This means that it is not clear enough to clarify the opinion on the case. I and the basis on which I took. To the judge. And, It is sufficient to mention the legal text. Y. Without specifying the location. Facts. The. Justify. Pointing to it, If the ruling is limited in its reasons to citing the rule. And legal. And without saying a word. And describing the facts that he has established. And her, And whether this is true. Oh about it. correct. The text of which. maleh. In it. A, The ruling in this way is incomplete., The reasons for the ruling are also stated in general and in summary, and this occurs when the ruling is satisfied with... Of course. on. A. He passed without actually explaining this. A. Kid

likeAN writes in the ruling with mentionAThe defendant did not submitSeriouslyThe defendantdid notCommitted to guaranteeN) (.

Or AThe proof is incompleteFor the incident and its evidenceThis is achieved when the judge issueswisdom,And did not search for realistic elementsAndfor conflictAnd his evidenceSearching.Enough.so that it is sufficient.To verify the validity of the judgment.

This section will have many pictures.HandIncluding not searching for some orARequired element limitAndFor the ruling that the judge reached, such asAThe judge issues a ruling..With my responsibilityAnd The followerAbout the work of his follower without looking into whether it wastheFollow up on the jobtemomentAndThe occurrence of the victimRRANo) (, The ruling that is sufficient in considerationAThe inherited was sick.Death illness at the time of issuing the appealNIn it, he has explainedPracticeHis work outside the home in the months ofsixthe previousAndLofaThe fell from abovebackHis animal without stating the type of disease that afflicted the inherited and achieved dominanceAndDeath at the time of issuance of the contested action,The judgment that provides compensationtotalAbout allDamagesWhich befell the injured party without specifying the elements of the damage for which it was caused.He spentBy compensation and without discussing each element separately and explainingentitlementCompensation claimant or notHis right) (.

As well as not stating the source of realityAndThe evidence for its validity is like:AThe ruling is not sufficient to state the lineAThe injured party said that he was not careful..In his biography without stating the source from whichI will waterFrom thisI will tell youseveralandGuideOn the hopAnd her,also not facingAndarbitratorAndfor the dispute at hand,This is achieved if the causes are not tracked in circles.Anddispute in the caseAnd,It was only installed on a non-essential point.And, This meansAN the judgeEither AHe did not understand the essence of the dispute before him.,Or understand it butdid notSearchingIendIPoints ofZaaSearching.Enough.He was satisfied with the solutionthatGet to it in pointsAndOther,Which is awareforJudgment of deficiency in its realistic causesAndSo it is displayedAndFor transportationD) (.

And I swearJurisprudenceFrench pictures of shortcomings in the reasoning and the operative part where the French jurist collected(ust fine)Deficiencies in theCausing toGroups, the totalAndFirstThe judge presents the reasons in a complex manner.AndAnd intertwinedAndSo it is difficult to know whether the judge has ruled on the incident.OhAnd the law.likeAN says the judgeAnd AThe statute of limitations has expired without stating the reasons.My sonThis is the ruling on her.And the totalAndthe secondAndReasons in severe phrasesAndPublicAndOr severeAnd thumbAnd the ambiguity is such that such reasons are an obstacle.AndFrom the necksAndOn the validity of the ruling) (, likeAThe judgment is referred to documents without stating what they are.AndThese documentsOr thatRefer to a previous ruling without specifying the rulingEspeciallyIf there is more than one ruling.And the totalAndthe thirdAndifATake the judgment into account some facts without specifying the necessary conditions.AndNecessaryAndWhich the law requires when adapting the facts to apply the rule of law to them,likeAn issue a ruling to proveHLine arrivalAAnd the damage occurs without investigationtheRelationshipAnd theSBabyBetween the lineAAnd the damage,And the totalAndFourthAnd Obscuring the factsThe basic oneIt is based on the fact that it is not clear enough to allow the Court of CassationDBBy the necksAndOn the application of the law to the facts and this case is attachedAnd omissionReply toallegations It followsatticAif it wasTcorrectAndIssuing the decision differently,so that it changes the faceAndOpinion on the callI) (We see that these picturesAndIt does not fall within the category of shortcomings in the Tasbih.B and the spokenIt is only included in the partial absence.For reasonsWhich is represented by not responding to the essential requestWhich oneIt results in changing his opinion about the call.I.And the totalAndFifthAnd soI stayedThe judge ruledhFor no blameworthy or unjustified reasonResultThis leads to the survival of the disease.OhThe storeZaaUnsolved,This is due toEithertoAWe are not hereGuest Offendedto understandThe issueSubject of disputeShe cameThe answer is not appropriate.AndOr toAThe judge has decidedThe issueTopic of thedisputeIn appreciation.wrong.forwhereConsider it uselessAndIn solutiontheDispute, why did she not answer?) (.

Also, Egyptian jurisprudence has divided the forms of deficiency in reasoning. And the spoken to groups: the total. First, insufficient. And reasons for failure to establish evidence of the arbitrator's conviction. Or, not stating the evidence on which she based her conviction, such as: A. We spend after opponents. And indivisible. And without stating the evidence on which you based this mask. And, and the total. And the second. And insufficient. And reasons for the existence of general or general reasons. And or mysterious. And or the vague. And like A. It is decided to invalidate the agreement concluded between the parties on the basis of the availability of an element. Coercion. Without stating the illegal means used in coercion. And the total. And the third. And insufficient. And reasons to mention my reasons for thinking. And, and default. And like A. The judge mentioned A. No, there must be. From objection has been made to the delivery of the goods. And from customs and certificates. And presenter. And for D. Night on A. The delivery was in dispute. A. N. Becorrect. And, and Mulla Imams, and the total. And fourth. And no search. A limit or some necessary elements. And to justify the ruling. A. The referee decides who is responsible. And followed by actions. Follow it without searching. What if he was the follow up on his job. And occurrence of harmful act) (.

Or the jurisprudence. The Iraqi did not divide the shortcomings into reasons and the operative part as he did. Legal scholars comparison. He took the deficiency in general and went on to say that the deficiency in the reasoning and the operative part affects the validity of the judicial ruling. We hope that the Iraqi legislator as well as the jurisprudence will shed light on the concept of deficiency in the reasoning and the operative part directly and in a broader concept and that it will follow and do as the comparative laws did in shedding light on the forms of deficiency and its concept.

The Second Branch

The effect of the deficiency in reasoning and the operative part on the civil judicial ruling

If the Iraqi legislator as well as comparative laws. And it may be based on the deficiency in the reasons for the actual ruling. And invalidity, it has been mentioned before. A. We mentioned that what is meant by reasons. Realistic judgment. And these are the reasons that include responding to the statements, arguments and requests raised by the opponents during the course of the lawsuit. I) (Hence, a question about a rich in legal reasons. And on the ruling and what is the authority of the Court of Appeal and the Supreme Courts in completion. What is it? Yes. The rule of the palaces. A. The deficiency was in the real reasons. And a. M. Legal. And? And for answer. We will devote two objectives to this question. To answer them comprehensively and extensively. In the first section, we will devote the answer to the effect of shortcomings.

On the ruling, and we will explain in the second objective the authority of the courts to complete any shortcomings that may affect the ruling, and this will be in the following form:

First Destination

The effect of the deficiency in reasoning and the operative part on the civil judicial ruling

Should A. The judgment includes the actual reasons. And, and legal. And, and it is based on foundations. correct. And, and enough. And to justify the result. The one that the verdict reached it, The judge is obliged to apply the law correctly and state the legal basis on which the ruling is based..

not A. The judge may draw conclusions from the facts.. right. To sufficient evidence. And, and qualitative mode. And his understanding of Luke. Oh. In a way that enables him to see his approach to reaching the result. And, then he applies the law to the facts. A. It may fall into line. A. In law enforcement) (, The question here is: What is the impact of this error on the ruling?.

In the answer. On this. First of all. Stop knowing. A line thread. A. On the result. And which is over. It is up to her to decide, so if the result is. And incorrect. And the ruling was contrary. For the law, But if the result is. And which is over. The ruling is correct. This does not affect the ruling..

The science lies. In the case of a deficiency in legal reasons, it is not a fault of the judge as long as the result, which ended up, the verdict is correct. Both the Court of Appeal, as a court of subject matter and law, and the Court of Cassation, as a court of law, can, of their own accord, to complete the shortcomings of the judgment in the reasons for its reality. You can correct it if it is wrong. The deficiency in the legal reasons is taken into account. Many what is due to the lack of mention of the text? The legal who applies to reality. Some of them are due to the lack of a legal text that applies to reality. The subject of the dispute, and also to not adapting reality and placing the dispute before application of applicable legal text, because these cases do not shame on you as long as you are that. The result, the one that it ended with him. The verdict is correct. (.

There are cases of failure in reasoning and judgment that lead to revocation of the verdict. These cases cannot be limited. They are silent when stating the need and not. Do your research and scrutiny) (.

And complete. Pictures of the palace. For the rulings in pictures. Many including the shortcomings in explaining the subject of the call and the requests, defenses and pleas in principle, so text. Comparative Laws. On the necks. On the judge's work and verifying his good understanding of Luke. The dispute, the defense of its two parties, and the reasons for the arbitrator's ruling. In it, therefore, monitoring the application of the law and reporting or denying the alleged violation. His judgments are not unless. By looking at what he stayed. He was sentenced to death. From the reasons of my reality. Or legal and not. It is enough. In this regard, just look at his statement. Like if I took an arbitrator. In the expert report submitted in the case. Yes, and referred. In explaining the reasons for her ruling to him, and what the expert had mentioned was: It does not lead to a result. And which ended up being not suitable as a response. On the defense, the substantial that the opponents held that her ruling was flawed. Deficiency in reasoning and operative part) (.

Likewise, failure to state the legal basis for the ruling when applying the law correctly does not require a request from the opponents, but rather is the judge's duty. We are looking for the legal ruling applicable to reality. And the proposed and that, and that this judgment is imposed on him. Anyway, the text was the law. I relied on. To him the opponents in. To support their requests or their defense therein. However, if the legal text is clear, then I. Meaning of decisive. In pampering. And there is no place for what is meant by it. For go out on him or come on. Accordingly, the judgment issued on the subject of the lawsuit must. The legal basis is shown. On which the ruling is based or the legal texts are cited. Yes, which he based his judgment on. Then it did not show the document of the year. Anon. This ruling is limited. Failure. It invalidates it.

We see an statement. The legal basis, which the judge based his ruling on. Important. Necessary. Because related. Strong mouth. No facts. The invitation. And the dispute, defense, and the opponents' arguments; because. Understand the reality. Correct. Leads to. Legal text fight. The correct one applies to the call. And the reality in it, but. Understand it wrong. Reality may lead to. A legal text that does not apply to the reality of the case. Leads to wrong judgment.

The Egyptian Court of Cassation ruled. And if the judgment does not state the legal basis for its ruling or rose the legal text, which he applied to reality. And the invitation. Or discuss the basis on which the initial ruling was based, which ruled that. Cancel it. This would be of interest to him. A. He is ignorant of the basis on which the contested judgment was based. and. The Court of Cassation is unable to monitor the correct application of the provisions of the law and must be amended. D. That judgment) (.

And not responding to the essential defense. The judge's negligence. And reply to the defense. Which he showed. The opponent is not liable for nullity unless it is a defense. Substantially influential. Oh. In the result. And which ended up meaning that if it was the judge. And I have researched it when I reached the ruling that I issued and the condition of this essential defense that invalidates the ruling because the subject court did not address it. An presents correctly. And clear. And decisive and supportive. You are aware. Yus. Navi. Oh. For the ignorant. And, it is not just the sender's saying. Rather, it must be accompanied by evidence of its validity. Therefore, since this defense did not provide the substance. Y. On the right path. As arranged by the arbitrator. And the wrap around. A. To. And then there is nothing on the judge. And if. Turn away from it in the following cases: And: because. Foot. And the invitation. I reserved. And. To rule without

permission of the memoranda, And since A submit after the deadline within the period And H shear The invitation I To rule with the statement of memoranda) (.

And also Do not search documents Mission The effect of the call Yes, because The Egyptian Court of Cassation decided And A If the opponent is brought before an arbitrator And The subject is documents and adherence to their significance, so the judge turned to talking about them with what they might have of A Rich in advocacy I It is tainted. In palaces) (, And the general reasons And and the mysterious reasons And And the reasons are different A Humiliation And Originally, the ruling should be based on. For obvious reasons And and clear And and Enough And Carry evidence of A The judge examined the dispute before him. h Searching. Precisely. It states in its ruling the subject of the lawsuit. I And the opponents' requests and age D All of them, And to mention what was concluded to be proven from the facts and the methods of this proof. The layer of legal rules And If he is negligent in this, his ruling is invalid. And the judgment should not be based on thought. And vague And Its features are not clear, Or Maj Religion Absent or hidden T Its details, so if the ruling is based on reasons, its generality is required And You can't understand it and you are unable to the Court oversight in the application of the law, The ruling is invalid. invalid. substantially. The reasons should not be Lazy Meaning that it does not deal with the opponents' requests, defenses and arguments with sensitivity. M It is decisive in its validity or corruption, and suggests hesitation and lack of decisiveness or certainty, and does not clearly and plainly show what the opponents presented in the lawsuit. I From evidence, nor what she accepted or rejected from it, nor does it reveal whether it was the arbitrator And may I took With bases And Or principle She pointed out To him in her judgment A M that it Adopted in judiciary O Hon A bitter A Go out) (.

Finally, we find that what Failure to provide reasons results in the judgment being invalid. ; This is because the ruling must be based on a sound legal basis, and the ruling must be based on real evidence that proves the truth of the incident in which the ruling was issued, and the accused has the right to defend himself.

The second purpose

Authority of the courts in completion What may affect the judgment in terms of deficiencies in factual and legal reasons

Courts shall have the power to completion What may affect the legal reasons And And realistic And From palaces so The Court of Appeal shall have the power to: completion Palaces, The Court of Appeal is one of the regular appeal methods. And So that everyone who has been judged unfavorably will have A To appeal it before the Court of Cassation And the second And With the aim of I Salah did not make a mistake in the ruling A, And it is considered nnn Reasoning is a means by which the Court of Appeal can monitor the validity of the judgments issued. And from stairs And A For the first Whether in relation to peace And Extract the arbitrator And For the facts a M The validity of the evidence to prove the facts, On the path of peace And The results I have drawn from the presentation And which was offered to her) (, If the ruling includes The shortcomings in Causation is the thing that causes concern. First On the competence of the Court of Appeal to complete the deficiency in the reasons with T A The judge is satisfied with the outcome he has reached. And?

IN ° The answer varies depending on what If the judgment involves a deficiency in the factual reasons And Or legal And and I The Court of Appeal, as a court of substance and law, It is within his competence A An look at the invitation I New And If the appealed judgment is included N It has shortcomings in its realistic causes. And It must cancel the contested ruling. N Therein and issuing a new ruling that includes the reasons that justify the result The one that T It reached it and if there is no deficiency in the actual reasons And Corrected the legal reasons And From deficiency And I completed it) (.

But About the arbitrator And Supreme Court, which is the Court of Cassation and Appeal D Previously A We mentioned that causation is the means The one that Through which the Court of Cassation or the Court of Appeal can D From the necks And On court The lowest degree in how i And Her understanding of the content of the rule And Legal And And its content, as it can know whether the interpretation Acceptable For legal texts And It agrees with the correct interpretation or not. So if He was The food N In the ruling, there is a

defect in the deficiency in reasoning., Which is what? The Tsa Owl About the jurisdiction of the court? The Supreme in completion? Deficiency in causes with t? The hand of the judge is from where he reached? Result? And?

The answer requires? This question? A? The difference between what? If the judgment involves a deficiency in the factual reasons? And? Legal? And? If the ruling is limited. In its realistic causes? And? F? The arbitrator should? And? The Supreme? A? We overturn the judgment with retrial. te? To the arbitrator? And? For? A ruling to be made again on her instructions is not? A? The arbitrator may not? And? AN to overturn the judgment and rule on the subject of the lawsuit? Yes, And that is if the subject of the invitation? Invalid. To decide on it, and if the appeal is for the defendant? And? the second? And, But? If the judgment is minor. In its legal reasons? And? The result was? The one that? The verdict was correct. The judge had? And? An decide t? A? The hand of the judge in terms of the result? And? With the correction of the reasons for the shortcomings, as we explained in detail? And? When we talk about the shortcomings of legal reasons? And?) (.

And finally? And? Our talk about? A? The deficiency in the reasoning? Najd? A? This effect leads to an increase? And? In the reasons for the ruling, where the reasons mean the excess? And? What he wants in the ruling of reasons that exceed the amount sufficient to carry the result? The one that? The verdict was reached, your origin? AN? Al-Ziad? And? In the reasons do not affect the ruling either? A? This was the increase. And? In legal reasons? And? AM? Realistic? And? As long as the reasons are realistic? And? Enough to justify the result. The one that? The verdict was reached) (.

The Court of Cassation has ruled? DEgyptian? And? According to the arbitrator? And? to refuse an invitation? Iroyalist? To be based on? In that to the inability of the tide? powerless? About proving the claim? A? Without needing to? And? To the statement of the royal basis? And? The defendant and then that the appeal is on the line? A? The contested judgment? cruiser? To him, an increase in the matter is evidence of the defendant's ownership in the lawsuit. Iroyalist? And? Non-product) (, We see? An the original? AN? Al-Ziad? And? In the reasons do not affect the ruling? A? This is an increase? And? It may lead to the invalidity of the ruling if it merges and is embodied in the ruling's operative part, such that the judge has ruled more than what the opponent requested, and this case is considered? And? From the cases of appeal? Nfor? I? He came back? And? Courts? And?

We also find? A? There are countless cases. the? Deficiency in reasoning and the operative part, as the examination of these cases is limited to the concept of consent. And? So that the concept of the offender does not apply to him? And? It does not result in any shortcomings. In the cause of ba description? Haoriginally, The judge is not obligated to provide reasons, whether? A? He was? Enough? in? AM? Is not enough, One of those cases is not responding to some requests that have not been met. ٥ Its terms? Procedural and? It states that if a request is submitted to the arbitrator? And? Not available in the store? core? The form required by law that the arbitrator? And? Non-binding? And? By responding to it, and failure to respond to it does not result in its availability. A? The deficiency in the reasoning and the operative part) (

As well as not responding to requests that were not presented clearly and decisively, the request submitted to the arbitrator must be? And? Clear. And definitely. Therefore, if a request is submitted in an unclear manner and the arbitrator does not do so, And? In response to him, This is not considered? nnn? Palaces. In the causation and consequent? Yeah? Invalidity of the judgment, not? An lessons? And? By final requests? And? before closing? Door of arguments? And? If the plaintiff insists in his closing memorandum? And? By the precautionary request? start? It is not considered to be submitted to the arbitrator. And? If the court does not do so? And? By responding to him, this does not lead to? I? Soap? And? Judgment of lack of reasoning, And also not responding to the request or a defense for which no evidence was provided or for which unacceptable evidence was provided, and the judge is not obligated to respond to a request or defense for which no evidence was provided, such that it renders it worthless. And? If not? Reply? To? Such requests and pleas do not lead to a deficiency in the reasoning of the judgment.) (, The Egyptian Court of Cassation ruled on this. And? That the court's attention to the response to the defense based on its legal basis does not invalidate it) (, And also not responding to a request or defence submitted in the correct legal form and with sufficient evidence, But it is not productive. In the invitation? I? Here, the judge is obligated to respond to requests or pleas if these requests are

productive. And By invitation Yes, But If presented the Request or the Defense and this was The last The origin of the ancestors And in The how! This does not lead to a deficiency in judgment.) (.

The Second Requirement

The effects of the contradiction in the reasoning and the operative part on the civil judicial ruling

Making Iraqi law as well as comparative laws And Independent contradictory judgments And, About the opponent And the law; to AN Opposite And the law It means denial The authority of the order, which means A The new ruling issued has violated the law. AA dispute arises over the validity of the thing. Government In it) (, The reason for making the contradiction a reason. One of the reasons for appeal is the necessity of respecting the force of res judicata in the previous ruling. Because it is It is related to the public order due to its consequences. Wasting it from perpetuate Disputes and instability of rights) (.

and that the Clear causation is not It is necessary A The reasons for the ruling should be complete. And And harmonious And support each other The other And it is in total Ha Clear image And clear And It applies to what the arbitrator relied on. And Reasons for reaching the result The one that It ended with it, so if the reasons for the ruling came in contradiction And Some with each other The other This means that there is AA wealth that taints the judgment and leads to its annulment) (.

We mean Contradictory reasons are a conflict. Its evidence adopted by the arbitrator And, So that some of them are negated what fix it Some The other And his picture familiarity A We supply the arbitrator And There are two conflicting pieces of evidence for the reasons for its ruling.. Apparently, what A Take them both together, Example: A judge orders the defendant to pay compensation for a loss. I am sorry detrimental Cause in It is mentioned in some of its reasons A It was not on the defendant A Be careful For the matter And it is considered He has his equipment to avoid the accident and then he mentions in A The reasons are gone A The plaintiff is solely responsible for what infection from harm, The contradiction affects the judgment and makes it Empty from Reasons) (.

But it is not invalid. Unless it is of interest to him AN makes those reasons fall And Some of them deny what others have proven. The other If it is not so, then it is not invalid..

But If the alleged contradiction is established. For other reasons that support it and justify what was decided, the ruling was correct.. Because the challenge to other reasons is a sham. Dam his health So it is unproductive and the basis for that is the lack of a reformer And It benefits the child I mean, It is the basis of every motive and the foundation of every interest.) (.

Contradiction affects the judgment. T The reasons for the ruling included points: atmosphere irrigation And Requires observation And From the arbitrator And Because it is Spend without Attention To her, for example. Testimony may not be heard And Witness other than witnesses who N A The plaintiff attended, but there was no testimony. And a witness A Jabr about And On the witness And

The judge must A It removes the contradiction that may appear in the ruling and clarifies A This contradiction has been revealed. Pay attention To him, and he based his judgment on non-contradictory reasons. And, if A The difference between the witnesses in identifying the person testified for A The essential thorn in the validity of the testimony And And it was on the judge And The contradiction was removed and the ruling was overturned..

The contradiction that affects the judgment is that which occurs between different elements. And any Between the reasons with each other or between the reasons and the statement But Its contradiction with the rest of the minutes The lawsuit And the judge's appreciation And No Y Faulty judgment.

And it is considered from pictures of contradiction delivery of the arbitrator. And on the subject of her ruling that she did not rely on or depend on a specific evidence, then she returned and took this evidence as a supporting presumption. And or deny. And to prove the claim. Yes, your A. We hand over the judge. And for if a fake case. And age D. To investigate and find out. A. N. h. fake tooth D. He had disregarded it, and this is what the Court of Cassation decided, that it is not permissible for the arbitrator. And an fake referral. The bond. To investigate whether he had disregarded the adherence to the document he presented.) (.

The contradiction may also sometimes be used to mean (The quarrel) or (slackness). Where did the Q go? Light. The Egyptian said that the contradiction that invalidates the ruling is that which occurs between the reasons, such that some of them negate what the others prove. The other. And does not define any. The two things I meant. And, All that was stated in the appealed judgment. N. In it makes it m. Shop. By contradiction. And indolence. And the quarrel that builds on the imbalance of his idea and the elements of reality. And) (.

We see. A. There is a difference between contradiction. And indolence. And the quarrel over the reasons. On the despite. From A. He considers it a form of contradiction, but A. Say it clearly. Fat. A. Take an implicit or hidden contradiction between some parts of the ruling, To what we rely on. It does not exist in any way. And. The meaning is that the distinction or difference is in terms of the forms. And. This decrease or word. And. Just talk.

The contradiction between the reasons for the ruling shall not invalidate it. Only when these reasons are valid. Adma. Some of them deny what they prove. h. Some. The other, But. It isn't. The ruling is also valid if the reasons are contradictory. And. With logic. Time. Contradictions. Completely. He denies with her possibility. The angel. Imams. Between them) (.

We have mentioned that the operative part of the judgment is that part of the judgment in which the judge gives his opinion. no. To invite. If for obligation. The defendant or vice versa dismissed the plaintiff's claim, It has been called in the Iraqi judiciary as poverty. And. The story. Water. It is supported by reasons so that its validity can be considered valid. I want. Judgement evaluation. It is necessary first. Understand the provisions contained therein, This understanding can be derived by referring to the ruling's text, because the judge expresses in the ruling what happened. attic. from A. Explicit words. And. And clear. And. And with this statement, it unites. D. Rights of opponents) (.

Only the operative part of the judgment has force. And. The thing ruled in. It is acceptable to appeal it according to the specified methods. And. Legally. In this regard, the Court of Cassation ruled in a decision: (...upon examination and deliberation, it was found that. That the contradiction between the rulings that require correction is the contradiction in the result. And. Rulings and poverty. And. The wisdom of any. Verdict)) (In order for the ruling to be valid. There must be a logical connection for its causes. and. Close between this and that. So. If the reasons for the judgment contradict its operative part, the operative part must always be considered, regardless of what is stated in it. h. from. Reasons. In vain. The reasons for the ruling may not be appealed without an appeal. N. In spoken at the same time) (.

And. It. A contradiction that may be real. In the ruling. The contradiction in the operative part that requires discrimination is that the operative part of the two decisions contains paragraphs of a ruling. Y. The two rulings are contradictory, so that it is impossible to implement both rulings together., that is, in the ruling paragraph. Y. And the contradiction in the reasons has no effect unless the reasons are directly related to the ruling.. Closely. Leads to its invalidity, for example. If a judgment is issued to dismiss the case from the competent authority and the second judgment rules to dismiss the case due to the plaintiff's inability to prove his claim and his opponent took the legal oath, then the operative part of the two judgments is to dismiss the case, so it is not considered. n. Contradictions. If the contradiction has been resolved in the reasons, then it is permissible to believe the second ruling in terms of the result.) (.

And it is possible. Filling the gap in the ruling's text is one of the reasons for not. A. Both are complementary.. For. A. Go out, And. A. However, the reasons are useful in clarifying and interpreting the operative part and determining its scope. h. It is always possible. Complete the meaning given in the spoken

text, What came in Reasons, The reasons, as we mentioned, are what comes to the judge's mind. ideas Before the verdict is pronounced, But If the reasons for the ruling contradict the logic And he said, Then it is considered nnn Stripped of reasons so that it is understood Atom possibility Suitable And Between them) (

The origin of the ruling that it Bear on the right And, It does not result in a ruling if it is S In logic Timethan what had been A Sentence in Its causes The ruling is also affected by its establishment on the basis of en Contradictory in law as if it were proven from its causes that both parties are responsible together. And their mistake together. The ruling was binding.. Neither of them without The other without showing the basis. So the reasons in this case are And Collapsed And The spoken is devoid of reasons) (But If the ruling is based on two pieces of evidence, one of which is independent of the other, The other It was correct to base the ruling on one of them only, because reliance on evidence The last be unproductive in all Conditions, Thus, the Court of Cassation ruled in its judgment. who came In it (... upon closer inspection, he found that... n lessons And By revealing that you are dragging Yes arbitrator And According to his specialty A And under Her supervision And not across And By the examination you are conducting And The do Air Other if it conflicts with this disclosure)) (.

On the contrary, if the reasons for the ruling include assessments of sound legal principles, And True And It does not affect the correction of the ruling if it was issued in violation. Oh For the law.

But If the ruling is consistent A Its causes are not a defect A It does not respond to its causes. Oh my She needs something And To her A We are the ones who stab N In the judgment of the offender And law or handwriting A In the application or or It doesn't work, Unless the ruling itself was based on this line. A Or that violation And, and In So To rule n right.

I The contradiction fundamentally affects the judgment and leads to its annulment. And it came in Federal Court of Cassation Decision And (... when looking kindly I decided to overturn the appealed judgment and return the case. I To her court For no The above is sold on A The discrimination fee remains Oh For the result And And that to There was a contradiction between the reasoning and the operative part.)) (.

And Th Are Question On the effect of contradiction between parts of the same operative part on the reasons for the ruling

Jurisprudence differed in answering this question. The first opinion was that the contradiction between parts of the text is not considered nnn Cause. To appeal the decision D On the basis of the contradiction between the reasons, Rather, it is n AI passed by. Special. It relates to the composition of the spoken word itself., And it is considered nnn Cause. Reasons for appeal N for I He came back And Courts And, And he goes A Y A It is concluded that the contradiction between the parts of the statement, if it occurs intentionally., Leads to Lack of Reasons for appealing the ruling before the arbitrator And The Supreme) (.

We find in the contradiction That there are conditions that lead to And To him from her A The contradiction lies in the real causes. And To rule, even if there is a contradiction between what is considered nnn Cause. In the technical sense and between the reason A There is a contradiction between a reason in the technical sense and the operative part of the ruling, even if the contradiction is real.. And among the essential reasons And In a definitive ruling.

Finally we find On the legal effects of causation, and the operative part of writing a civil judicial ruling That the judicial ruling that regulates rights, positions and legal effects And, It is the ruling in its narrow or specific sense, and it is the final ruling issued in a specific dispute that leads to... Its end, This ruling has elements that are represented by: And With its fashion element consciousness Which distinguishes it from other works, decisions, legislation and administration. And By being issued in a dispute between two or more opponents and is applied I Rad And General law on the case presented attie In front of the judiciary, It also has a formal element. and Which is represented by its external appearance through the necessity of its issuance from Judicial court And Specialist, The decision issued by the Authority is not considered a judgment.. Even if it was A end Its members Judge, The external appearance of the ruling is also embodied in the text of the decree. Ra It must be issued in accordance with. For procedures healthy Haha, And to include

certain legal data that distinguishes it from other decisions. Therefore, the reasoning and the operative part are among the most important guarantees of the fairness of the judicial ruling. Therefore, any defect in them through their deficiency or their contradiction with each other or their contradiction with the civil judicial ruling will generate negative legal effects on the civil judicial ruling and thus the ruling will be flawed and must be overturned, as we mentioned previously.

Conclusion

after A We have finished the study topic T na tagged with (A Defects and legal effects For reasons, and the operative part of the civil judicial ruling) And we went out at the end And The end of the camel And From the conclusions we have reached In addition to A set of proposals that we A Bored of the Iraqi legislator taking with it in mind They are as follows:

First: Conclusions

- In Reasoning for judicial rulings And The spoken word is n n from A Topic limit Mission that Give it to her Iraqi jurisprudence is of great importance And In the process of presenting the principles And the foundations The year And Civil Procedure Law Th confirmed The Iraqi legislator on the necessity of adhering to the reasons for judgments in court Calling For the reasons stated And in Civil Procedure Law In the material And (159) On the subject A Get out of here And (162) because Belongs to Taif And From judicial procedures The one that Functional And Legal And The seate Which the judge must follow when drafting And His rule is to put a dam in every way. Qat who knocks on his door; because Reasoning for judgments is not just a procedure, but rather an integrated legal system that inspires reassurance. A N in And Stability and away from the evil your And irrigation But, as for The ruling was confirmed by the Code of Civil Procedure. in The material And (162) where A It referred to some of the data that must be available in the judicial ruling, including the ruling's operative part, and according to the order included in the article. And
- The foundation on which my sufficiency is built And Reasons for the ruling must be clear. And Clearly And Manage And Stab from extend Its supervision to determine the validity of the ruling. If these reasons come in a way that prevents it from performing its role in supervision. And The judgment is flawed. With the flaws of the palace; because The deficiency in reasoning is A Rich leads to increase And Reasons for the ruling where it is intended Reasons Excess And The reasons mentioned in the ruling are more than sufficient to support the conclusion. The one that communication The verdict is hers, And the palaces are considered n n trace On the verdict; because T A line thread A on A N Heading towards It is up to her to decide, so if the result is And incorrect And The ruling was contrary. For the law, But if The ruling was correct. This does not affect the ruling, and it is also clear. A The contradiction affects the judicial ruling. conflict The reasoning with the ruling is considered n n Flawed. No need And For him A The operative part of the judgment is the part in which the judge gives his no To invite I By obligating the defendant or vice versa, by rejecting the plaintiff, and he alone is the one who carries it Z Go And The thing that is judged and is subject to appeal N According to the specified methods And Legally. Therefore, there must be a close logical link between the reasoning and the operative part. If the reasons for the ruling contradict its operative part, the operative part must always be considered. Regardless of what is stated in the reasons, it is not permissible to appeal the reasons for the ruling without appealing its operative part at the same time..

Secondly, the proposals

N To ask for Federal Court of Cassation And Deviation from his principles A The one who died included Overturning the issued judgments And Of the courts of appeal that include Referral Reasons given And In the primitive rule of Hajj And A We provide the material And (159) It came absolutely that every

ruling is required. An carrying a duck. Come on. And its causes as long as. A. The ruling is valid. G. Let's support him. Courts of Appeal without. I. New arguments have been raised before it by opponents that require additional or amended reasons. About the reasons mentioned by the courts of the country. Yes. This is assuming. AN. Referral. On the grounds of judicial principles. And applicable in countries. Other.

2-You. A. The legislator's insistence on the existence of. Beep. Provisions without explicitly stating the penalty for violating them may represent a kind of effective legislative vacuum. Especially. Reasons for realistic judgment. And, So we find it necessary. And. To address this issue, we suggest the following text: (Deficiency or deficiency in the grounds for factual judgment. And. It results in the invalidity of the judgment. But. Deficiency in the reasons for the legal ruling. And. It does not make the ruling acceptable. To invalidate if it was. The Result. The one that. It was reached by Al-Qa. Guest. correct. And. Legally).

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Thirdly, the laws

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