

The Structure of Constitutional and Legal Institutions and their Impact on Political Leadership and Peacebuilding in Iraq

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Abstract

Political leadership has significant importance and a vital role in the conduct of public affairs and the management of institutions within the political system, in addition to its importance and weight in the political decision-making of countries, after which it is the most important variables affecting the political system. The role of political leadership is highlighted in determining the strength and status of the state through its performance in employing the elements of power. The material and human state, directly or indirectly, in building stability, development effectiveness, and progress. In addition to this importance, the study took a specific topic related to explaining the structure of constitutional and legal institutions and their impact on political leadership and achieving peace as their most essential functions in society.

Keywords: *Constitutional Institutions, Legal Institutions, Political Leadership, Peace, Iraq.*

Introduction

The constitutional institutions present in the political system contribute to the process of organizing and containing the overlapping and interwoven patterns of political decision-making in the political group, which translate the resulting goals, disagreements, and conflicts of society through the organizational structure that legitimized the political power, transforming it into an authority accepted by the group, represented by the political institutions. The system and its elements are located within this framework, and those located outside it represent its surroundings or environment in which the system emerges and grows, but there is no fixed political system for all countries, as each country has its own system that politicians, jurists, and legislators establish in order to fit the nature of this country.

The research discusses constitutional and legal institutions and their impact on political leadership and thus achieving peace in society by raising the following question: What is the structure of constitutional and legal institutions in Iraq? What is its impact on political leadership and peacebuilding?

The study sets out to verify the hypothesis that “there is a role and influence of constitutional and legal institutions in political leadership and peacebuilding in society.” To verify the hypothesis of the study and reach the results, the study was based on the systems analysis approach as an approach that explains these aspects and their prospects.

Based on what was presented in the problem and hypothesis of the study, the study was divided into two sections, in addition to the introduction and results. The concepts of leadership and peacebuilding were addressed in the first section, and the structure of constitutional institutions and their impact on political leadership in Iraq in the second section.

Theoretical framework: Political leadership, Peacebuilding:

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Political leadership has an influential and significant role in building the state, building peace, and managing pluralism in diverse societies. On this basis, we decided to divide this topic into two topics, in which we address the concept of leadership and peacebuilding.

The first requirement: The nature of political leadership:

The phenomenon of leadership is one of the important and main phenomena in human life, and it is one of the most important concepts addressed by the social, psychological, behavioral, and political sciences. This importance stems from its clear impact on the course of the movement of nations, peoples, and states. Therefore, this phenomenon was and still is the focus of attention of writers and scholars in all fields. Specifically in political science, sociology, military science, administrative science, and others.

Regarding political leadership, it represents an important axis in political systems and occupies a prominent place in the political decision-making of countries and has a profound influence on the management of public affairs and how political institutions are managed. There are those who give it great attention to the point that any political process or political group within the political system may be affected by it. The leadership variable. In 1987, James Born presented an interpretation of political leadership as a process of mutual mobilization between leaders and their followers, united by certain motives, and possessing capabilities, resources, and political tools in an environment that includes competition and conflict to achieve certain goals (Alaa Abu Amer 2004, 132).

Taketsu Gutsurtani defined political leadership as representing in every country “the highest decision-making body, where their legal responsibility is to make the final decisions of the authority on all issues and problems that concern it.” Gutsurtani discussed the nature of political leadership in developing countries, as in his opinion it is subject to many factors, most notably external influence. These countries do not enjoy complete independence, as they may be under direct occupation or indirect external control, which hinders the process of independent decision-making and leadership (Hamdi 2008, 7). One of the most common definitions of political leadership is “its ability to influence others.”

From the above, political leadership can be defined as “the ability to exert influence on members of society in order to gain their cooperation to achieve the desired goals.” From what was mentioned, it becomes clear to us that leadership often depends on the personal characteristics of the leader and his ability to influence the behavior of followers to achieve goals. desired.

The role and importance of political leadership is highlighted by the fact that it is one of the variable factors that have a clear and important impact in determining the strength and position of the state, through the performance it performs in transforming the elements of power that the state possesses into elements of effective capacity. Despite the importance of the state having elements of power, it is not enough to have Resources or components of power for the state to be strong, but it needs the availability of leadership to employ and invest these resources and components in the correct manner, meaning that the political leadership realizes the importance and value of these resources and works to improve performance in order to advance the state regionally and internationally. This means that the availability of the element of capabilities and capabilities is coupled with the availability of leadership. The successful outcome is represented by the presence of a leader who has sufficient performance to achieve the goal of advancing the country and placing it among the ranks of developed countries (Al-Ramadhani 1991, 9).

This is what is called good leadership, according to what Archie Brown mentioned, as he stated that leadership is not an abstract trait, but rather an appropriate response in a specific situation in a specific place and time. In other words, leadership methods and decisions differ in times of war from times of peace, and in times of crises from those in times of war. Ordinary opportunities, in addition to the difference in opportunities available to the leader in democratic systems than in non-democratic systems. (Brown 2015, 42).

The concept of peacebuilding

The concept of peacebuilding is one of the basic concepts in contemporary life. It has immense importance at various levels and in various fields within multiple societies, and it serves as a foundation for the stability and development of these societies.

The concept of peacebuilding includes preventing the occurrence of conflicts and disputes, as well as managing conflicts and their aftermath. Peacebuilding is considered a means of building capabilities to enhance communication, to build relationships and share experiences and information. It also requires a set of activities to change the state of conflict and disagreement existing between the parties and transform it from a negative state. Unacceptable to an acceptable positive situation through which the roots of the conflict can be identified, which thus facilitates crisis management and the establishment of sound structures through which the possibility of conflicts occurring or recurring can be reduced. In addition, peace building is a difficult issue because it occurs in the post-conflict period. That is, a time when society suffers from the loss of institutions and structures, and the collapse of the bonds of communication and cohesion between individuals, which requires intensifying the efforts of the relevant institutions and centers and coordination among them in order to make their work successful and achieve their desired goals (Chalabi 2017, 11-12).

Peacebuilding is a process that has two aspects. The first aspect is preventing, reducing or transforming conflict, war and violence into peace and reducing their intensity. The second aspect is building and improving the structures and activities necessary for the peacebuilding process, as peacebuilding activities are not only related to conflict behavior, but they also address contexts. And the basic positions of the conflict. The process of building and consolidating lasting peace requires constructing basic buildings and structures, providing societal security, accelerating development, addressing the economy, and removing the main causes of the conflict so that the parties can repair their relationship with each other by rebuilding trust, which can usually be described as long-term. (Abdullah et al., 2018, 48-49).

The goal of the peacebuilding process is to seek to resolve the conflict from all economic, social, cultural, and humanitarian dimensions, and not to be limited only to political and military settlement. This is because the peacebuilding process addresses the structural issues in the conflict. It is therefore a long-term process that combines peacemaking and peacekeeping, and gains Its importance is that it completes the missing link with regard to international organizations and their role, especially the United Nations in the areas of maintaining international peace and security on the one hand, and its role in the economic, social and cultural fields on the other hand (Al-Shafi'i 2009, 34). Sometimes the concept of peacebuilding is limited by emphasizing some of its aspects. In certain times, the concept of peacebuilding is considered synonymous with the concept of national reconciliation and rebuilding civil society institutions, or cooperation between the parties to the conflict in order to build better relations. The peacebuilding process may face many issues.

Among those countries that have recently emerged from conflict or strife are a set of challenges that may require significant efforts and real will on the part of the leaders of those countries in order to overcome them. That is, the real and effective role of the political leaders here lies in opening channels of dialogue, bringing viewpoints closer together, and then reaching compromise solutions. And achieving a kind of harmony, this consequently leads to achieving stability and then building the desired peace. At the same time,

the great threat to peace in any society emanates from the form of the political system first and the political leadership second.

The further the political leaders move away from cooperative behavior in managing the country and working in the spirit of... Tolerance and acceptance of others and their lack of commitment to democratic practices whenever this helps to fuel civil conflicts and worsen peace within society (Yas and Mouloud 2019, 11).

Building peace is not an easy project. Rather, it is a long-term project linked to the process of repairing infrastructure and building state institutions. It is an option that is resorted to in the periods following wars and conflicts in order to create an appropriate political climate for building effective democratic institutions and establishing the foundations of good governance and the peace building process. It is an effort that falls on the shoulders of the political leadership and society as well, but the greatest weight falls on the political leaders in society.

The structure of constitutional institutions and their impact on the political leadership in Iraq

The issue of organizing and establishing political and constitutional institutions in the new Iraqi regime after the change in 2003 was of immense importance because it represents an important stage of the transition towards democracy and rule of the people. All hopes and aspirations were directed towards this new regime with its institutions and leadership, in the hope of establishing stability and peace in this country. Accordingly, in this section, we will discuss governmental and non-governmental institutions in Iraq, in accordance with the Permanent Constitution of 2005.

Government institutions in Iraq

The constitution is considered a social contract that guarantees freedoms and rights from the tyranny of the elites holding power, regardless of their type and the way they assume political power. It is the guarantor of justice and equality among the citizens of the state because it is the supreme basic law of the state that may not be violated or opposed. The constitution has become a necessity for the political situation in Iraq after in 2003, political forces and societal actors, as well as international forces, were preoccupied with the necessity of writing the constitution because it represents a state of stability and emphasizes the principle of trust between members of Iraqi society to guarantee their rights and freedoms and protect them from violations. Thus, it was approved on October 15, 2005, and contained 144 constitutional articles. Divided into six sections: Chapter One (Basic Principles) and Chapter Two, Rights and Freedoms. Chapter Three deals with federal authorities. Chapter Four deals with the powers of exclusive and shared federal authorities. As for Chapter Five, it describes the authorities of the regions and the formation of the federal system in the Republic of Iraq. As for Chapter Six, which is the last chapter, it deals with the final and transitional provisions.

We will limit ourselves here to Part Three of the Constitution (Constitutional Institutions), as four chapters are devoted to it. The first deals with the legislative authority, the second deals with the executive authority, while the third deals with the judicial authority, while the fourth and last chapter deals with independent bodies, and we will address them in accordance with the Constitution's treatment of them, as follows:

First: Legislative authority

The legislative authority is one of the important organs of government, because it is the primary means of expressing free popular will in all democratic countries. It is the most representative authority, and indeed it

is the only authority that can speak in the name of the people because it represents them. (Iraqi Basic Law, 1925, Article 2)

The Iraqi political system is one of the systems that adopts a bicameral system of legislative authority, and this is what the Iraqi Constitution indicates: “The federal legislative authority consists of the House of Representatives and the Council of the Federation (Iraqi Constitution, 2005, Article 48).

1. **Parliament:** The House of Representatives consists of a number of members at a ratio of one seat for every 100,000 people of Iraq, representing the entire Iraqi people. They are elected by direct, secret, general ballot, and the representation of all components of the people is considered (Iraqi Constitution, 2005, Article 49 - First).

The same article also emphasized ensuring women’s representation in the Council at no less than a quarter of the number of members of the House of Representatives (Iraqi Constitution, 2005, Article 49 - Fourth), and it is not permissible to combine membership in the House of Representatives with any other official work or position (Iraqi Constitution, 2005 Article 49 - Sixth).

The candidate for membership in the House of Representatives is required to be an Iraqi and fully qualified, as the Council begins its work at the invitation of the President of the Republic within a period of (15) days from the date of ratification of the final results of the general elections, and the first session is held under the chairmanship of the oldest member to elect the President of the Council and his deputy. (The Constitution) Al-Iraqi, 2005, Article 49).

The electoral cycle for the House of Representatives is four calendar years, beginning with its first session and ending at the end of the fourth year. The election of the new House of Representatives must take place fortyfive days before the date of the end of the previous electoral cycle (Iraqi Constitution, 2005, Article 54) and for each year. The four-month electoral cycle for the House of Representatives is an annual session consisting of two legislative terms lasting eight months. However, the session in which the general budget is presented does not end until after its approval (Iraqi Constitution, 2005, 56). The Iraqi Council of Representatives also includes, according to its bylaws, (24) permanent committees, including the Foreign Relations, Security and Defense Committees, the Legal Committee, and the Education Committee. And other committees. Temporary committees can also be established. Or subsidiary according to the need of the Council (Abdul Karim, 2015, p. 17). Laws are enacted and approved with the approval of a simple majority of the Council members, provided that at least half of the Council members are present at the time of voting. Fifteen days after the law is approved and sent to the President of the Republic, the law is considered ratified and effective after its publication in the Official Gazette (Badr, 2010, pp. 39-40).

As for the powers of the House of Representatives, the House of Representatives exercises legislative jurisdiction, as the House of Representatives is responsible for legislating federal laws, starting with the proposal, passing through discussions, and ending with voting. Laws are proposed by ten members of the House or from one of its specialized committees. As for draft laws, the President of the Republic, and the Council of Ministers (Al-Shawani) present them., 2015, p. 206).

The Constitution also entrusted the House of Representatives with the task of monitoring the performance of the executive authority in its two branches, the President of the Republic, and the Council of Ministers, as well as monitoring independent bodies. It has the right to question the President of the Republic based on a request by an absolute majority of its members, and it has the right to dismiss him from his position by the same majority in the event that he breaks his constitutional oath, violates the Constitution, or violates the

Constitution. High treason after being convicted by the Federal Supreme Court in one of these cases. The Council has the right to monitor the Council of Ministers through the representatives, with the approval of 25 of them, directing an interrogation to the Prime Minister or the ministers to hold them accountable in matters that fall within their jurisdiction. The Council has the right to withdraw confidence from the ministers or the Prime Minister by a majority. The Council also has the right to monitor the newly created independent bodies, as it has the right to question their officials and dismiss them by an absolute majority (Al-Shawani, 2015, pp. 260-261).

In addition to the above, the House of Representatives has some financial powers, and it represents one of the most important powers of the Iraqi Constitution by approving the general budget and the final account of expenditures, which are presented by the Council of Ministers. The House of Representatives has the right to conduct general transfers between the sections and chapters of the general budget and reduce its total amounts, and when necessary, it has the right to It is proposed to the Council of Ministers to increase the total amounts of expenditures (Iraqi Constitution, 2005, Article 62 - First - Second).

There are other powers assigned to the House of Representatives, including electing the President of the Republic and his two deputies, ratifying international treaties and agreements by law enacted by a two-thirds majority of the members of the House of Representatives, and approving the appointment of the President and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the Head of the Judicial Oversight Authority by an absolute majority, based on a proposal. From the Supreme Judicial Council, ambassadors, and those with special ranks upon a proposal from the Council of Ministers, the Chief of Staff of the Army, his assistants, those holding the position of division commander and above, and the head of the intelligence service, based on a proposal from the Council of Ministers. (Iraqi Constitution, 2005, Article 61-9) Approval of the declaration of war and a state of emergency by a two-thirds majority based on a joint request from the Prime Minister. (Al-Qaisi, 2011, p. 15).

From the above, it seems clear the fundamental importance of the legislative institution, and the constitutional powers granted to it come from the members of this institution who have political goals and programs and strive to achieve them to serve their audience that elected them. Therefore, they play a significant role in public policy making by drafting laws that meet the desires and aspirations of the people.

2. Federation Council: The Permanent Constitution of 2005 stipulates the establishment of another legislative council called the Federation Council that includes representatives from the regions and governorates not organized into a region. Its composition, conditions for membership in it, its powers, and everything related to it are regulated by a law enacted by a two-thirds majority of the members of the Council of Representatives (Iraqi Constitution, 2005, Article 65).

Although the Federation Council has not been formed yet, it is an important step and will work to achieve institutional balance within the framework of the legislative authority and its functions, which is considered to be the development of the Iraqi experience in accordance with the experiences and models of ancient parliaments in Europe with the presence of a second chamber. (Spronva, 2012, p. 99).

However, the matter of this council has not been decided yet, and some of the reasons for this are attributed to the dispute over the powers and competencies of this council (Al-Zubaidi, 2012, p. 54).

The issue of forming the Federation Council is met with certain objections stemming from the fear of giving it powers that are less important than those of the House of Representatives, but in the end, it remains an important democratic experience for the Iraqi political system.

From the above, it can be said that the legislative authority has a key role in preparing political leaders due to the distinguished position that members of Parliament enjoy within the House of Representatives. Through this position, a member of Parliament is able to show his personality by proposing and submitting draft laws that serve society or through discussions that take place within Parliament, especially if the person holds a different ideology than his peers, and then his fame comes through the media by focusing on him. The role of Parliament members in the peace-building process is embodied by the members who are distinguished by their effective and strong influence in society and the political awareness they carry towards the nation, and by this we can say Controlling legislative work and presenting legislation that serves the public interest and promotes peace in it, as well as controlling the political and media statements and speeches of members of Parliament in a way that is consistent with societal unity and staying away from inciting sectarian discourse and strife and establishing cross-sectarian alliances.

Political leaders are prepared within the House of Representatives after being qualified by the political parties as schools for political recruitment. On another level, effective political leaders in developed countries do not appear suddenly, but rather often emerge from the womb of parliament.

In contrast to Iraq, most of its leaders are from within political parties, and the political party's orientations often control the work of the parliamentary member within the House of Representatives, as well as Some representatives preferred their factional and sectarian interests over the public and national interest. In addition to the existence of political consensus or what is called political quotas within the House of Representatives, which worked to disrupt many laws, legislation and decisions, the legislation of many legislations and laws was delayed from one parliamentary session to another. Some of these legislations had a direct positive impact on the reality of the Iraqi citizen, but the political quotas where it has a greater influence on members of the House of Representatives, as it worked to determine the ability of some government institutions - including the legislative institution - to act effectively and formulate important decisions and legislation related to the stability of the country and spreading peace in it.

Members of the House of Representatives also sometimes lose sight of the main idea of their role and presence within the dome of the House of Representatives, so they work by exchanging accusations and raising slogans and political and media speeches that affect the stability of society. All of this is therefore reflected in the work of the legislative authority and its role in preparing leaders who are aware of the challenges facing the country and influence... Its stability and peace building.

Executive authority: The executive authority is: “the body concerned with implementing the laws issued by the legislative institution through its various departments. The second chapter of Part Three of the Constitution of the Republic of Iraq for the year 2005 has been devoted to, which includes Articles (66-86), to search for executive authority.

According to Article 66 of the Permanent Constitution of Iraq, “The federal executive authority consists of the President of the Republic and the Council of Ministers... (Iraqi Constitution, 2005, Article 66) and we can detail it as follows:

1. The President of the Republic

The President of the Republic is the head of state and the symbol of the nation's unity. He represents the country's sovereignty. He ensures compliance with the Constitution and the preservation of Iraq's independence, sovereignty, unity and territorial integrity in accordance with the provisions of the Constitution (Iraqi Constitution, 2005, Article 67). The President of the Republic is elected from among the candidates who meet the eligibility conditions stipulated in Article (68) by a two-thirds majority of the members of the

House of Representatives. Elections take place through the House of Representatives and not by direct election by the people (Iraqi Constitution, 2005, Article 70 - First).

The term of the President of the Republic was limited to four years, renewable once, and his term ends with the end of the session of the House of Representatives (Iraqi Constitution, 2005, Article 72 - First - Second - A), and the position of the President of the Republic is symbolic and ceremonial (honorary), and therefore the powers granted to him Limited, if compared to the powers of the Prime Minister - which we will mention later - and the powers of the President of the Republic are: (Iraqi Constitution, 2005, Article 73) A. Issuing a special pardon upon the recommendation of the Prime Minister.

- B. Ratifying international treaties and agreements, after the approval of the House of Representatives...
- C. Ratifies and issues laws enacted by the House of Representatives...
- D. Approving general legislation, calling the elected House of Representatives to meet...
- E. Awarding medals upon the recommendation of the Prime Minister in accordance with the law...
- F. And the Acceptance of ambassadors
- G. Issuing republican decrees.
- H. Approval of death sentences issued by competent courts.
- I. Conducting the mission of the Supreme Command of the Armed Forces for honorary and ceremonial purposes. The candidate of the largest parliamentary bloc was also assigned to form the Council of Ministers within 15 days from the date of the election of the President of the Republic, according to Article (76) (Iraqi Constitution, 2005, Article 76 - First).

2. **Council of Ministers:** He is the executive authority responsible for implementing the country's general policy and the Commander-in-Chief of the Armed Forces. The President directs the Council of Ministers and chairs its sessions and has the right to dismiss any minister after the approval of the House of Representatives. (Iraqi Constitution, 2005, Article 78) The primary competence of the Council of Ministers is to plan and implement the general policies of the state and supervise the work of other ministries and national departments. They are appointed by the Prime Minister-designate and approved by the House of Representatives. (Iraqi Constitution, 2005, Article 80 - First).

In order to form the Council of Ministers, “the President of the Republic, the candidate of the largest parliamentary bloc, shall be charged with forming the Council of Ministers, within fifteen days from the date of the election of the President of the Republic (Iraqi Constitution, 2005, Article (76-First), and the Prime Minister-designate must nominate the members of his ministry.” Within a maximum period of thirty days from the date of his appointment, he then presents the names of his ministry and the ministerial platform to the House of Representatives and is considered to have gained its confidence when the individual ministers and the ministerial platform are approved by an absolute majority (Iraqi Constitution, 2005, Article 76 - Fourth).

In Iraq's permanent constitution, the Council of Ministers has broad powers and great responsibilities. It is the direct executive responsible for the general policy of the state, and the Commander-in-Chief of the Armed Forces manages the Council of Ministers, chairs its meetings, and has the right to dismiss ministers with the approval of the House of Representatives (Article 78).

The permanent Iraqi Constitution of 2005 specified the powers exercised by the Council of Ministers, as follows (Iraqi Constitution, 2005, Article 80).

- a. Planning and implementing the state's general policy and general plans and supervising the work of ministries and entities not affiliated with a ministry.
- b. Proposing draft laws.
- c. Issuing regulations, instructions and decisions related to implementing laws.
- d. Preparing the draft general budget.
- e. Recommending to the House of Representatives to approve the appointment of deputy ministers and ambassadors...
- f. Negotiating and signing international treaties and agreements and signing them or anyone authorized by him.

The leading role of the executive authority in performing the functions assigned to it in the political system is clear through submitting legal projects to the legislative authority and carrying out the tasks of implementing them after they are fully formulated by the legislative authority. The effectiveness of the political system in its superior performance of its functions is through the ability of the executive authority to hold accountable those who are negligent in implementing the laws. Its absence, and this gives it power and control over the course of matters and its control, which leads to the stability of the political system and the establishment of peace, and in the end it all appears through adaptation and dealing with crises, whether internal or external, and confronting them, and with regard to Iraq and in the comparison between the powers of the President of the Republic and the Prime Minister, and from the reality of the two articles. 67 and 73, which stated that the powers of the President of the Republic are ceremonial in managing the country and directing the political process given that he is elected by the House of Representatives and not by popular referendum. Accordingly, the Prime Minister in Iraq is the highest executive authority, and accordingly, the main conflict in Iraq is over the prime minister ship, bringing the situation, after several electoral cycles, to stages of political deadlock, which affects the peace process and stability in society.

Judicial authority

The judiciary is part of the system of check and balance in democratic systems through its preservation of the principle of the rule of law and maintaining the balance between the authorities. The Iraqi Permanent Constitution of 2005, in its third chapter, referred to (judicial authority) "and the judicial authority is considered independent and assumed by courts of all kinds." Its degrees and rulings are issued in accordance with the law" (Iraqi Constitution, 2005, Article 87), in addition to the independence of the members of this authority, who are (judges), and there is no authority over them in their judgment other than the law, and no authority is permitted to interfere in the judiciary or in the affairs of justice (Hassan, 2015, p. 99) and that judges are not subject to removal or accountability except in cases determined by law (Iraqi Constitution,

2005, Article 97). The Constitution also prohibits the establishment of exceptional courts (Iraqi Constitution, 2005, Article 95)

As is known, judicial authority is the body entrusted with interpreting the law and applying it to the facts that are presented to it for adjudication. The judicial authority has important duties represented in regulating legal disputes between individuals and punishing those who violate the criminal laws. The courts also have duties that are almost closer to Exercising political power by monitoring the actions of rulers within the limits of the law, that is, by applying the principle of legality. (Deverger, 1992, p. 142)

The Constitution also prohibited the judge and public prosecutor from combining the judicial function with the legislative and executive functions or any other work, and not belonging to any political party or organization or engaging in political activity (Iraqi Constitution, 2005, Article 98).

The Constitution specifies the district of military courts, limiting them to crimes of a military nature committed by members of the armed forces and security forces, within the limits of the law. (Iraqi Constitution, 2005, Article 99).

As for the composition of the federal judicial authority, it consists of the Supreme Judicial Council, the Supreme

Federal Court, the Federal Court of Cassation, the Public Prosecution Service, the Judicial Supervision Authority, and other federal courts that are organized in accordance with the law (Iraqi Constitution, 2005, Articles 88 and 89), and the Judicial Council The Supreme Court and the Federal Supreme Court are among the most important judicial institutions in accordance with the Constitution, and we will explain the mechanism of formation of each of them and their powers through the following:

1. The Supreme Judicial Council: It is an essential pillar of judicial authority. It was introduced by the Interim State Administration Law of 2004 and was also adopted by the Constitution (2005). This Council is responsible for managing the affairs of judicial bodies, and exercises the following powers (Idris, 2011, pp. 90-91).
 - b. Administration of judicial affairs and supervision of the federal judiciary.
 - c. Nominating the President and members of the Federal Court of Cassation, the President of the Public Prosecution Authority, and the President of the Judicial Oversight Authority, and presenting these nominations to the Council of Representatives for approval.
 - d. Proposing the draft annual budget for the federal judiciary and presenting it to the Council of Representatives for approval.
- a) The Federal Court: The Federal Court consists of a president and eight members who are appointed by the Presidency Council based on a nomination from the Supreme Judicial Council in consultation with the judicial councils. Article (89) Paragraph (First) of the Permanent Constitution stipulates the definition of the Federal Supreme Court as “an independent judicial body.” Financially and administratively, it consists of a number of judges, experts in jurisprudence for the regions, and legal scholars. Their number, the organization of the method of their selection, and the work of the court are determined by a law enacted by a two-thirds majority of the members of the House of Representatives. (Iraqi Constitution, 2005, Article 92). The Iraqi Constitution provided an explicit

text specifying the powers of the Federal Supreme Court, which are as follows. (Iraqi Constitution, 2005, Article 93):

- a. Overseeing the constitutionality of laws and existing regulations.
- b. Interpreting the provisions of the Constitution.
- c. Judging disputes that arise between the federal government and the governments of regions, provinces, municipalities, and local administrations.
- d. Resolving disputes that arise between regions and provinces.
- e. Resolving charges brought against the President of the Republic, the Prime Minister, and ministers.
- f. Ratifying the results of general elections for membership in the Council of Representatives.
- g. Resolving jurisdictional conflicts between the federal judiciary and the authorities of regions and provinces not organized into a region.
- h. Judging jurisdictional conflicts among the judicial authorities of regions or provinces not organized into a region.

Therefore, it can be said that the judicial institution has a major role in legislation, whether it is consistent with the constitution, and ensuring that those orders and decisions are implemented, and also plays the role of mediator between policy makers and its implementers, through its clarification and interpretation of the paragraphs of the law intended for public policies, and this is what leads to 'To establish peace in society, It also has an impact on political leaders by controlling their political behavior and enhancing respect for constitutional rules and laws. When political leaders know the extent of the independence and strength of the judiciary, they work to implement their duties and achieve the public good without wanting to work to achieve personal advantages and gains, and this therefore leads to not exploiting the position and not Violating laws, and this in general leads to strengthening peace building through implementing laws and holding accountable anyone who threatens societal peace, as well as applying the law to everyone without favoritism or discrimination, and this subsequently leads to strengthening citizens' confidence in the government and thus achieving national identity.

Independent bodies

Independent bodies are defined as official bodies established to operate independently of the three authorities (legislative, executive, and judicial); for the purpose of protecting the affairs they undertake in important fields (executive, supervisory, and judicial) from the political pressures of the state.

The Constitution requires, for the first time in the history of constitutional development in Iraq, the creation of special independent bodies subject to the oversight of the House of Representatives, which are the Independent High Electoral Commission, the High Commission for Human Rights, and the Integrity Commission. It also included the Central Bank of Iraq, the Financial Supervision Bureau, the Media and Communications Commission, and the Endowments Bureau. The Constitution has the powers to create other independent bodies as needed and necessary by law (Spronfa, 2012, p. 103).

It was stated in the Permanent Iraqi Constitution of 2005, Part Three/Chapter Four (Independent Bodies), Articles (102-108), (The High Commission for Human Rights, the Independent High Electoral Commission, and the Integrity Commission are independent bodies subject to the oversight of the House of Representatives, and their work is regulated by law) (Iraqi Constitution, 2005, Article 102).

The constitution also referred to other independent bodies, such as the Central Bank, the Financial Supervision Bureau, the Media and Communications Authority, and the Endowment Bureaus. These bodies were linked to the House of Representatives, except for the Endowment Bureaus, which were linked to the Council of Ministers. There are three religious offices (the Shiite Endowment Bureau, Diwan of the Sunni Endowment, Diwan of Non-Islamic Endowments) (Bahissan Group, 2006, p. 52).

From the above, the institutions specified in accordance with the 2005 Permanent Constitution have framed the work of political leaders and contributed to activating their role within the framework of political life, including the peacebuilding process.

Informal institutions in Iraq

Informal institutions have an important and prominent role in supporting the political system and official institutions in their work. They represent a tangible force in society and are often like a link between official institutions and the people. Among these institutions are:

First: Political parties:

The adoption of the democratic system played a fundamental role in the trend towards party pluralism, and the developments after the occupation of Iraq in 2003 led to a remarkable increase in political organizations. This boom was a natural result of the desire of the political and social forces and movements to conduct their organizational work after being deprived of that for many years. (Shehab, 2022, p. 98).

Developments after the occupation of Iraq in 2003 resulted in a noticeable political movement, as it opened the door to the establishment of political and civil movements and organizations, in addition to the arrival of political forces and parties from abroad to carry out their work and activity inside the country, after that had been prohibited. Many parties and organizational structures appeared on the Iraqi political scene with many names, including Islamic and secular ones. Large parties have a broad popular base and are known to the Iraqi street, while others are small and weak and do not carry the meaning of the party other than the name and headquarters. Some other parties that did not appear until after 2003, took advantage of the atmosphere of openness and freedom that was available to them. (Atoof, 2018, p. 10).

In the Permanent Constitution of Iraq for the year 2005, Article (1/39) stipulates that “the freedom to establish associations and political parties, or to join them, is guaranteed, and this is regulated by law” (Iraqi Constitution, 2005, Article 39), as well as stated in the Iraqi Parties Law No. (36.) of 2015 in Article (1/4), which stipulates, “Citizens, men and women, have the right to participate in establishing a political party or organization, or to belong to it or to withdraw from it.” Among the main reasons for adopting party pluralism is that it is one of the requirements of democratic construction and the foundations of the transition from the dictatorial era of the regime. The previous is in addition to the presence of racial, ethnic, religious, and sectarian diversity in Iraq, as each of these groups seeks to guarantee and protect their rights through political influence represented by access to positions of power. (Salman, 2012, pp. 254-255).

After the year (2003), Iraq witnessed a similar openness in terms of the freedom to establish political parties and groupings, as dozens of political parties, movements and groupings were established, the number

of which is estimated at approximately or more than (200) political parties and movements after the one-party system was the prevailing one. But it appeared in a sensitive situation surrounded by political conflict and bloody shocks. Social problems have emerged significantly after they were previously suppressed, considering the high crime rate and increasing weakness in all structures, with regional and international influences. (Nahi, 2006, p. 61).

There is no doubt that the freedom to form political parties and organizations is one of the basic foundations of democracy, but the emergence of many parties without being based on popular bases has contributed to the deterioration of political life, which negatively affects the choices of Iraqi citizens, with the exception of a limited number of influential and effective parties, which have been Mostly with representation in the Transitional Governing Council and the Iraqi Interim Government, It is certain that the rest of the political parties are characterized by weakness and fragility due to the weakness of their mass or popular bases due to their modernity, and some party leaders represent extensions of the initial tribal, clan and sectarian formations, and most of them do not reach the ranks of political or partisan forces capable of having an influence and influence in life. Political parties, despite these indicators, represent the fruit of the process of democratic transformation, as the parties that are expected to continue will work realistically to put forward party, electoral, and realistic programs to communicate with the masses, while the parties that are unable to do so will gradually disappear. (Ibrahim, and Ahmed, 2005, pp. 30, 31)

Parties have a significant role in creating political leaders and ensuring the stability of the system. Their performance reflects negatively and positively the quality of political life and the level of stability in society, as they are channels of communication between the top and the base, as well as schools for recruitment and upbringing. They work to create and prepare leaders who are familiar with political work, foresight, and management.

Crises, communicating with citizens and meeting their needs to ensure stability, However, the reality of some Iraqi parties is completely different. On the one hand, they call for political pluralism and democracy, and on the other hand, they do not believe in democracy as a basis for their work within the party itself. In addition, the leaders of political parties in all countries of the world do not have official status until they assume a governmental position within the state. The situation in Iraq is different. The Iraqi citizen sometimes feels as if the political parties are the ones who are leading the country and are the ones who have a major influence on it. In addition, the political parties in Iraq are taking their struggle to the street, which destabilizes the country and peace in it.

Second: Civil society organizations

Civil society organizations are the offspring of true democratic thought, as they serve as a field for all components of society to work around lofty goals and objectives. True democracy requires the presence of citizens who look beyond their personal interests and whose true concern is the public interest, and Iraq after its occupation and the comprehensive change of the previous regime in 2003. It has witnessed, and continues to witness, a number of important transformations and changes. Iraq is going through two interconnected stages: first, the transition towards democracy; Secondly, building the foundations of civil society, despite the obstacles and risks facing these two processes (Abdul Sada, 2014, pp. 10-11).

- a. The permanent Iraqi Constitution of 2005 stipulated the freedom to form civil society organizations and laid the legal foundations for them. Article (45) stipulated “strengthening the role of civil society organizations, supporting them, developing them, and their independence in a manner consistent with peaceful means to achieve their legitimate goals.” This represents the emergence and increase of civil society organizations. A new form of social ties that numbered in the

thousands after 2003. This widespread emergence of civil society organizations and non-governmental organizations is due to the collapse of the totalitarian regime and the people's desire to participate in building the new social and political system. They include most sectors in social, economic, cultural, and educational activities. (Abdul-Jabbar, 2006, p. 76). Civil society institutions in Iraq after 2003 are divided according to the following sections (Al-Rubaie, 2005, pp. 10, 11).

- i. Human Rights Organizations
- ii. Charitable Institutions (which may include organizations operating with external support)
- iii. Women's and Youth Organizations
- iv. Organizations and Institutions as Extensions of Previous Regime Entities that have changed their names to align with the requirements of the new phase, such as professional unions.

The presence of (civil society) organizations is a structural necessity in democratic construction for the existence of an effective and influential body protected by law to defend freedoms, rights, and the public interest, and to monitor the performance of the three authorities. This then leads to the stability of the political system and is then reflected in societal stability. Therefore, the Iraqi Constitution guarantees the right to establish civil society organizations and the freedom to belong to them.

One of the important roles played by civil society organizations is that they play the role of mediator between the political system and society because this role would lead to a broadening of the base of political participation. Activating the political movement between society and the authorities, in addition to the above, the presence of effective and influential civil society organizations in Iraq leads to strengthening the spirit of citizenship among the components of civil society and pushes towards giving priority to loyalty to the homeland instead of narrow loyalties, whether regional, sectarian or tribal, but what is noted is that the role of civil society institutions in achieving stability.

Most civil society organizations and their workers are still struggling to pay attention to personal interests and participate in activities, conferences and workshops to please certain parties or to spend time, which requires a long pause in order for their role to be effective and influential, because liberation from narrow ideas will not be easy, especially since most of these organizations receive support. From political parties or from entities that have become known for their hostility to Iraq.

One of the most prominent problems of civil society organizations in Iraq is the problems of politicization. Most civil society organizations are politicized, and are linked, in terms of their intellectual or political authority, to parties and actors in the political arena, which has made them lose the ability to express civil society, if they do not confront it. As for the worker, the other is the oscillating role of donors and financiers to these institutions, between positive and negative. As for the positive, it is represented in providing funds for Iraqi volunteer projects and capacity building. As for the negative, it is represented by directing activities towards certain sectors only and not others, and thus financing is a means to impose the financing party's control over the institution, which makes it lose its independence and makes it an extension of it. (Abdel Sattar, 2009, p. 71).

Accordingly, there is a mutual influence between civil society and political leadership, as these organizations seek to influence political life through their influence on the decisions taken by political leaders in public affairs. The influence of these organizations depends on their weight in political life and the degree of coordination between them and the political leadership and what it depends on. From means such as contacting officials and election candidates, or indirect means by launching media campaigns to influence public opinion (Hegazy, 2017).

It is also noted that civil society organizations are active during election times to conduct electoral propaganda in favor of a specific party, in addition to the infiltration of some political leaders within civil society organizations.

Despite the above, civil society organizations were able to establish a foothold and have an important impact on the ongoing democratic transformation process in Iraq, which aims to build a state of institutions that express the aspirations and desires of the Iraqi citizen to live in a fair, modern democratic state.

Third: Media

For 35 years, the media was owned by the state, and this left behind traditions and an agenda imposed by the one-oriented political system on the official media's exercise of its role in society. There was one media school that drew media discourse, and it fell into the field of interpretation, employment, and procrastination of behavior. Politics for him (Hegazy, 2017).

But after the change that occurred in 2003, it brought immediate and decisive action. The 2005 Iraqi Permanent Constitution stipulated, in Article 38, that, "The state guarantees, without prejudice to public order and morals: First: freedom to express opinion. Secondly: Freedom of the press, printing, advertising, media and publishing (Iraqi Constitution, 2005) Article 38).

The new situation in Iraq after the year (2003) encouraged a qualitative and quantitative shift in the media. Many satellite and terrestrial channels appeared with different political, religious and cultural orientations, and their number reached about 47 satellite and terrestrial channels, in addition to radio stations that reached about 52 radio stations. Daily newspapers, which in Baghdad alone amounted to about 150 newspapers. Therefore, the expansion of freedom in Iraq after 2003 was the reason for the emergence of many different audio, visual and print media. Iraq witnessed a major media boom in all media, audio-visual and print, as the media sector in Iraq moved from media that were state-owned institutions and speech, to great media freedom. (Al-Ithawi, 2018, pp. 74-75)

The Iraqi media outlets are also facing challenges, some of which stem from the method and mechanisms of work, and others stem from the policies of openness and freedom of expression guaranteed by the Iraqi Constitution of 2005, which allowed freedoms, in addition to the problems of financing and their impact on the direction and independence of these channels. This requires unifying the discourse by the state to form an opinion. General stresses the importance of national unity and influencing attitudes towards the peacebuilding process, we find that some media outlets shy away from highlighting the common dilemmas that society suffers from and focus on issues of media consumption and negative attitudes, and this contradicts the greater goal embodied in the constitution by the importance of freedom of expression (Abdul-Sahib, 2009, p. 112).

Despite some negative indicators on the Iraqi media scene after 2003, it cannot be denied the efforts made by workers in media institutions, the nature of their working conditions, and in appreciation of the efforts and sacrifices made by journalists, the Iraqi Council of Representatives approved during its 17th session of the second legislative year Which was held on August 17, 2011, (Journalists' Rights Law) No. (21) of (2011). (AbdulSahib, 2009, p. 113).

Results 1. The phenomenon of political leadership is one of the most important entrances to political systems. Its importance stems from its clear influence on the course of the movement of nations,

peoples and states. It has a major and influential role in building the state, building peace, and managing pluralism in diverse societies.

2. The state, with its political leaders, is the one that makes diversity a factor of strength or weakness, through managing Diversities and crises and how to deal with them in a peaceful manner that responds to cultures and social contradictions, and working to form a national identity that rises above all other sub-identities, Expanding participation for all groups without excluding or marginalizing a particular group and spreading a culture of peace, coexistence and recognition of others. This in turn requires following the philosophy of good governance and working in accordance with constitutional and legal structures.
3. On the other hand, governmental and non-governmental constitutional institutions influence the preparation of leaders and create the appropriate climate for them to work. To ensure the stability of the country and spread peace in it, and based on the above, the study reached several conclusions, the most important of which are:
4. Political leadership plays a crucial and fundamental role in achieving stability and establishing peace in pluralistic societies by being aware of social contradictions and understanding how to manage them.
5. Constitutional and legal institutions influence political leadership, serving as the framework within which these leaders operate.
6. Government institutions play a significant role in preparing political leaders. For example, legislative authority contributes to the preparation of political leaders by regulating legislative work and providing laws that serve the public good and promote peace. Additionally, it controls the political and media statements and speeches of members of the Council of Representatives in ways that are consistent with societal unity, avoiding sectarian rhetoric and encouraging crosssectarian alliances, thus leading to the establishment of peace in society.
7. Non-governmental institutions, such as political parties, civil society organizations, and the media, have a significant impact on political leadership and its role in achieving societal stability. Political parties are instrumental in creating political leaders as they function as schools for political and social recruitment and development.
8. In Iraq, both governmental and non-governmental institutions have a role in political leadership, but they face several challenges that hinder these leaders' efforts to achieve political stability and peace.

Among the most significant challenges are political quotas, the conflict and competition among political parties, and the internal divisions within these parties that transfer their struggles to society. Additionally, many political leaders who come to power do so because of political compromises, leaving them constrained by the need to satisfy all factions that supported their ascent. As a result, many decisions, laws, and issues directly related to people's lives and livelihoods remain suspended and deferred until political consensus is reached, which adversely affects societal stability and peace.

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