

Trend Analysis Ways of Ending Membership in the Iraqi Council of Representatives

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Abstract

The exercise of the representative office is for a specific period of time, as the Iraqi constitution for the year 2005 stipulated in Article (56/first) that (this electoral cycle of the House of Representatives shall be four calendar years, beginning with its first session and ending at the end of the fourth year) and the text of this constitutional article is considered The normal way to end membership in the Iraqi Council of Representatives.

This termination of membership may be exceptional. It is collectively dissolving Parliament. The Constitution of Iraq for the year 2005 referred to in Article (64/First) two methods for dissolving the House of Representatives, which is either by an absolute majority of the number of its members and at the request of one-third of its members, which may be at the request or approval of the Prime Minister. Either it is individually as if a member of Parliament assumed a position in the presidency of the state or in the Council of Ministers or any other official position, or accepting the resignation of a member from the House of Representatives, or the death of a member, and other cases stipulated by the constitution and related to the person of the member. This article also examines the methods of termination of membership in the Iraqi Council of Representatives with an explanatory and descriptive method and will examine the cases and results.

Key Words: The Constitution, Parliament, Member of Parliament, Absolute majority, Relative majority.

1. Introduction

Each council of representatives has a certain period of time, which ends at the end of one term, until a new election cycle begins. Of course, this cycle may have changed over time. Our desire to shed light on the provisions of the Constitution of Iraq in force in 2005 and related to cases of termination of membership in the Iraqi House of Representatives, especially since there are cases where membership expires collectively, and there are cases where membership expires individually. The importance of research is reflected in the need to answer the following questions:

1. What are the cases of termination of membership in the Iraqi Council of Representatives?
2. Was the constitutional treatment of terminations sufficient? Or are there legislative shortcomings in this regard?

We will rely in writing our research on the inductive and analytical method through the collection of scientific material on the end of membership in the Iraqi Council of Representatives, and analysis.

The research material is divided into two subjects, the first on the collective termination of membership, the second topic on the termination of membership individually, and then conclude our research conclusions and recommendations.

A. Reasons for collectively terminating membership in the House of Representatives

We will address the collective reasons for the termination of membership in the House of Representatives in two demands: one on the end of the constitutional term, while the second on the dissolution of the House of Representatives.

The first requirement: Expiry of the constitutional term

Most constitutions specify a certain period for the beginning and end of the electoral cycle, and the termination of membership in the parliaments by the end of this period, unless this period is extended according to the Constitution.

Constitutions provide for elections to be held well before the end of the constitutional period to complete the elections and announce their final results. Egypt, Lebanon, Kuwait and Yemen set their constitutions for a period of sixty days before the end of the previous election cycle, while the Iraqi Constitution of 2005 provides that the election of the Council of Representatives Forty-five days before the end of the previous electoral cycle¹, which is insufficient period and as noted earlier to end everything related to the process of election of the new Council of nomination and election of a count and sorting and consideration of appeals and the announcement of results and ratification The Federal Supreme Council, in addition to the political and security conditions in the country, where the elections required the first session of the House of Representatives and fifty-five days to announce the final results, while the elections of the second session, which was held on 7/3/2010 did not ratify the results only on 1/6 / 2010,² more than eighty days after the elections.

The last elections for the House of Representatives were held on 12/5/2005 and did not endorse them until 19/8/2018, ie after ninety-six days. This indicates a significant imbalance in the organization because it allows a large legislative vacuum, and this is what really happened when the elections of the second electoral session where the former House of Representatives held its last session of its first electoral session on 21/1/2010, ie, forty-four days before the elections, this has brought the country into a dangerous legislative vacuum with its negative effects on the country. The duration of the prosecution, according to the constitutional text may end and the state is going through emergency and abnormal circumstances, such as war or internal unrest, where the role of the legislative authority is constitutionally disrupted, creating a constitutional vacuum, whether in the area of legislation or control. In anticipation of this situation, some constitutions decide to extend the legislative chapter, but only on conditions³.

The Iraqi Constitution of 2005, has allowed the extension of the legislative term of the session of the House of Representatives by not more than thirty days to complete the tasks that require it "at

1. Paragraph II of Article (56) of the Constitution.

2. The results of the elections for the House of Representatives were ratified by the Federal Supreme Court by the decision number (35 / BC / 2010) on 1/6/2010.

3. Article 83 of the Kuwaiti Constitution of 1962 stipulates the following: The term of the National Assembly shall be four calendar years from the date of its first meeting.

the request of the President of the Republic or the Prime Minister or the President of the Council of Representatives or fifty members of the Council¹.

We believe that the constitutional legislator was not clear, "when linking the extension of thirty days to the completion of the tasks that require it, we can ask what if the tasks were not completed during this period?"

We propose that the text be amended to read as follows: The legislative term is extended in emergency circumstances by a law issued by the House of Representatives by an absolute majority of its members at the request of the President of the Republic or the Prime Minister or the President of the House of Representatives or fifty members of the House.

The second requirement: Dissolve the Council of Representatives

Parliamentary democratic systems are based on the principle of separation of powers, balance and cooperation between these authorities. Their mandate and the call for early elections in which the people is the ruling in the dispute between the government and the House of Representatives, the right to resolve is the weapon corresponding to the ministerial responsibility before the House of Representatives².

There are two classes of solution:

- Ministerial solution: It is done by the head of state at the request of the ministry as a means to resolve the dispute between them and parliament, and the example of the British Constitution.
- The presidential solution: and is done by the head of state in case of disagreement between him and the parliament and the ministry in favor of the majority, the head of state on the one hand and the parliament and the ministry on the other side, the head of state sack the ministry supported by the parliament, and appoint another ministry and dissolve by parliament, as in the French Constitution of 1958 , The Kuwaiti constitution of 1962, the Jordanian constitution of 1952, and the presidential solution no longer exist in practice in the proper parliamentary systems.³

Parliamentary constitutions, which do not authorize the government to dissolve parliament as a weapon in exchange for the right of Parliament to withdraw confidence from the ministry, lead to an imbalance between the government and parliament in favor of the latter because the parliamentary system is originally a system of balance between the legislative and executive powers.

The clear example of this type of parliamentary system deviated towards the system of government Assembly is the political system established by the Constitution of the Third French Republic of 1875, although this system was parliamentary but deviated towards the system of parliament because of the disappearance of the right to dissolve, and another example of the dominance of Parliament over the executive power is the parliamentary system Although the Constitution recognizes the responsibility of the ministry before the Knesset, it must resign if the Knesset votes against it, or vote not to trust it, but the constitution deprived the government of the right to dissolve, and this is a violation of the principles of the parliamentary system⁴.

The political system established by the Iraqi Constitution of 2005 is very similar to the political system in these two examples in terms of the imbalance in favor of the parliament did not give the

1. Article (58) - II - of the Iraqi Constitution for the year 2005.,

2. Dr. Mohsen Khalil, Political Systems and the Lebanese Constitution, Dar Al-Nahda Al-Arabiya, Beirut, 1975, p.

3. Latif Mustafa Amin, the relationship between the President of the State and the Prime Minister in the parliamentary system, a doctoral thesis submitted to the Council of the Faculty of Law and Politics, University of Sulaymaniyah, 2008, p20.

4. Latif Mustafa Amin, Ibid, pp. 21-22.

Constitution to the President of the Republic on the proposal of the Prime Minister the right to dissolve the Council of Representatives, but this gives the right to the Prime Minister to request the President of the Republic, in this regard. Of course, it should be noted that ,the Council may dissolve itself by an absolute majority of its members¹.

It remains up to the Council, whose members generally have no interest in dissolving the Council, which may lead to exaggerated disruption of the work of the ministry for political reasons unrelated to the public interest and poor performance of the parliament because of the lack of a constitutional deterrent that limits the abuses and extremism of some members of the Council².

Often enough to hint the solution to take care of the members of the Council, because the threat to dissolve the Council is - as it was said - is the beginning of reason for its members³.

It was possible to raise the issue of dissolving the Iraqi Council of Representatives and according to the constitutional text on the dissolution of the Council of great controversy in the third year of the second session of the Council where political differences escalated to the point of demanding the withdrawal of confidence from the Prime Minister and the efforts of the Kurdistan Alliance and the Iraqi List and parties of the United National Coalition To collect the number of votes sufficient to withdraw confidence (an absolute majority)⁴, and because of the inability to collect this number was not able to withdraw confidence from the Prime Minister.

We believe in this article that those who agreed to withdraw confidence if they had managed to collect enough numbers, the President of the Republic would not have accepted a request from the Prime Minister to dissolve the Council⁵, because the effects of the solution could have a greater impact than the effects of the no - confidence withdrawal from the Prime Minister.

Hence, he proposed to restore the balance between the legislative and executive powers, and to give these powers an effective force in performance, amend the text of Article (64) of the Constitution to be as follows: The President of the Republic to dissolve the House of Representatives, at the request of the Prime Minister. So the President of the Republic is obliged to dissolve the House of Representatives in accordance with the amendment proposed above.

The Constitution did not authorize the dissolution of the Council of Representatives during the period of questioning the Prime Minister⁶, as it may result in the questioning of the Prime Minister Minister withdraw confidence and then consider his government resigned, as dissolving the Council during the period of interrogation will abort the process of questioning and prevent the knowledge of the results, To link the decision to dissolve the House of Representatives to call for general elections in order to avoid a legislative vacuum where the Iraqi Constitution of 2005 dissolved the House of Representatives to call for general elections within a maximum period of sixty days from the date of dissolution, and the Council of Ministers in this case resigned and continues to conduct daily matters⁷ .

1. Article 64 of the Iraqi Constitution of 2005 stipulates the following: The Council of Representatives shall be dissolved by an absolute majority of the number of its members upon the request of one third of its members or a request from the Prime Minister and with the approval of the President of the Republic.

2. Hanoun Khalid, Hamid (2009), Federal authorities in the Constitution of Iraq for the year 2005, Journal of legal law, College of Law, University of Baghdad, Vol.24, Issue 1, p. 67.

3. Al-Shawi, Munther (1969), Constitutional Law, Vol. 1, Shafiq Press, Baghdad, p. 182.

4. Paragraph (b) -3- of item (VIII) of Article (61) of the Iraqi Constitution for 2005 stipulates the following: (The Council of Representatives decides to withdraw confidence from the Prime Minister by an absolute majority of its members).

5. The proof is that the President of the Republic was overseeing the process of collecting votes and making sure of their validity.

6. Article (64) - First - of the Iraqi Constitution for the year 2005.

7. Article 64 of the Iraqi Constitution of 2005.

B. Reasons for termination of membership individually in the House of Representatives

The individual reasons for the termination of membership in the House of Representatives are personal reasons that do not exceed their effects to the other members, and can be divided into five cases: disability and death, resignation, the termination of membership and the fall of membership:

The first requirement

A. Disability and death

Impotence language: weakness, inability to thing, I am helpless any weak, and helplessness is the opposite of firmness, they said one is incapacitated, and is said to be incapable in something, if he is unable to seek and perceive, and God will not fail anything that does not fail God at will, and in the Koran (and I We thought that God would not be incapacitated in the earth and would not be incapacitated to flee)¹, and the Almighty said (and you are incapacitated in the earth)².

As for the terminology, legal jurisprudence went to two directions, where he argued that the deficit is the mental disability, which is the cause of the end of the mandate, and the other opinion that the disability, which is a reason for this is the physical and legal disability, and the legal disability according to this direction, not met Some of the conditions stipulated in the Constitution, or the loss of some³.

The Iraqi Health Disability Act No. 11 of 1999 defines disability as "a decrease in the ability to work in whole or in part due to illness⁴."

The professor, Dr. Ali Youssef Shukri, says: "We have some observations on this text: The first is that the deficit is a decrease in the ability to work fully or partially. We see that the total deficit is the loss of the ability to work, not the decrease as the text indicates. The current disability does not distinguish between the provisions of full and partial disability, while distinction between them is very important provisions, as full disability entails termination of the functional association, while partial disability does not result in termination of this association when the disability does not affect the functional association⁵.

The law on the replacement of members of the House of Representatives No. (6) of 2006, the case of incurable disease, disability or disability prevent the member from performing his duties in the Council, provided that accompanied by a decision of a competent medical committee, where it is referred to retirement if his sick leave exceeds three months During two legislative terms, the Board has the right to appeal the decisions of the Medical Committee⁶.

B. Second: Disability:

Death is a natural cause of termination of membership, whether natural or planned (assassination, for example), and work was done in comparative constitutions, including the Iraqi Constitution 2005, not to refer to death as a reason for the termination of membership, as it is implied⁷.

1. Quran, Al - Jinn - 12.

2. Quran - Shura - 31.

3. Al-Shukri, the end of the mandate of the President of the Republic in the Arab constitutions, Ibid, p. 247.

4. Article (1 / IV) of the Iraqi Health Disability Law No. (11) for the year 1999.

5. Al-Shukri, Ibid, p. 248.

6. Article (1 / First / 6) of the law on the replacement of members of the House of Representatives No. (6) for the year 2006 amended.

7. Al-Shukri, Prime Minister of Iraq - President in a parliamentary system or mixed, Journal of the College of Education for Girls, University of Kufa, No. (1), the first year, 2007, p 121.

Although the Iraqi Constitution did not explicitly refer to the state of death as a reason for the termination of membership in the House of Representatives, but Article (49 / V) of the Constitution referred to a law issued by the Council of Representatives dealing with cases of replacement of its members upon resignation, dismissal or death, where the law was issued (No. 6) For the year 2006, which stipulated in the fourth paragraph of Article I that the membership in the House of Representatives expires for one of the following reasons (... death), and in the case of the death of the deputy expires his membership, but the legislator did not indicate whether membership expires automatically, or stop it On the decision of the Council?

We believe that the case of death is a fixed fact that does not accept the proof of the contrary, so do not need a resolution to support it, it can be said that membership expires automatically and do not need a decision from the House of Representatives.

Once the membership terminates, the seat of the deputy becomes vacant and is compensated according to a mechanism stipulated in the law of replacing the members of the House of Representatives No. (6) of 2006. Article (2) of this law stipulates that from the same list as the seat in the House of Representatives.

It is worth mentioning that some members of the House of Representatives have ended their membership in the first parliamentary session by death, whether the death by martyrdom, such as Mohammed Awad, Saleh Al - Oqaili, Mohammed Reza Sankawi, Harith al - Obeidi, or natural death such as Nidal al - Moussawi.

The second requirement

A. Resignation

The term of the term specified by the Constitution shall end with the exception of "resignation, and resignation is an act in which the MP shows his desire to leave the work and not to continue to serve in the House of Representatives, which is the right of the deputy. The resignation, not just waving or threatening them and provided that this resignation takes the written form 1.

If the resignation is a manifestation of the will of the deputy, it must be issued with a valid consent is not tainted by one of the drawbacks of satisfaction, and the most prominent manifestations of this is (resignation blank).

It is a paper in which the deputy decides to resign without mentioning the date. The resignation is placed at the disposal of a committee of voters or at the disposal of the party to which he belongs. The Speaker of the House of Representatives as if sent directly by the MP, and there is no doubt that the method of resignation is blank is illegal because of the circumvention of the law, and therefore it is customary in France not to recognize such a resignation unless confirmed by the MP himself again, it happened in In 1893, an electoral commission submitted a signed resignation, None of the House of Representatives who refused to confirm President of the Council refused to recognize this resignation and remained deputy in the office.

The parliaments of different countries differ in the way they accept the resignation. The French Constitution of 1958, has silenced the right of the Council to accept the resignation and the practice of this silence is to submit the resignation to the Council for information and not to vote on it².

1. A - Shukri: The end of the mandate of the President in the Arab constitutions, Dar Safaa for publication and distribution, Amman, I 1, 2002, p 287.

2. Dr. Anwar al-Khatib, Parliamentary Origins, House of Science for millions, Beirut, Vol 1, 1961, p. 473.

In Lebanon, the request to resign produces its legal effect immediately when the Council takes note of it,¹ In other countries, the request for resignation must be accepted by the Parliament².

The Iraqi Constitution for 2005 stipulated that (the Council of Representatives to enact a law dealing with cases of replacement of its members upon resignation, dismissal or death)³, and has been issued law replacing members of the House of Representatives No. (6) for the year 2006⁴, amended by law No. (49) for the year 2007⁵, where Article (I) of this law that one of the reasons for the termination of membership is to resign, while the rules of procedure of the Iraqi Council of Representatives did not regulate the subject of resignation and procedures.

The third requirement

A. Drop the membership and fall

The Iraqi Constitution did not address the case of the abolition of membership is dismissal, but referred to the law to replace members of the Council of Representatives, has been dismissed, which represents the case of abolition of membership in Law No. (6) of 2006, where the dismissal of the member to overcome his absences without a legitimate excuse more than a third Sessions of the Council from the total of one legislative term of four months⁶.

According to the rules of procedure of the Iraqi Council of Representatives that (for the Presidency in the case of repeated absence without a legitimate excuse five consecutive or ten non-consecutive times during the annual session to send a written notice to the absent member, inviting him to commit to attend, and in case of non-compliance with the body The Presidency shall submit the matter to the Council at the request of the Commission.

The rules of procedure did not specify the other procedures for dismissal in terms of voting and the required percentage of votes, while the bylaws of the Kuwaiti National Assembly included a similar but clearer text. If the absence of a deputy in the National Assembly without an acceptable excuse is repeated for more than five consecutive sessions or ten non-consecutive sessions, it is permissible. The Council of Nation shall take a decision by a majority of its members, which shall be deemed to be a resigning member⁷.

Thus, the House of Representatives to drop the membership of the MP as a disciplinary part of the lack of commitment to attend the sessions of the Council did not achieve this during two elections, despite the many absences, persistent and often intentional.

The fall of membership differs from its abolition, in that the termination of membership is automatic without the need for a decision by the House of Representatives.

The first paragraph of Article (1) of the law of replacing the members of the House of Representatives No. (6) of 2006 includes the cases in which membership expires, which can be summarized as follows:

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1. Article 17 of the Lebanese Parliament's bylaws stipulates the following: The President shall inform the Council of his resignation by reading the letter of resignation in the first public session following its submission.
 2. Article 96 of the Kuwaiti Constitution of 1962 stipulates: The National Assembly is competent to accept resignation from membership. See also Article 72 of the Jordanian Constitution of 1952 and Article 76 of the UAE Constitution of 1971.
 3. Article (49) V - of the Iraqi Constitution for the year 2005.
 4. Published in the Official Gazette (Al - Waqi 'al - Iraqiya), No. (4024) on 19/7/2006.
 5. Published in the Official Gazette (Al - Waqi'a al - Iraqiya), issue (4049) on 27/9/2007.
 6. Article (18) II - of the rules of procedure of the Iraqi Council of Representatives. Emad Kadhim Daham: The Right to Participate in Political Life - Comparative Study, Unpublished Master Thesis, Babylon University, Faculty of Law, 2007, p. 63.
 7. See Article 25 of the Bylaws of the Kuwaiti National Assembly.

1. The member of the Council shall hold office in the Presidency of the State, the Council of Ministers or any other official position:

Article (49 / I) of the Constitution stipulates that (it is not permissible to combine the membership of the House of Representatives with any other work or official position), which is the same text as stated in the rules of procedure of the House of Representatives 1, and the rules of procedure also stated that (may not be combined The membership of the House of Representatives and the membership of the legislative councils in the regions and provincial councils, and the member must choose the membership in one of the two parties, and if he does not choose to be a member of the House of Representatives only 2. but it is up to the choice of attorney if he wants membership and if he wants the post.

2. The loss of one of the conditions of membership stipulated in the Constitution and the Electoral Law³. It goes without saying that membership in the House of Representatives should meet the conditions on the candidate on the day of election. These conditions are stipulated by the Constitution and the Electoral Law. If the member loses any of these conditions, the membership shall be terminated. This means that the membership shall be terminated after being proved due to the absence of one of the legal conditions which the law required for the member or some of them after the election, since the termination of membership in this case is not a disciplinary punishment. Just declaring that it is finished, membership is parliamentary If a member of parliament must meet certain conditions for his election, there are conditions if at the outset there is no conceivable after that, such as age, and there are other conditions that could be lost as proof of nationality if dropped. There is no doubt about the danger of termination of membership due to the loss of one of the conditions of membership

Under the Constitution and the election law, because it includes the exclusion of the chosen will of the people to the House of Representatives, from here we understand the keenness of the 2005 Constitution on the House of Representatives to enact a law dealing with this and here should distinguish between (abolition of membership) and (abolition of membership), dropping membership comes At a later stage on the validity of the election, the membership of the Council shall not be terminated unless the membership conditions stipulated in the Constitution or the Election Law are lost. This means that the termination of the membership is a subsequent matter for the proper enjoyment thereof, as stipulated by the law.

As for the annulment of membership, it relates to matters relating to the election, such as the legal conditions that the law required in the candidate on the day of the election and the election procedures that took place until the result was announced. It may happen that one member was missing from the beginning of one of these conditions, and no one challenged his membership. The Board decided by mistake to reject the appeal, because there was not enough evidence to support the appeal at the time, and then this evidence appeared during the membership, so as to doubt with certainty.

The conditions set out in the Constitution, therefore, the revocation of membership presupposes that membership on an incorrect legal basis, which makes it invalid.

3 - Issuance of a judicial verdict against him felony in accordance with the provisions of the Constitution: This means that in the case of a judicial ruling issued against a member of the House of Representatives categorical it leads to the termination of membership (member) convicted, as

1. Article (19) I - of the rules of procedure of the Iraqi Council of Representatives.

2. Article (19) II - of the rules of procedure of the Iraqi Council of Representatives

3. We discussed the conditions of membership in the second requirement of the first topic in this chapter, and the loss of one of them leads to the fall of membership automatically.

this member was nominated to take a seat to represent the people, and this representation Requires that the conditions mentioned in the Constitution and the Electoral Law, when the result of his work violate one of these conditions, is working to drop his membership before the others fall, and therefore if the member committed a criminal act and issued a judicial decision acquired a final degree becomes obligatory for the Council to withdraw this membership, and usually be a Crimes in accordance with the provisions of the Penal Code, but it entails politically overthrow the political rights of convicted, because it has become ineligible for the enjoyment of those rights, including the right voter and candidate.

The fall of membership in this case does not require a decision of the House of Representatives, as the legislator has arranged the expiration of membership immediately upon the issuance of the criminal verdict, and stipulated in this ruling that it is absolutely no acceptance of the appeal to exhaust the methods of appeal or missed the dates of appeal, and be issued a felony 1.

This provision contained in the law on the replacement of members of the House of Representatives can be considered as one of the cases of the loss of one of the conditions of membership, there is no need to provide it again in this law, as the constitutional and ordinary legislator has stipulated certain conditions in the member of the House of Representatives, but he did not stipulate it only at the beginning of any nomination or Upon winning the membership, but stipulated that the continuation of any such conditions remain in the member throughout the membership.

CONCLUSION

The researcher reached a number of conclusions and recommendations listed below as follows:

I. CONCLUSIONS:

1. It turns out that there are two types of reasons that end with membership in the Iraqi Council of Representatives, collective and individual.
2. The Iraqi lawmaker did not regulate the resignation of a member of the House of Representatives to the constitution and the internal regulations of the House of Representatives.
3. The dismissal was contained in the rules of procedure of the Iraqi Council of Representatives, where the member is dismissed to overcome his absences without a legitimate excuse more than a third of the sessions of the Council of the total legislative term, which lasted four months. However, the rules of procedure did not specify the procedures for removal in terms of voting and the required percentage of votes.

II. Recommendations:

The necessity of organizing the subject of resignation and all procedures related thereto in the rules of procedure of the Council of Representatives.

2. Organize the procedures for the dismissal of a member of the House of Representatives and suggest that the absolute majority of the number of members of the Council.

1. Felony under the Iraqi Penal Code is a crime punishable by one of the following penalties: 1. Death 2. Life imprisonment 3. Imprisonment of more than five to fifteen years, see: Article 25 of the Iraqi Penal Code No. 111 of 1969.

REFERENCES

- [1] Al Khatib, Anwar (1961), *Parliamentary Origins*, House of Science for millions, Beirut, Vol1, P.473.
- [2] Al Shawi, Munther (1969), *Constitutional Law*, Vol. 1, Shafiq Press, Baghdad.
- [3] Hanoun Khalid, Hamid (2009), *Federal authorities in the Constitution of Iraq for the year 2005*, Journal of legal law, College of Law, University of Baghdad, Vol24, Issue 1.
- [4] Kadhim Daham, Emad (2007), *The Right to Participate in Political Life - Comparative Study*, Unpublished Master thesis, Babylon University, Faculty of Law.
- [5] Khalil, Mohsen (1975), *Political Systems and the Lebanese Constitution*, Arab Renaissance House, Beirut.
- [6] Mustafa Amin, Latif (2008), *Relationship between the President of the State and the Prime Minister in the Parliamentary System*, University of Sulaymaniyah, College of Law.
- [7] Shukri, Ali Yousef (2007), *Prime Minister of Iraq - President of a Parliamentary or Mixed System*, Journal of the College of Education for Girls, University of Kufa, No. 1.
- [8] Shukri, Ali Yousef (2010), *The authority of the President of the Republic with his responsibility in the Iraqi Constitution (a comparative study)*, research published in the Journal of Law, Faculty of Law, University of Karbala, Issue 2.
- [9] Shukri, Ali Yousef (2002), *The end of the President 's mandate in the Arab constitutions*, Safaa House for Publishing and Distribution, Amman, 1st floor, 2002.
- [10] Published in the Official Gazette (Al-Waqi'a al-Iraqiya), No. (4024) on 19/7/2006.
- [11] Published in the Official Gazette (Al-Waqi'a al-Iraqiya), issue (4049) on 27/9/2007.
- [12] The Quran
- [13] Bylaws of the Iraqi Council of Representatives, 2006.
- [14] The Iraqi Constitution of 2005 in force., Articles, 49, 58,61,64.
- [15] Iraqi Employees' Health Disability Law No. 11, 1999.
- [16] The Kuwaiti Constitution of 1962, Articles 25, 83, 96.
- [17] The law of replacing the members of the House of Representatives No. 6, 2006.