



Judicial Control Over Economic Decisions

Ahmed Lafta Abd Al-Aliwi Al-Ziyadi

Faculty of Law, University of Dfax, Republic of Tunisia

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*Correspondence: Ahmed Lafta Abd Al-Aliwi Al-Ziyadi

Email: wwppooqq2345@gmail.com

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Abstract: Judicial oversight of economic decisions is one of the most important guarantees for improving the performance of economic decisions and is one of the most important principles and foundations that the state undertakes. The main purpose of this oversight is to advance the economic level, and the work is to shed light on the importance of economic decisions and to show that this topic has great importance and impact on the lives of citizens. Interest in the topic of economic decisions is interest in the lives of all people at the level of the Iraqi people. This research project is closely related to the present time, as it is based on finding solutions to some of the problems that people face in the economic situation. In this research, we relied on the inductive approach to legal and comparative texts. The study dealt with the general concepts of judicial oversight, and the study revealed the historical path of judicial oversight in Iraqi and Iranian law, and addressed the types, objectives and interests considered in economic decisions.

Keywords: Judicial Oversight, Economic Decisions, Iraqi Law, Constitutional Compliance, Legal Framework

Introduction

The subject of judicial oversight is one of the important subjects in most countries of the world, as we find that judicial oversight is of great importance. It becomes clear to us by reviewing the sources that there are three authorities in the world, which are the legislative authority, the executive authority, and the judicial authority. We find that judicial oversight is of great importance in the law, especially Iraqi law, as we find that the subject of judicial oversight is one of the legal subjects that is carried out by a judicial body, and this body is distinguished by legal competence as well as experience in supervisory work, as we find many legal books, whether Iraqi or Iranian, that pay great attention to the subject of judicial oversight because the subject of oversight is one of the basic and important subjects in the subject of law, especially Iraqi law, as the absence of judicial oversight leads to judicial corruption in most state institutions, including economic decisions. When the economic system is corrupt, this affects the standard of living of the individual in society when economic decisions are corrupt.

Research problem:

What are the effective applications of judicial oversight of the legitimacy of economic decisions according to Iraqi law, what are the interests considered for judicial oversight in Iraqi law, and what are the methods of judicial oversight in Iraqi law.

Research objective:

The goal of space oversight must cover all economic decisions so that some obstacles in the path of oversight in Iraqi law can be corrected, and there is a possibility of correcting the paths, whether planning or executive.

Importance:

The importance of this research lies in several axes, including stating the importance of judicial oversight in Iraqi law, and oversight is considered one of the important judicial functions; because it contributes to ensuring the effectiveness of the functions of the judiciary, as oversight represents the final result of the tasks and functions of the facility; where judicial oversight is used to measure the efficiency of the implemented plans, and oversight is considered one of the appropriate means to enhance the adaptation and response of facilities to environmental changes.

Methodology

Through this research, I will rely on the inductive approach first for the legal texts in Iraqi law and secondly the analytical approach.

Research Structure:

We divided the research into two sections. In the first section, we will discuss the types of judicial oversight and the interests considered therein. In the second section, we will explain the methods and applications of judicial oversight.

Result and Discussion**Section One:****The interests considered for judicial oversight in Iraqi law**

The concept of judicial oversight is considered one of the basic and vital concepts in the Iraqi state. Judicial oversight achieves justice for all citizens and prevents the expropriation of land at a cheap price. Judicial oversight is concerned with clarifying the public interest of the people in all their sects. Therefore, I will address and clarify in this section two requirements. The first requirement: The interests considered for judicial oversight in Iraqi law. As for the second requirement, I will address in it the clarification of the subject of the types of judicial oversight in the Iraqi constitution, as I will clarify them as follows:

The first requirement: The interests considered for judicial oversight in Iraqi law

One of the public interests of Iraqi judicial oversight is "establishing the rule of law" on the one hand, and confirming the success of the rule of law and preventing violations on the other hand.

The aim of extending judicial oversight over economic decisions is "to ensure the extent to which economic decisions monitor the content of the constitution. If the provisions of economic decisions violate the constitution, it is permissible for the constitution to take the legal position stipulated by the constitution regarding economic decisions." Therefore, we find that many constitutions tend to stipulate the regulation of the subject of economic decisions.

On this basis, we find that the Iraqi constitutions "stipulated the establishment of a judicial court whose mission is to monitor economic decisions, and this was confirmed by the Iraqi constitution of (1925) and the Iraqi constitution of "1968".

The assignment of the judiciary with judicial oversight by the constitutional legislator, who stated that "the judiciary's right to perform this task is consistent with the general principles and constitutional norms, and the principle of judicial independence is an important factor in assigning this right to the judiciary".

The first section: The goal of judicial oversight.

The objective of judicial oversight is not only to identify deviations in judicial oversight, but it is also related to more positive aspects that help achieve effective performance of plans and accomplish goals with the highest levels of efficiency and effectiveness. However, achieving these goals requires the flow of oversight information quickly and in a timely manner so that errors can be discovered before they accumulate. The authority responsible for judicial oversight varies according to the constitutional situations that Iraq has gone through. The Iraqi law, in the Constitution of 1925, assigned the task of deciding matters related to its interpretation and the conformity of other laws with its provisions to a special court called "judicial oversight". The concept of judicial oversight in parliamentary life is considered one of the basic and vital concepts, as it represents one of the most important roles. Judicial oversight of economic decisions: A constitutional right granted to the judiciary, and supporting its tools to subject the procedures issued by the executive authority in the absence of proper implementation of its political program, and to benefit from the right to question and investigate judicial investigations. Oversight tools, and then monitor the violations committed in each matter, and place the government's responsibility under discussion and scrutiny.

Second section: The reference for judicial oversight.

The reference for organizing judicial oversight and the absence of a judicial oversight authority suggests that the Iraqi constitution is happy with the basic principles and what is done in most political systems.

Although the judiciary must have the right to judicial oversight, countries may differ in how they carry out oversight and who is responsible for this responsibility. The judicial body directly responsible for judicial oversight depends entirely on the position of the constitutional legislator.

The Iraqi constitutional jurist almost unanimously agrees that "judicial oversight of economic decisions is an essential duty of the judiciary, which does not require a special text

on it". Judicial oversight achieves justice for all Iraqis and prevents the expropriation of land at a cheap price. Judicial oversight is concerned with stating the public interest of the people of all sects, while in the absence of the rule of law, the deterioration of the state's status, and the weakness of judges, Iraqis increasingly resort to tribes to enforce their rights. According to legal and tribal sources, many Iraqis who have been abused have to file complaints with police stations or the judiciary. The judiciary is distinguished by the fact that its mission is not limited to seeking to achieve the rule of law correctly; it also includes seeking to achieve a point of balance and adaptation between individual and public interests. (The judicial decision is characterized by being largely structural, and devising appropriate solutions for the legal links that arise between the provisions in their management of public facilities and individuals, and not just an applied judiciary such as civil judiciary. And a deep understanding of the needs of public facilities in order to achieve a balance between their proper functioning and individual interests). As a result, the restrictions on punishment or punishment or their limits are objective. Any violation of these restrictions is arbitrary or tyrannical and must be condemned, and if the legislator requires the judiciary to be proportionate and choose Punishment, it is also required to be reasonable, so that it not only adheres to the punishment it chooses, but also does not take it unless there is a justified violation based on the text of the law, and this reasonableness requires making decisions with sufficient care in the assessment so that they are not arbitrary.

It is clear to me from the above that the Iraqi judiciary was not far from practicing judicial oversight, as this oversight was practiced through many forms aimed at preserving the Iraqi judicial system.

The second requirement:

Types of judicial oversight in the Iraqi constitution

It is widely known that judicial oversight of economic decision-making in Iraq is a judicial institution. The duty of judicial oversight includes not only assessing the facts but also resolving all aspects of the dispute and determining the legal status, both in form and content, with the legitimacy and appropriateness of economic decision-making. This principle also finds its basis in the Holy Quran, as God Almighty says:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ﴿١٤١﴾

The truth is that without judicial oversight, all institutions in the Iraqi state are allowed to tamper and corrupt, whether judicial, administrative or financial, so that the texts of the law become mere desires and wishes of the legislator and not texts that must be followed as a penalty that guarantees their respect.

At that point, rights and freedoms become without protection, and this is something that the human conscience does not accept, as space oversight of economic decisions aims to respect the law and protect the rights of individuals, and this protection is obligatory regardless of the authority of the judiciary and regardless of the political form of

government, and this matter is not achieved except by assuming that the legal organization in the state is based on the principle of legitimacy.

The types of judicial oversight include internal oversight and external oversight, also known as self-oversight, as Article 45 of the Iraqi State Administration Law for the Transitional Period called for the establishment of the Supreme Judicial Council.

In addition, its employees are granted special privileges and capabilities. They are allowed to obtain the data and information they need to carry out their oversight responsibilities. These specialized agencies exercise their control in the specific areas that represent their supervisory jurisdiction in all government agencies, units and private organizations that are subject to their control, and this helps the Judicial Control Authority Department in its work, as stated in Article (23) which stressed the independence of the judiciary and judicial work, as control allows for the formation of specialized expertise with a high degree of knowledge of the working conditions and challenges associated with each type of government and private entities, such as organizing work on the basis of specialized departments in industrial, commercial or service facilities. I will explain some types of control as follows:

First branch: Control according to the control timing and preventive control

The types of judicial control can be traced according to the control timing through the stages of the performance of the control institution. There is a starting point for performance linked to collecting the various performance inputs, and then there is a period for actual performance to transform performance inputs into outputs, and it is necessary to exercise control during the separate stages of performance, as stated in Article (88) which confirms the independence of (judges) in their work and their non-subjection to any authority other than the authority of the law.

Preventive control is a set of conditions to prevent deviation On judicial rules, for example, requirements for security, safety and occupational health, determining work procedures, determining job specifications, determining work relations to avoid disputes and duplication of performance, and determining job occupant specifications to avoid filling it with an unsuitable person. The Iraqi constitution entrusted the courts with Chapter Three of Part Three (Federal Authorities). Article (87) recognized the independence of the judiciary, stating that "the judiciary is independent and open".

Section Two: Concomitant and Final Control

Concomitant control is that "during the supervisory function stage, the focus is on discovering and diagnosing deviations from standards", as preventive control is concerned with preventing differences between people as stated in Law No. (6) of the Iraqi Constitution Law of 1990, which increased government control, as inherent control is determined during operation through judicial monitoring and supervision.

Final control is concerned with the final results, and adopting corrective measures, thus helping to prevent future errors. For example, at the end of the fiscal year, the manager

may study the financial statements that are not useful in correcting any errors, but are useful in modifying various plans for future periods.

However, the Iraqi Constitution of 1968 established a judicial authority over economic decisions, and Law No. (159) of 1968 was issued based on the requirements of Article (87) of the 1968 Constitution regarding the establishment of the Judicial Constitutional Court. According to Iraqi legislation, the Judicial Court consists of several pillars, including the Chairman of the Judicial Oversight Council. The sessions of the Judicial Court are called by the President and all members of the Court, and an absolute majority is required to take economic decisions in the Court. After the ratification of the Iraqi constitution in a vote in 2005, the Federal Supreme Court was granted jurisdiction over economic decisions, and confirmed the independence of the judiciary in Article (87), which stipulated that (the judiciary is independent and is exercised by courts of all types and degrees, and they issue their decisions in accordance with the law and in accordance with Article (44) of the State Administration Legislation. Dr. Issam Al-Barzanji explained, saying: (As a result, it is not enough for the state to be legal in theory only; rather, there must also be guarantees that the legal status of the state is guaranteed in reality as well). Economic decisions are made within the limits of legitimacy and not in a vacuum, and therefore state officials follow the legislation that prohibits corruption.

Section Two:

Methods and Applications of Judicial Oversight in Iraqi Law

Introduction

Judicial oversight is a real guarantee to protect the rights and freedoms of the individual, because it is a warning and a warning to decisions, prompting them to respect the law and submit to its authority, with knowledge of the defects in judicial work, and knowledge of the obstacles to judicial work and the judicial process. Therefore, we will show:

Applications of judicial oversight in Iraqi law, and we show in the first requirement: Methods of judicial oversight in Iraqi law, while in the second requirement we will show the judicial applications on the legitimacy of economic decisions in Iraq.

The first requirement:

Methods of judicial oversight in Iraqi law

Judicial oversight in Iraqi law has many methods and the goal of these methods is to resolve the dispute between members of Iraqi society and the main purpose of these is to ensure that existing laws are consistent with the constitution of the ruling state

We must know that "the judiciary is not outside the principle of legitimacy, but rather is committed to this principle, but its commitment is characterized by flexibility according to the needs of work and its requirements and the circumstances of the case, and all of this is within the limits of the general legal rules of judicial oversight of economic decisions".

The general approach that the Iraqi supervisory judiciary still adheres to in this area is not to restrict the judiciary while protecting the individual rights of citizens. Therefore,

the judiciary's mission in economic decisions is in many cases difficult, because it must find a satisfactory solution to reconcile the desire to exercise public authority and enable individual freedoms. It may impose oversight on the judiciary in how it exercises its discretionary jurisdiction. There is also stability in the judiciary in the subject of economic decisions in Iraq, provided that the judiciary is obligated to use its discretionary authority in a purely objective manner and in accordance with the spirit of the law and in a manner that leads to achieving the public interest, not individual interests, and without discrimination between individuals. It studies the circumstances and conditions surrounding the use of its discretionary authority with the aim of verifying that it has been used in its correct place, especially if that authority is related to the rights and freedoms of individuals. The existence of discretionary authority for the judiciary does not mean leaving individuals to the mere desires of the judiciary without limit to its discretionary authority, but rather it means that the judiciary has the authority to take the position it deems appropriate. When the situation that the judicial law aims for is achieved.

This means that judicial oversight is the responsibility of the judge to monitor the extent to which the judiciary's action is consistent with the rules of legitimacy without examining whether this action is appropriate or not.

Consequently, judicial oversight of economic decisions is directed to the manner in which the assessment was made, not to the assessment itself, and that the assessment exercised by economic decisions cannot be exercised unless reasonable legal conditions and controls are available to carry it out.

Iraqi law has been concerned with the subject of judicial oversight of economic decisions and has established foundations, methods and rules for it. We find that the subject of judicial oversight of economic decisions in Iraq is one of the subjects that the Iraqi state is concerned with and is applied through various and multiple methods, since in Iraqi law, judicial oversight can take many, varied and multiple forms of oversight. The constitutions of some countries that have adopted judicial oversight, some of them have entrusted it to the highest court in the judicial system.

Countries differ in determining who has the right to initiate judicial oversight, and the way in which judicial oversight is activated also changes.

First Section: Previous Judicial Oversight

Previous oversight is the scrutiny and detailing of the quality and feasibility of each judicial action scheduled to be completed later and requires the combination of material, human and technical factors to crystallize a clear and comprehensive vision for the future of judicial work, while

The main purpose of subsequent oversight is to evaluate the work and point out any defects or weaknesses. As a result, it is an important and effective aspect of future career planning.

It is the oversight that is based on presenting external obligations to the constitutional judge before ratifying them. The discovery of a treaty text that violates the constitution by the constitutional judiciary links approval of the treaty to a previous constitutional

examination, and the constitutional judicial conflict is similar to the Iraqi Constitutional Court (39). This type of oversight exercised by Iraqi law is optional or permissible, which means that the competent authorities may initiate oversight.

Second Section: Subsequent Judicial Oversight

Subsequent oversight is implemented after its conclusion, ratification and publication in implementation of the text Article (151) of the current Iraqi Constitution, adopted in 1971, has the same force as ordinary laws and is in no way related to the status of constitutional texts.

The current Iraqi Constitution - or the Supreme Constitutional Court Law No. 48 of 1979 - lacks a special text authorizing the Supreme Constitutional Court to monitor the constitutionality of international treaties, as well as a special text explaining how oversight of economic decisions is carried out.

Within the state, the law, and later the Supreme Constitutional Court, exercises control over foreign treaties, and subsequent judicial oversight is preventive oversight. Courts use it to exercise their judicial authority over individuals, public and private. The independence of the judge on the one hand and his legal knowledge on the other, as well as the possession of the judicial decision of the authority of *res judicata*, are all factors that affect the drawing of the lines or general policy of judicial oversight and its content on economic decisions and the determination of its objectives. Professor Muhammad Kamil Laila says that "judicial oversight of economic decisions is one of the most important forms of oversight in the state, because the judiciary is the body qualified to protect the principle of legitimacy from tampering with it and deviation from its provisions." He says: "Judicial oversight is one of the most important forms of oversight in the state, because the judiciary is the body qualified to protect the principle of legitimacy from tampering with it and deviation from its provisions."

The Iraqi State Administration Law stipulates that the judiciary is independent and has no authority over it other than the laws, and prohibits the legislative and executive authorities from interfering in its operations. Judicial oversight of economic decisions may be assigned to the regular judiciary, or it may fall within the jurisdiction of the judicial oversight body, which is a judicial body independent of the regular court. Subjecting the decision of the judiciary's punishment to judicial oversight confirms its importance as a process of balancing the prerogatives of the judiciary with the possibility of encroachment or abuse by the judiciary. Judicial review is the only one that provides individuals with a real guarantee of preserving their rights and preventing their rights from being violated, because it provides them with a weapon through which they can resort to an independent body with strong guarantees to cancel, change or prevent actions committed by public authorities in violation of their rights. Since judicial review focuses on economic decisions issued by the competent authority in verifying that they are based on real and existing facts from a material or legal point of view. If it turns out that the judicial decision was justified in facts that were not materially correct, and whether the economic decisions were acted in good faith. This is because verifying the facts is truly a necessity that is not required by the

principles of judicial review alone, but rather is necessitated by considerations of logic. The validity of the legal adaptation of the established facts and the occurrence of the incident that prompted the Council of Ministers to intervene to issue the dismissal decision are the foundations of judicial review of economic decisions.

The second requirement:

Judicial applications on the legitimacy of economic decisions in Iraq

The emergence of judicial oversight of economic decisions in the Iraqi state is relatively recent, as judicial oversight of economic decisions did not become a reality until recently. The first case of judicial oversight of Iraqi economic decisions was in 1925, and there was a specific trend in the post-World War II era to include oversight in the constitutions of many of these countries, especially after their independence.

Article (82) stipulates that "The Supreme Court shall consist of eight members, in addition to the president, elected by the Senate, four from among its members and four from the judges of the Court of Cassation. The court shall organize the topics in which it is competent, depending on the nature of the topic to be presented. As for what relates to the interpretation of the provisions of the Constitution or the violation of a law of the provisions of the Constitution, the court shall meet by royal will and the approval of the Council of Ministers. The House of Representatives shall initiate the lawsuit related to the trial of ministers, members of the National Assembly, or judges of the Court of Cassation".

As for the jurisdiction of the court over economic decisions, "the jurisdiction of the judicial court is not limited to the main legislation only, but it also represents subsidiary legislation issued by the executive authority, and the law has granted the executive authority alone the power to appeal against laws".

The authority of economic decisions was restricted to it and it may not issue its decision based on a reason other than what the law has specified for it, otherwise the economic decision would be invalid due to the absence of the element of reason. Here, the reason must be fulfilled with its conditions specified and imposed by the law in order for the economic decision to be legitimate. In this case, the supervisory task is limited to applying the laws to the cases it encounters when its reasons are fulfilled, as it does not leave it any freedom of assessment, so its legal action and decisions become a purely mechanical application of the provisions of the law.

How easy is it for the judiciary to return to the correct path drawn and described by the law if the provisions violate it? How easy is it for the judiciary to return to the correct path when following the Iraqi legal approach.

Iraqi judicial oversight has wide applications of uses and many parties, internal and external, and is responsible for supervising and auditing the operations of Iraqi government agencies and institutions, as shown below in the most prominent judicial oversight organizations (57)

First branch: The existing political conditions and structure

The life of the normal state does not always follow its natural course. Instead, the state often faces unique circumstances. There may be a war with another state or an internal political conflict. These gatherings may develop into a type of state-sponsored opposition. Ordinary legislation may not be able to deal with them. As a result, in an attempt to regulate the turbulent situation, the judiciary resorts to expanding its authority and capabilities. In this case, political factors such as a state of war, sectarian and ethnic conflicts, or even a general uprising affect judicial oversight.

The type of judicial oversight is determined by the political system in democratic systems, there is a lot of leeway in performing the oversight role, non-democratic totalitarian governments constitute a major obstacle to implementing this form of control, due to the huge number of obstacles they provide. The executive authority has control over all institutions of society, including the House of Representatives, which is a supervisory body, and this is one of the most dangerous methods used by the executive authority to combat the legislative authority.

It is worth noting that the current situation of political systems is linked to the concept of political development, which is a relatively new subject that deals with development processes and their evolution in all areas, especially economic and social. The main hypothesis is that the political system, as well as the economic system, develops, transforms and integrates, and there is a more complex process called political development, which attempts to transform traditional political systems into modern political systems.

As a result, judicial oversight in such institutions is complex and ineffective, and the reason for this is due to an old political legacy, which the judiciary can overcome with time and effort to strengthen the current judicial system. This point of view is expressed by Martin C. Neidler, who says: (Because democracy leads to public participation in the political process and confirms the presence of political awareness, the components included in calculating the degree of economic growth are those characteristics that are highly related to democracy and economic stability, which do not change except slowly and over time).

Section Two: Economic Decisions in Iraq

Under Law No. 53 of 2008, the Iraqi High Commission for Human Rights was established as a national human rights institution based on the Paris Principles. The Commission's commitment to the Paris Principles is evident through its financial independence, which is evident by presenting its budget separately from the government's budget, as well as its administrative independence, which is evident from its association with the European Commission. In the legislative authority represented by the Iraqi Council of Representatives, pursuant to Article (2) of its law, the formal and substantive procedures related to its formation were completed on 4/4/2012, and it assumed the tasks assigned to it, Article (4) of its law, including communicating with international, independent and non-governmental human rights organizations in order to achieve the Commission's objectives.

The Iraqi government seeks to implement the White Paper for Economic Reform. The executive plan for the White Paper for Economic Transformation in Iraq is divided.

The White Paper addressed a number of problems that distorted the Iraqi economy, harmed its ability to provide a decent life for broad sectors of the Iraqi people, and caused it to lag behind global economic trends, including:

1. Expansion of the role of the state in the economy

The growth of the role of the Iraqi state in the economy is one of the main reasons for the deterioration of the Iraqi economy identified by (the white paper), they issued legislation in the seventies that devoted all economic capabilities to supporting the war effort, followed by the period of the blockade in the nineties, then the opportunities to reverse this trend were lost since 2003 and the failure of the new Iraqi political system to build a free and diversified economy according to the principles of the Iraqi constitution.

2. Decline of the private sector

The expansion of the role of the state, coupled with the complexity of the administrative system and the failure of successive governments to impose the rule of law, as well as the militarization of society and the increasing influence of non-governmental actors in public institutions, led to the decline of the Iraqi private sector, with the exception of a few small and medium-sized companies operating in the oil and communications sectors, as well as very small companies operating in the oil and communications sectors. Moreover, the majority of the largest private sector institutions depend on government contracts and providing services to the government.

The first axis: Achieving sustainable financial stability and providing an opportunity to achieve other structural reforms is the most prominent orientation of this axis.

The second axis: achieving strategic economic variables and providing long-term job opportunities

The third axis: improving basic infrastructure.

The fourth axis: providing basic services and protecting vulnerable groups.

The executive plan for the White Paper for Economic Reform in Iraq includes two main parts:

The international world's support for the White Paper on Economic Reform, as evidenced by the formation of the Iraq Economic Contact Group (IECG), which includes the G7, the World Bank, the International Monetary Fund, and the European Union, in addition to Iraq (64).

The (White Paper) aims to achieve two strategic goals:

The first is to launch an immediate reform program to eliminate the budget deficit in order to save time and money to follow up on medium-term reform plans.

The second goal is to put the economy and budget on a long-term path, after which Iraq will be able to choose and decide its economic destiny once and for all (65). As a result, it will take 3 to 5 years to complete immediate and medium-term reforms.

Conclusion

After reaching the end of this research, we proceed to explain the conclusion with its results and recommendations as follows:

First: Results

1. One of the most important projects in improving the Iraqi economy is the White Paper project, as the Iraqi government officially approved the economic reform program established by the Emergency Cell for Financial Reform.
2. The Iraqi economy was exposed to a series of shocks over decades that resulted in the establishment of a state-directed economy.
3. The researcher found from the above that Iraqi judicial oversight is a real guarantee of personal interests and rights, as judicial oversight is one of the most important forms of oversight in countries.

Second: Recommendations

1. The researcher sees the necessity of researchers' interest in the subject of judicial oversight, especially in the subject of Iraqi economic decisions.
2. Those specializing in economic decisions must identify the corruption in economic decisions and explain how to treat these corruptions.
3. Those specializing in economic decisions in the Iraqi state and the Iranian state must develop a strategic plan in order to improve economic decisions in both countries.

References

- Abdul Aal, Muhammad Hassanein, "The Idea of Reason in Judicial Decision", (Lebanon: Dar Al-Ghadeer, 1990).
- Abdul Aal, Muhammad Hassanein, the previous source, p. 106.
- Abu Al-Aal, Ali Mahmoud Muhammad, "The Extent of the Judge's Authority to Supervise the Constitutionality of Laws by Way of Subordinate Plea", (Lebanon: Dar Al-Maaref, 1990).
- Abu Younis, Dr. Muhammad Bahi, "Judicial Supervision of the Legitimacy of General Administrative Penalties", (Iraq: Dar Al-Jami'a Al-Jadida for Publishing, 2000).
- Abu Younis, Muhammad Bahi, "Parliamentary Oversight of Government Actions", (Iraq: Dar Al-Huda, 1990), p. 119.
- Abu Younis, Muhammad Bahi, previous source, p: 39.
- Abu Younis, Muhammad Bahi, previous source, p: 39.
- Abu Younis, Muhammad Bahi, previous source, p: 45.
- Ahmad, Muhammad Ali, "Like the Special Court of Lebanon", (Dar Al-Ma'af, 1990).

- Ajl, Obaid Adlan, "The Impact of the Independence of the Judiciary from the Government in the State of Law", (Lebanon: Dar Al-Ghadeer, 1990), p. 27.
- Al Jalil, Zuhair, "Applications of Judicial Oversight", (Lebanon: Dar Al Huda, 1990), p. 19.
- Al-Aswad, Sadiq, "Political Sociology", (Iraq: Ministry of Higher Education and Scientific Research Presses, 1990), p. 371.
- Al-Bakri, Abdul-Baqi, "Introduction to the Study of Law", (Lebanon: Dar Al-Huda, 1990), p. 5.
- Al-Barzanji, Issam Abdul Wahab, "Discretionary Power of Administration and Judicial Control", (Iraq: Dar Al-Nahda Al-Arabiya, 1971).
- Al-Barzanji, Issam Abdul-Wahab, "Discretionary Authority of Administration and Judicial Oversight", (Iraq: Dar Al-Nahda Al-Arabiya, 1971), p. 64.
- Al-Barzanji, Issam Abdul-Wahab, previous source, p. 64.
- Al-Fahdawi, Ali Hussein Ahmad Ghilan, previous source, p: 1.
- Al-Hasnawi, Muhammad Ubaid, "His Powers and Limits", (Lebanon: Dar Al-Ghadeer, 1992), p. 577.
- Al-Hasnawi, Muhammad Ubaid, the previous source, p. 577
- Ali, Hadi Aziz, "Experts in Islamic Jurisprudence and Membership of the Federal Supreme Court", p. 122.
- Ali, Hadi Aziz, "Experts of Islamic Jurisprudence and Membership of the Federal Supreme Court", www.almadah.paper.com.
- Al-Ibadi, Ibn Amr, "Explanation of the Sahih Collection", (Iran: Dar Al-Ghadir, 1991).
- Al-Jaddah, Raad Naji, previous source, p. 321.
- Al-Jalil, Zuhair, "Applications of Judicial Control", (Lebanon: Dar Al-Huda, 1990).
- Al-Shaer, Ramzi Taha, "The Judiciary", (Lebanon: Dar al-Maaref, 1992).
- Al-Shaqrawi, Sa'ad, "The Judiciary", (Egypt: Dar Al-Nahda Al-Arabiya, 1984), p. 94.
- Al-Shaqrawi, Suad, "Judicial Oversight", (Lebanon: Dar al-Nahda al-Arabiya, 1984).
- Al-Shoubaki, Omar Muhammad, "Judicial Oversight", (Lebanon: Dar al-Maaref, 1993).
- Al-Shoubaki, Omar Muhammad, "Judicial Oversight", (Lebanon: Dar Al-Maaref, 1993), p. 69.
- Al-Shoubaki, Omar Muhammad, The Judiciary, the previous source.
- Al-Shoubaki, Omar Muhammad, the previous source, p. 72.

Al-Shoubaki, the previous source, p. 73.

Al-Tahrani, Hani Ali, "Judicial Law, Book One", (Lebanon: Dar Al-Maaref, 2001), p. 211.

Al-Tamawi, Suleiman Muhammad al-Tamawi, "The General Theory of Judicial Decisions", (Iran: Dar al-Maaref).

Al-Tamawi, Suleiman Muhammad Al-Tamawi, "The General Theory of Judicial Decisions", (Iran: Dar Al-Maaref, 1990), p. 78.

Al-Tamawi, Suleiman Muhammad Al-Tamawi, the previous source, p. 78.

Al-Tamawi, Suleiman Muhammad, "The Brief in the Judiciary", (Lebanon: Dar al-Ghadeer, 1990).

Al-Tamawi, Suleiman Muhammad, "The General Theory of Decisions", (Iraq: Dar Al-Huda, 1990), p. 32.

Al-Tamawi, Suleiman, General Foundations of Contracts, previous source.

Al-Tusi, Muhammad ibn al-Hasan, "The End", (Iran: Dar al-Huda, 1990).

Article (43-A) of the Iraqi State Administration Law.

Badawi, Tharwat, "The Legal State", (Iraq: Government Cases Administration Magazine, Issue Four, Year Three, 1959), p. 65.

Badr, Haider Madlul, "Judicial Control over Arbitration", (Lebanon: Arab Center, 2017).

Darwish, Ibrahim, "The Political System, A Philosophical Analytical Study", (Dar Al-Nahda Al-Arabiya, 1996), p. 19.

Duhamel, Olivier, "The Constitutional Dictionary", (Lebanon: Dar Al-Huda 1990), p. 18.

Establishing the rule of law: is that every person is subject to the law, including legislators, law enforcement officials and judges.

Ganji, Farajollah Hedayatnia, "The Guardian Council's Supervision of Laws and Regulations", www.shora-gc.ir.

Hadi, Ahmed Yahya, "The Oversight Role of the Iraqi Parliament after 2003", (Iraq: College of Political Science, 2010), p. 13.

Hamid Younis, "Contracting Contracts in Which the State Is a Party", (Iraq: Dar Al-Huda, 1970).

Hamid Younis, "Contracts of Contractors in Which the State Is a Party", (Iraq: Dar Al-Huda, 1970), p. 62.

<https://gds.gov.iq/ar/iraqi-government-to-begin-implementation-phase-of-the-white-paper-for-economic-reform>.

<https://gds.gov.iq/ar/iraqi-government-to-begin-implementation-phase-of-the-white-paper-for-economic-reform-->

<https://gds.gov.iq/ar/iraqs-white-paper-for-economic-reforms-vision-and-key-objectives/>

Ibn Hayoun, Al-Nu'man, "The Pillars of Islam", (Lebanon: Dar Al-Maaref, 1990).

Ismail, Salar Naji, "The Role of Legislation in Addressing Economic Corruption", (Lebanon: Dar Al-Huda, 2018).

Jamal, Yahya, "The Theory of Necessity in Constitutional Law and Some of Its Contemporary Applications", (Lebanon: Dar Al-Nahda Al-Arabiya, 1990).

Kamel, Dr. Muhammad Kamel, "Supervision of Administrative Actions", (Lebanon: Dar Al-Fikr Al-Arabi, 1973), p. 160.

Kamel, Muhammad Kamel, "Control of Administrative Actions in Lebanon", (Lebanon: Dar Al-Fikr Al-Arabi, 1973).

Kamel, Mustafa, "State Council", (Lebanon: Egyptian Renaissance Library, 1954), p: 11.

Kamel, Mustafa, previous source, p: 39.

Kazem, Hussein Muhammad, "Basic Law", (Lebanon: Dar Al-Maaref, 1990).

Khadir, Tariq, "Political Systems", (Iraq: Dar Abu Al-Majd for Printing, 2010), p. 329.

Khamas, Farouk Ahmad, "Control over the Work of the Administration", (Lebanon: Dar Al-Ghadeer, 1990), p. 38.

Ladaquqi, Abbas Qasim Mahdi, "Judicial Ijtihad, Its Concept, Cases, Scope, A Comparative Study with Jurisprudence", (Lebanon: Dar Al-Maaref, 2015), p. 215.

Mahdi, Muhammad, "Balancing and Control in the Constitutional Law System", (Lebanon: Dar Al-Maaref, 1990).

Maih Al-Shammari, "Government and Economic Growth", (Iraq: Dar Al-Maaref, 1990), p. 134.

Maih Al-Shammari, previous source.

Marza, Ismail, "Principles of Constitutional Law and Political Science", (Iran: Dar Al-Huda, 1990), p. 245.

Marza, Ismail, "Principles of Constitutional Law and Political Science", (Lebanon: Dar Al-Maaref, 1990), p. 245.

Muhammad Hassanein Abd al-Aal, "The Idea of Reason in the Administrative and Judicial Decision", Iraq: Dar al-Maaref, 1973).

Muhammad, Ali, "Supervision of Iraqi Lawyers", (Al-Iraqiya: Al-Qada Magazine, Issue Four, Year Forty-Two, 1987), p. 41.

Naji, Makki, "The Federal Supreme Court in Iraq", (Iraq: Dar Al-Huda, 1990), p. 30.

Radwan, Kharshi Abdul Samad, "Judicial Oversight", (Lebanon: Dar Al Huda, 1990), p. 133.

See: Abdul Aal Muhammad Hassanein, "Judicial Oversight", (Lebanon: Dar Al Nahda Al Arabiya, 1991), p. 100.

See: Jamal Al Din, Sami, "The Mediator in the Suit to Cancel Judicial Decisions", (Lebanon: Dar Al Huda, 1990), p. 505.

See: Khalifa, Abdul Aziz Abdul Moneim, "The Judicial Suit", (Lebanon: Manshaat Al Maaref, 2004), p. 204.

Surat Al-Hujurat, verse: 13.

The same source, p. 246.

www.almadah paper.com

Yousef, Khader Akobi, previous source, p. 31.

Youssef, Khader Akobi, "The Position of the Iraqi Judiciary on Control of the Administrative Decision", (Iraq: Matbaa Al-Hawadeth, 1976).

Youssef, Khader Akoubi, previous source, p: 31.