



# مَجَلَّةُ الْعَقْدِ الْاجْتِمَاعِيِّ

" گۆقاری گریبهستی کومه لایه تی "

" *Social Contract Journal* "



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### **Social Contract Journal SCJ:**

In each country, the Ministry of Justice stands at the head of the institutions concerning with disseminating legal culture, educating citizens to know their rights and support them, and realizing their duties and encouraging them to fulfil them, are among the core tasks of the ministry that do not usually visible in the public domain. While the faculties of law are involved in the field of law teaching and legal research support, the Ministry of Justice, through the Legal Research Centre, decided to make its contribution in the field of scientific research, but in a new style that brings together originality and contemporary in the field of publishing legal research that concerns all fields related to the right, law and the state, being the hierarchical triad of all juridical studies, in a manner consistent with and observing the internationally known publishing rules, and supports the novelty of scientific research through research peer-viewing and subjecting it to an accurate and precise scientific evaluation consistent with the well-established scientific contexts and recognized by the competent scientific authorities. The Ministry of Higher Education and Scientific Research was the prominent supporter of this project, which encompasses it with a fortified scientific framework, and will make the journal a supportive tool to all researchers in order to publish their legal research, whether the purpose of publishing is to strengthening the legal culture, or to benefit from publishing the research for the purposes of consolidating research and scientific promotion for teaching staff in faculties of law and institutes specialized in law study.

We, the Editorial Board, have seen the great care and enthusiasm of the Minister of Justice in the Kurdistan Regional Government of Iraq, Professor “Firsat Ahmed Abdullah”, who was behind the idea of establishing the Legal Research Center in the Ministry, and he overcame all obstacles to preparing the journal and bringing it to light, and from the keenness of the Editorial Board Supported by the opinion of the Minister, the journal took the initiative to choose the phrase (the Social Contract). This title contains meanings related to the idea of right, law and the state. It is the term that was used for theories that explained the emergence of the state, and it expresses the general will represented by the law, In addition to the fact that it highlights the role and status of rights in setting laws and regulations, sponsoring and organizing them, and it will constitute a landmark for the journal that distinguishes it from other journals specialized in publishing legal research.

The law, with its prominent role in society, is its pulse and the true regulator for it, makes us face a scientific and social responsibility in

publishing all the developments taking place within its scope, and because Iraq and the Kurdistan Region lack a journal of an international character, whose position derives from the diversity of experiences of its advisory body in all disciplines and multiple countries, and it will surround itself with a set of procedures that prevent favouritism or preference except per the abstract objective scientific foundations approved by satisfied scientific journals and known worldwide. The referees for research will be from outside the editorial board's circle, and the scholarly peer-review process will be framed. With a confidential nature that guarantees the impartiality and subjectivity of the referee. It is also the only journal that does not charge the researcher fees for publishing his research. Rather, it provides a reward to the researcher for his published research, and it also offers periodic appreciation awards for the three best research papers from a scientific point of view each year, for every two issues; From here, the journal's mission is embodied in supporting legal research. It corresponds to advance the legal reality and develop state and government institutions concerned with legal affairs, whether it is a legislative, judicial or administrative matter.

The SCJ will be the journal for all legal professionals in Iraq in general and the Kurdistan Region in particular, and will launch towards globalization, for its reliance on internationally approved foundations, and its adoption of the scientific standards recognized in all international journals recognized for their scientific and sobriety. The scholar and researcher will find the right place in which to disseminate constructive, valuable, and original ideas. It will be issued only to support the scientific research movement in the field of legal studies, to achieve its goals in publishing Legal culture and the establishment of a new era that crystallizes the meanings advocated by thinkers in raising the word of truth and making justice a value that transcends all its obstacles, consecrating virtues and making the law closer to morals than ever before, devoting our effort towards achieving goodness, peace, security, and reassurance for every right holder found in the law his sanctuary, and witnessed the justice under the authority of the state, which he participated to create through the social contract.

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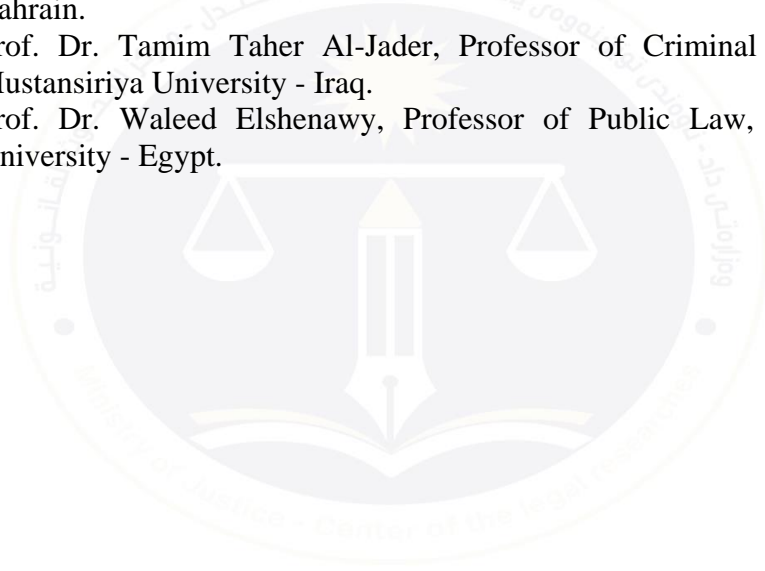
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The journal publishes legal research and legal studies in Arabic, Kurdish and English languages, and it is concerned with publishing all research and studies related to the journal's fields of interest, as well as commenting on judicial rulings, abstracts of academic theses and dissertations from masters and doctorates, scientific reports on seminars and conferences, and presenting and reviewing new books and publishing the activities of the Legal Research Center at the Ministry of Justice, including seminars, scientific conferences, and round tables, and translating legal research from other languages. And that is according to the following rules:

### A- Scientific research and studies:

-General rules:

1. An undertaking from the researcher that the research or study has not been previously published - on paper or electronically - and that it is not submitted for publication to any other party.
2. The research should be characterized by depth, originality, and a new contribution to legal knowledge.
3. Commitment to scientific research principles and general rules, and observance of accurate scientific documentation of research materials.
4. The research or study should not be part of a doctoral thesis or a master's dissertation submitted by the researcher, or part of a book he has previously published.
5. The number of research or study pages should not exceed 15,000 words, including references, margins, tables, figures, and appendices.
6. The research may not be published in another scientific journal after approval of its publication in the Social Contract journal.
7. The research papers shall be sent in printed form to the e-mail of the journal, and the precise correction should be taken into account in the sent copy.
8. The researcher should attach a brief of his biography.
9. The researcher should attach an abstract of his research within the limits of one page in Arabic, Kurdish, and English languages.
10. The materials included in the published research express the opinions of their owners and do not necessarily express the opinion of the journal.
11. Research papers are sent to the address of the editor-in-chief of the Social Contract Journal or the journal's email.

**-Special rules:**

1- A list of references shall be allocated at the end of the research, which includes all the references to which have been referred to in the text, and shall be placed on separate pages, provided that the sources and references are arranged to start with the Arabic sources and then the foreign sources.

2- Footnotes are indicated by serial numbers throughout the research pages, and they are explained and numbered according to their sequence.

3- Each researcher is given one copy of the issue in which his research is published, along with five extracts from his published research.

4- The journal reserves all copyright - paper and electronic - for the accepted research.

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The journal publishes commentary on judicial rulings, believing in the importance of legal scholarly opinions in analyzing, establishing, and criticizing the judgment based on the reality of the link between law theory and science, and practical application, according to the following rules:

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- That the commentary deals with a final judgment that the appeal has been exhausted.
- The comment only discusses the principles on which the judgment has built its basis.
- Not presenting any abuse to the judicial body and the judges who issued it.

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The journal publishes summaries of university theses and dissertations (master's - doctorate) that have been approved, taking into account that they are recent, that they are prepared by the author of the thesis, and that they represent a new academic contribution in one of the known fields of law, provided that the presentation does not exceed (10) pages, taking into account that It includes the following:

- An introduction to the significance of the thesis topic.
- A summary of the thesis topic and how to define, and it shall be included in the thesis.
- A summary of the methodology, hypothesis, and tools.
- A conclusion of the most important findings and recommendations by the author.

**D - Reports of scientific meetings:**

The journal publishes scientific reports on seminars and conferences whose topics are related to one or more of the journal's areas of interest, which were held recently in the Kurdistan Region or Iraq and the outside country, and taking into account:

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The journal publishes evaluative reviews of recently published or old-published books if the editorial board is satisfied with the richness of its content, about any field of law in which the following conditions are met:

- The book should be distinguished and include a new scientific contribution.
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- The proposal has not been submitted for dissemination in another publication.
- The reviewer must present a complete summary of the contents of the book with an indication of the most important aspects of distinctions and shortcomings, provided that the presentation does not exceed (5) pages.
- The journal offers a financial grant for reviewing the books, which is only commissioned by the journal.

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**Note:** Researches and studies are sent to the email of the editor-in-chief,  
Prof. Dr. Mohammed Sulaiman Al-Ahmed  
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# Researches In English

تويزينه وه كان به زمانى ئينگليزى

البحوث باللغة الانكليزية



## **The Adaptability of Iraqi Commercial Laws to the New Legal World –Wide Emerging Developments: How Far Can We Go?**

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توانای یاسا بازارگانییه کانی عیراق بو هاوشانیکردنی پیشکاهوتنه  
یاساییه نوییه کان له جیهاندا : تا چ رادهیهک نه توانین پروین؟

د. هیوا علی حسین / پسیپوری یاسای بازارگانی  
کۆلجی یاسای زانکۆی سلیمانانی

مواکبة القوانين التجارية العراقية للتطورات القانونية الجديدة الناشئة  
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# The Adaptability of Iraqi Commercial Laws to the New Legal World –Wide Emerging Developments: How Far Can We Go?

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*key words:* Iraqi Commercial Laws – Adaptability – New Developments.

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یاساییه نوییهکان.

## Introduction

### 1- An Overview on The Topic At Issue

Any strictly viewing researcher can perceive that Iraqi legal system regarding the commercial laws in general is, by far, idiosyncratic, and the reason for that could be grounded on the fact that the commercial laws package in Iraq reverts back to two cutting-edge epochs or reigns that are highly contrasted and remarked by a great disparity both politically and economically. Or in another wording that set of laws had been promulgated and issued, with all the legislative executive and technical meanings, on different phases and times in the life of the Iraqi state, and this fact has left a deeply influential impact on the nature of those laws, taking into account as well the very transitional nature of commercial laws which are highly affected by the fashions, inventions and advents both locally and internationally or universally. Therefore, it seems a pressing exigency to take a scientific fierce look on the nature of those laws and scrutinize how far they are modern and up-to-date or adaptable with the new trends and orientations in the room of commercial laws on the level of global scale. This is the axial quest that is aimed by the current research paper.

## 2- Research Methodology

The current research has been instituted on the analytical method only as has the Iraqi legal system (jurisprudence) as its focus ,shedding the light on the various parts of the Iraqi commercial system and using them as the main tool for dissecting the legal rules and principles thereto.

## 3- The Research Problem

Away from any legal or philosophical complications, the research problem can be labeled as “how far can the Iraqi commercial law system go compatible with the progresses, developments and advents that prevail on the level of international or universal commercial laws across the world”? This thematic question plays an intrinsic role in evaluating the Iraqi commercial laws and how far they are dominated by modern and new ideas and theories pertinent to the commercial and economic life.

## 4-Research Goal

The ultimate goal of the current research paper can be depicted as the exploration of the advantages and disadvantages of the Iraqi commercial legal system so that it can act as a path for the assessment of its efficacy and modernity.

## 5-Research Structure

The researcher has opted to conduct the research based on following structure:

### 1-The Nature and Reality of commercial Laws in Iraq

1.1 The Scope of Commercial Laws in Iraq

1.2 The Legal Policy related to Commercial Laws in Iraq

### 2-The Impact of Universal Legal Trends on Iraqi Commercial Laws

2.1 The Role of International law in Nourishing the Iraqi National Commercial Laws

2.2 Surveying The Extent of adaptability of Iraqi commercial laws

### 1-The Nature and Reality of commercial Laws in Iraq

In this chapter we will consider two basis topics. The first one is pertaining to the scope of Iraqi commercial Laws and the second is related to the legal policy related to commercial laws in Iraq, and in this chapter we tackle those two issues respectively.

### 1.1 The Scope of Commercial Laws in Iraq

The evolution of the commercial laws in Iraq could be ascribed to earlier than the constitution of the Iraqi state in 1920<sup>(1)</sup>, in terms of the objective rule naturally labeled as the commercial law as a separate body of rules with disparity and distinctiveness as compared to civil law(s). Knowingly that the speech on those two laws is pertinently connected to the theorization on the monism or the duality (Plurality) of private law, and the ensuing homogeneity or heterogeneity of them and the nature of those two laws in respect to one another. Generally speaking, the legal policy had vigorously tended to adopt the unitary system, portraying the commercial laws and their different contexts as a mere branch or ramification of the Civil Law and its basic *Jus in Rem*.

When it comes to the “commercial Laws” the researcher will be faced with the question “how could the scope or ambit of the laws at issue, i.e. “commercial Laws” be demarcated and distinguished from all the other law including the laws that belong to private laws family”? The answer is quite easy and potential at the same time.

In Iraq, the answer has so long been resting on the objective scope of those laws in addition to the persons whose occupations are tightly connected to the foresaid scope which is basically substantiated in the material or physical acts that are deemed to be “trade”. Contextually, it is true to assert that there are three levels of commercial laws and their rules and principles. Beneath is the hierarchal system to be followed regarding any specific dispute or legal relations:

1-The Law of Commerce no. (30) of 1984 and the Bankruptcy-related unrevoked part of the former law of commerce no.(149) of 1970 and their complementary laws and regulations.

2-The specific laws that their privacy has stemmed from regulating a specific area of commercial acts exclusively, such as the law of firms, the law

(1) The establishment of Iraqi state is tracing back to 1921 when the King Faisal was first crowned on August 23, 1921, knowingly he obtained 96% of the plebiscite voters in Iraq. However, the first cabinet in Iraq was headed by Abdurrahman Al-Naqeeb before the coronation of King Faisal. Those issues were all preceded by the existence of “The Constitutive Council” which was held in Syria. For more see:

1-د. جعفر عباس حميدى ود. إبراهيم خليل أحمد ، تاريخ العراق المعاصر، وزارة التعليم العالي والبحث العلمي، كلية التربية ، جامعة الموصل، بلا سنة الطبع، ص.30-31.  
2- محمد مظفر الأدهمي، المجلس التأسيسي العراقي، دراسة تاريخية سياسية، بغداد، 1973، ص158 وما بعدها.

of trademarks and commercial data, the law of banks, the law of investment...etc, and their complementary laws and regulations such as the executive orders and instructions issued by the cabinet or the ministries as far as they are legally competent to issue them.

3-The general legal rules and principles scattered on different fields of law that govern many areas of commercial acts though their codification belongs officially to another branch of law such as the civil law, the law of electronic signature and electronic transactions which is apt for all transactions including the commercial ones.

Moreover, the international treaties or conventions are considered as an integral part of commercial law within the scope of the philosophy of the duality theory which accommodates the nature of relationship between international and national law as two distinct and different rooms of law. Accordingly, no self-executed enforcement of international legal rules can be said to exist, instead, the normal way is to issue an Enforcement Legislative Act, which must be enacted and issued for the internal enforcement of any trade-related treaty. This is the legal situation in Iraq.

The prevalent view in Iraq has been and still is that the commercial law in general encompasses two basic axes. The first one is the commercial acts and the second is the merchant, and the rules and principles of commercial laws had been drawn up as to be responsive to those two matters alike. The very nature of their relationship can be guessed and viewed from many juristic perspectives which differ in prioritizing “the merchant theory” or the “commercial acts” to explain and theorize the commercial laws and their purview. In our opinion it is a matter of choice and putting any of them according to the prior attitude towards the commercial law and whether they are intended to be an exceptional law or a spontaneously evolving or developing one depending on the legal policy towards them. So, the matter is undoubtedly a relative one and none of these two theories could be *per se* evaluated as negative or positive.

As far as the strict scope of commercial law in Iraq is concerned we must distinguish between the “general” rules embodied in the law of commerce no. (30) of 1984 and other private laws that are applicable only on some kinds of acts or topics, specifically determined by the legislations thereof.

The technically described “General” 1984 law of commerce no. (30) has been founded on a specific notion that is closely connected to what the commercial legislator labeled as “commercial acts” inclusively, thus seemingly altogether excluding the role of merchant related rules in contouring the strictly

prescribed purview of the current law at issue. Therefore, the scope of this law had been drawn on the basis of the works or acts that are deemed to be commercial in view of the legislator. This can be clearly derived from the wording of the article (5) of the law setting forth that (The following acts are considered commercial if they are exercised with the aim of profit ...)<sup>(1)</sup>, this implies the restrictedness of that scope and the inclusiveness which forbid the adoption of any unmentioned act in the law itself, such as acts or works added by the commercial practices or usages.

Here we have to make a clear citation to two fundamental points, as indicated by the interpretative memorandum of the Iraqi law of commerce:

1- The current law has excluded ,i.e. has opted not to adopt ,the theory of the relative commercial acts (the ancillary or supplementary commercial acts).The striking example of which could be the case of a merchant or a tradesman who venders a small cargo car to transport the goods from his back-stores or his warehouses to his shops or marketing stores to sell them out .Here the cargo car had not been bought with the aim of obtaining the profit, instead it was purchased for the facilitation of the commercial acts of the merchant and their related-logistics .The sin qua non conditions of this theory are three basic ones ,the person doing out the work or the act must be a tradesman or a merchant, and the act must be non-commercial by its very nature, namely a civil one and the final purpose of the process represented in the facilitation of the commercial acts and selling the materials which are usually transported to the marketing store. The final aim of this theory is to unify the legal system applicable to both acts; the civil one and the commercial one to which it is annexed and create the homogeneity of those two supposedly linked acts.

2-The Iraqi law has as well discarded the theory of the commercial acts which acquire their commercial characteristic being likened to some other works and acts clearly mentioned and regulated in the law. Here, we can resemble the unmentioned acts which may arise or be brought about by the developments in the commercial setting, through this theory which is called the “commercial acts by resemblance”. The importance of this theory is latent in the fact that it confers the due flexibility and renewability without needing the

(1) The acts catalogued in the foresaid article (5) of the law ,being completed by the subsequent article (6) which is restricted to the manifestation of the commercial characteristic of the negotiable instruments and every aspect of using them in the daily life no matter who uses them whether a merchant or a non-merchant, encompasses a set of acts such as vender of shuttles (movable things) and stationaries (real estates or immovable things),transportations, insurance ,undertakings to build or renovate or dilapidation, banking, public auctions....etc. The long series of them is unfit to be mentioned here.

legislative amendment to the law, thus enabling the law to keep up with the new advancements and progress that may generate in the commercial milieu, automatically<sup>(1)</sup>.

Hereby we suggest the following:

1-The adoption of the relative or ancillary commercial acts as they are quite compatible with the pretext of the “MERCHANT” or “TRADESMAN” and the assumption that, unless otherwise proven, all the acts done by the merchant or tradesman are deemed commercial as they are the normal activities of those persons. Accounting for that, we can say that the exclusionary attitude of the Iraqi commercial legislator towards this theory can be ascribed to the negative view of the latter versus the merchant or tradesman and denuding them from the ability to create through customary norms non-legislative rules, away from the envisaging of that legislator. The proposed provision can be shaped in (The law assumes the commercial characteristic in every act ,even though originally considered by its very nature to be a civil or non-mercantile, if they had been done by a merchant and they were exclusively calculated to facilitate the originally mercantile acts of that merchant) .

Therefore we urgently press on the Iraqi legislator to adopt those two amendments in the Iraqi law of commerce forthwith or as soon as possible, as they can enlarge the scope of the Iraqi 1984 law of commerce no. (30). Moreover, they confer upon that law the due flexibility and the ability to keep pace with new developments in the commercial life.

Regarding the other private commercial laws which are applicable to a specific topic or subject the case is somewhat different as they regulate just a matter with private rules and principles that can contravene the general law of 1984 no. (30), knowingly they dominate and prevail even if they stipulate or lay down some distinct rules and tenets contrary or to their counterparts in the general law no. (30). For instance, the amended Law of Trademarks and Commercial Data no. (21) of 1957 the scope of which has been determined by the definition of the “mark” as to include the trademarks, service marks, collective marks and guarantee marks. This remark had been added by the Coalition Provisional Authority (CPA)<sup>(2)</sup> as the law before that amendment was

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- (1) The previous Iraqi Law of Commerce no.(149) of 1974, in the article (6) citing to the commercial acts mentioned in the articles (3) , (4) and (5) was stipulating ( Any act that can be resembled to the acts mentioned in the previous article due to the likeness in the purposes or characteristics is considered commercial ).
- (2) The (CPA) was an institutional administration established on the basis of the legal status of the powers who occupied Iraq at the aftermath of toppling down of Iraqi Regime in 2003, mainly the United States of America and the United Kingdom. The (CPA) was



only confined to the goods trademarks. So, the amendment has widened the scope of that law, taking into account some other provisions which had been modified such as the transition from the enumerative theory in portraying the trademark to the functional theory which focuses on the “function assigned to the mark” irrespective of the physical and visual component of the trademark<sup>(1)</sup>.

The case is the same as well for other laws such as the Law of Companies no.(21) of 1997 as amended by the Coalition Provisional Authority the purview of which is for the private and hybrid companies, in addition to the banks, insurance and reinsurance companies, the deals of shares and the financial investment companies<sup>(2)</sup>.

### 1.2 The Legal Policy related to Commercial Laws in Iraq

First of all we have to present some general clues on the meaning of the legal policy so that we can easily evaluate the attitude of the Iraqi legislator regarding the commercial law. Axiomatically, the policy is a purposive.

. The legal system lies centrally at any society, protecting rights, imposing duties, and establishing a framework for the conduct of almost every social, political, and economic activity.<sup>(3)</sup> Moreover, we can add two potential ideas to this point .the first is that the law is a tool that reflects the nature of its maker, whether he conducts a legislative or non-legislative mechanism for the creation of law and the prior attitude he has towards the topic or subject he

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founded on the ground of the United Nations Security Council (UNSC) no.(1483)of May 22,2003 and it conferred upon the occupying powers the specific authorities, responsibilities, and obligations under applicable international law. It was run only by the USA and took instructions from Washington. It was headed by the L. Paul Bremer; the former US diplomat .He practically exercised legislative, executive and judicial authorities in Iraq. The (CPA) had four types of decrees: *Regulations, Public Notices, Memoranda ad Orders*. Through the orders numerous laws ,such as the Iraqi Law of Companies and Iraqi Law of Commerce have been amended, the most striking example of such amendment was the action of bankruptcy has been rendered impossible unless the indebted owes (500000/five hundred thousand Iraqi Dinars)to his or her creditors individually or collectively .For more on (CPA) see :James Dobbins et.al, *Occupying Iraq (A history of the coalition provisional authority)*, RAND Corporation, Santa Monica,USA,2009,p.14-16

(1) On those two theories in determining the essence of the trademark ,see:

د.عدنان غسان برانبو: التنظيم القانوني للعلامة التجارية(دراسة مقارنة) ، ط 1، منشورات الحلبي الحقوقية، بيروت ، لبنان ، 2012، ص.16-18.

(2) Amended article (3) of the 1997 Iraqi law of Companies no.(21) of (1997) .

(3) Raymond Wacks, *Law (A Very Short Introduction)* , Oxford University Press, New York, USA, 2008, p.1.

intends to thoroughly regulate. And the second idea can be depicted in form of “priority” given to the aim or objective that “shall” rank first, thus dominating and overriding the others, and only through those two points can one study the notion of the “legal policy” in terms of the means-to-an end. This is quite the case in respect of the Iraqi laws in question. It is commonplace to see the law putting too many limitations on the regulated topic, hereby, strictly contouring the limits with no flexibility. The legal theorist (H.L.A Hart)<sup>(1)</sup> make a clear distinction between the obligations based on moral prevailing codes and the obligations that are associated, for their enforcement, with the physical sanctions. Seemingly, the latter can be best exemplified by the legislatively emerging rules that are enforceable through the state bodies. The corroborating provision for that is the article (3) of Iraqi law of commerce no.(30) which stipulates that trade is an economic activity that must be resting on the confidence, fidelity and strictly compliance with the rules of law, and anyone who profanes that would be held civilly and criminally liable. The simplest interpretation can set off from the premise that the state policy regarding the matter at issue was so rigid, strict far reaching reflecting the volition of the political rulers of the state. So, the current law is politically and ideologically motivated and is under a pervasive surge of state hegemony and considerations not under the technical requirements of the commercial setting. Accordingly, the researcher can categorically say that the current law is a pre-fabricated set of rules that is closer to the political will than to the needs and requirements of the market and commercial setting.

One can easily contend that trade and other policies in a state can easily interact with one another, even with mutual effect between them.<sup>(2)</sup>

Among the most outstanding phenomena of the legislative policy overshadowing the commercial law ,when it was first enacted and a long time after its issuance, was the dominant governmental state-supported intervention in the economic life and the narrowing of the principle of individual autonomy to rank second to the imperative rules or norms of law , and consequently overridden by those imperative irreversible rules and norms for the sake of the achievement of the state policy<sup>(3)</sup>.In our view this can by no means be interpreted but by two collateral reasons. The first one is the craving desire and

(1) Mark Tebbit, *Philosophy of Law (An Introduction)*, 2<sup>nd</sup> edn, Routledge (Taylor and Francis Group) ,New York and London, USA and UK,2005,p.41.

(2) Edward F. Buffie, *Trade Policy in Developing Countries*, Cambridge University Press, Cambridge , UK,2001,p.1.

(3) د.منذر الشاوي، دولة القانون، مكتبة الذاكرة للنشر والتوزيع، بغداد، العراق، 2013، ص.2020.

determinedness to marginalize the role of the merchant and the second one is to subside the efficacy of the professional considerations and their relevance to the whole commercial life. And all this come in line with the restriction of the scope of commercial law. So we claim up in a high-pitched voice that the individual autonomy and the contractual freedom must be the prevailing channel and be given priority over the other sources of law, principally. So, relocating the individual autonomy to be the pioneering channel at least in the sphere of commercial relations and dealings is a matter that we highly advise and recommend. The practical provision that can embody this can be the following (The contract is operating on the commercial transactions and it is the second to no other sources which shall all act as a default source applicable only where the contract does not provide for a legal solution or remedy)

The reason for that can be ascribed to the fact that when the law was enacted under the hegemony of the Positivist Legal Theory which reflected the hegemony of the state with the glorification of the ruler or the sovereigns who are grasping the power in the state and the legal system is philosophically depicted as something tightly close and irrelevant to everything else outside the legal system such as ethics<sup>(1)</sup>. In our perspective, for the commercial and civil rights the positivism shall not be exclusively adopted .

Some other aspects in the commercial law can be scrutinized as well, such as the rules and principles of Bankruptcy the domiciled codification of which is the law of commerce no.(149) of 1970. Generally speaking the rules are derived from the French law that reverts back to the Roman laws and jurisprudence. One of the most prominent features of the ancient laws in whole is the cruelty and excessive inhumanness particularly against the indebted persons who must be subject to the proceedings and rules of bankruptcy, alongside some futile sanctions such as imprisonment or even sentencing to death or some similar penalties against the bankrupts. In addition the limitations upon the domicile of the bankrupt, the necessity of notifying the bankruptcy trustee of changing that domicile, depriving the bankrupt from a set of his or her civil and political rights owing to the announcement of the bankruptcy judgment by the competent court, such as the membership at firms board or membership of representative councils or that of municipalities or the parliament...etc<sup>(2)</sup> knowingly Iraqi operating law is replete with

(1) د. منذر الشاوي، مذاهب القانون، منشورات مركز البحوث القانونية، وزارة العدل، بغداد، العراق ، 1986، ص44.

(2) د. حسين توفيق فيض الله، الشامل في الإفلاس (دراسة مقارنة) ، (الكتاب الأول / الإفلاس والصلح



them<sup>(1)</sup>. The etymology of all those can be said to have been dating back to the ancient-trend laws, whereas the modern laws prescribe other choices. They tend to provide some conciliatory ways for the indebted to overcome his or her fiscal difficulties and keep going on his or her diminishing commercial project most effectively, enabling him or her to securely reconstruct that project and avoid the commercial. Additionally, Consuming further flexibility over the procedures such as the case of the banks where the can be put under the trusteeship system or allowing the other firms to reorganize their debts to alleviate their financial burdens (debts)<sup>(2)</sup>. It is also worth mentioning that the Coalition Provisional Authority headed by L Paul Bremer has taken this issue, i.e. the flexibility in procedures into account ,when it stipulated in the amended article (710/1)of the Iraqi law of commerce no.(149) of 1970 tow distinctive conditions for the indebted to be announce bankrupt. The first one pertains the sum of money, no less than (500,000) Iraqi Dinars mature debt or debts, and the second the exigency of at least some thirty days after the debt has been payable, namely the debt must be overdue for at least thirty days, only then the creditor (s) can commence the bankruptcy proceedings before the court of law. Therefore, this is a great advantage that can alleviate the rigidity and severity of the bankruptcy mechanism in Iraqi law, and it goes in harmony with the new universal trends at that room.

Turning to the “specific” commercial laws we can choose some Acts only to explore the nature of the legislative policy regarding them.

The Law of TRADEMARKS, currently in force in Iraq, has made some profound fundamental changes that are more, or highly compatible with the new universal trends such as the adoption of the rules relating to the well-known trademarks and securely protecting them even without registration at the Commercial chambers in Iraq. It may be somehow controversial to exactly determine the “famousness” and which criterion to adopt for that purpose<sup>(3)</sup>,

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الواقى فى التشريعات العربية) ، ط1، منشورت زين الحقوقية، بيروت، لبنان، 2022، ص60.

(1) Relevant article can be exemplified by the articles (601) and (602)of the Iraqi Law of Commerce no.(149)of 1970,the first on the domicile and intention of the bankrupt to move to another one, and the second on the stripping off him or her of their political and civil rights.

(2) المصدر السابق، ص61.

(3) For more on the “famous trademarks”, see:

طالب برايم سليمان، العلامة التجارية المشهورة ، ط1، منشورات زين الحقوقية ، بيروت لبنان، 2013، ص. 88- 92.

but it had been incorporated into the Iraqi legal system and this constitutes a good step for the modernization and the adaptability of that law<sup>(1)</sup>.

Another aspect of novelty and change is the shift, in the definition of the “trademark”, from the ambit of the “subjective theory” to the “Functional Theory” which overlooks of the essence of the material or the substance of which the trademark is made up and rather focusing on the function that the trademarks, including the non-conventional ones, namely the scent, tastes and heard voices, can afford in distinguishing the commodities or purchases and services in market.

The other laws can also be pointed out to be examined. For instance the inclusion of the “anti-dumping” into Iraqi legal system and the protection of national products can by no means be evaluated lesser than a great initial step for the accession into World Trade Organization of Iraq and well-qualifying it for the WTO full membership.

Another phase of adaptability can be said to have been relating to the “companies Law” in force, no. (21) of 1997. As has always been the case, the companies law was a “continual change-oriented” law owing to its closeness and relevance to the whole national economy, so it has been treated as an excessively important tool of political economy within the Iraqi state. Thus, one can tangibly perceive that the changes made, by the Coalition Provisional Authority (CPA), in the room of companies law in form of amendments onto that law, aim at protecting the creditors from fraud (scams), and the shareholders from the conflict of interests, and achieving the due transparency necessary for the investors regarding their investing decisions in the companies<sup>(2)</sup>.

The financial assets (termed as Al-Thimma) has undergone a

(1) Some researchers have indicated to some basic criteria through which to hold that the trademarks is “ famous”, the most important ones of them are :a-the extent of being famous or known by the concerned people sector b-the time or duration of the use of the trademark any way and its geographical ambit c-The market –Value of the trademark d-The number of the countries at which the trademark at issue has been registered .see:

د. أحمد الباز محمد متولى، حماية العلامة التجارية المشهورة إلكترونياً (دراسة مقارنة)، بحث

منشور في مجلة البحوث القانونية والإقتصادية، العدد (68)، نيسان 2019، ص.ص 751-755،

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<<[https://mjle.journals.ekb.eg/article\\_155742\\_59a986111ac89efc33f46ad0d9f72834.pdf](https://mjle.journals.ekb.eg/article_155742_59a986111ac89efc33f46ad0d9f72834.pdf)>>  
> last accessed (Nov. 26,2023)

(2) د. حسين توفيق فيض الله، مستجدات قانون الشركات العراقي، ط2، مكتب التفسير للطبع والنشر، أربيل، العراق، 2022، ص 21.

fundamental development by the adoption of the Sole-Trader or One-man Limited Responsibility Company, away from the trend of the General theory of (Al-Thimma/ Financial assets) as was developed by the French jurists *Aubrey* and *Rau*<sup>(1)</sup> who has so long asserted that every individual person must have a single asset (only one thimma). The adoption of this kind of companies impliedly means that there could be more than one asset (thimma), for any individual natural person, one general and another specific one allotted for the company<sup>(2)</sup>.

Finally, the issuance of “investment Law” in both Iraq and Kurdistan Region, no.(13) of 2006 and (4) of 2006 respectively , and can be taken as a striking example on the far-reaching openness of Iraqi economy and receiving foreign capital and transactions.



(1) For more on the (financial Assets Theory (Al-Thimma Theory) , cf:

د.عبد الرزق السنهوري، مصادر الحق في الفقه الإسلامي، منشورات الحلبي الحقوقية، بيروت، لبنان، 1998، ص22.

(2) مصدر سابق، ص22.

## 2-The Impact of Universal Legal Trends on Iraqi Commercial Laws

This chapter is going to deal with two interrelated topics, each in a specific section. The first one is the role of international law in nourishing the Iraqi national commercial laws and the second is surveying the extent of adaptability of Iraqi commercial laws.

### 2.1 The Role of International law in nourishing the national commercial laws

Nowadays, the main logical theme that is manifested universally is the fact that no individual state can isolate itself and stay unattached, disorganized and disconnected with other states and regions economically and commercially. Inarguably, it looks sound that” if the goods and purchases do not cross the frontiers the soldiers will do”<sup>(1)</sup>. This reveals clearly two distinct but interconnected matters; the first is that the state are always seeking the economic gains and interests over the world and the second is that those gains and interests must be achieved either through peaceful cooperative and amicable ways or through non-amiable ways. Contextually, the states are highly concerned in international business law through attaining the subsidiarity, but the real actors who play a decisive role in creating it are the private actors and the role of states is defined by the role of those actors who seek to achieve their individual goals more efficiently<sup>(2)</sup>. So, the states are acting, in the economic transactions, as the agents of their citizens<sup>(3)</sup>. As a result the major area in which the states can actively act is substantiated in the trade or commercial policy and creating the suitable economic and commercial setting for flourishing and boosting of commercial transactions. The openness policy in Iraq has culminated by the “Investment Laws and Regulations” that ushered a new era in Iraq. Today it is not tenable for any state to be lonely secluded within its boundaries<sup>(4)</sup>, and one of the most powerful factors or forces for the globalization, which created new opportunities for the wider participation of all states and regions, was the international trade<sup>(5)</sup>.

(1) Dr.Surya P. Subedi (ed.):A Textbook on International Trade and Business Law, Youth Publishing House,Hanoi,Vietenam,2017,p.29.

(2) Joel P. Trachtman, The Economic Structure of International Law, Harvard University Press, London,UK,2008,p.9.

(3) *ibid*, the same page

(4) Sundaresh Menon, Transnational Commercial Law : Realities, Challenges and A Call For Meaningful Governance, Singapore Journal of Legal Studied,2013,p.231,drawn from the following website:

<< <https://law1.nus.edu.sg/sjls/articles/sjls-dec-13-231.pdf>>> last accessed on( Nov.27,2023)

(5) *Ibid*,p.232.

The starting point in this respect can be the unavoidable divergence that is extant in the national laws of commerce, which can act as an unwanted impediment to the trade and the boost of national commercial policy and its responsiveness to the international transactions<sup>(1)</sup>. In addition to that, the trade and economic openness will give rise to some kind of international commercial competition especially for the national industrial projects<sup>(2)</sup>, as the international trade leads to the diversification and enlargement of the individual choice of commodities, services and intellectual property rights in general, in our view. So the interaction of the national commercial laws with their international surrounding and context entails the existence and adoption of meticulously and carefully designed national policy and strategy. As the core process is the transition from the divergence to a convergence and the assimilation into the international commercial setting as far as this could be achieved practically. However, this can, by no means be an arbitrary process; it rather is practically connected with the reality of Iraqi economy and its ability to move with giant or good steps towards the liberalization and openness.

Finally, it is suitable here to mention that the amendments made to the Iraqi legal system, including the profound changes made by the Coalition provisional authority were all a preliminary and initial step for Iraq to be prepared to the accession of World Trade Organization and its full membership.

## 2.2 Surveying The Extent of Adaptability of Iraqi Commercial Laws

The current part of our research can be labeled as the final and decisive one as it utters the final attitude of Iraqi laws and regulations.

As we have previously shown, among the fundamental aspects of the GLOBALIZATION are its economic and legal aspects, no matter viewed separately or jointly. One of the inevitable features or results of globalization is that it leads „necessarily, to” unification” or ”further unification or unity “ ,namely the increasing rate of the “similarity or conformity” between the parties who are concerned with the economic or legal processes across the world, and the metaphoric term “universal village” is the most striking informative expression for that “unification”. Evermore, the rules that can

(1) Sabdeep Gopalan, The Creation of International Commercial Law: Sovereignty Felled?, p.279, drawn from the following website :

<<(https://digital.sandiego.edu/cgi/viewcontent.cgi?article=1232&context=ilj)>> last accessed (Nov.30,2023)

(2) Op. cit, the same page.

regulate the relationship between all the parties of the legal and economic process will lead to some basic rules collectively prescribed and agreed. Rightly and strictly depicted, the legal analysis can envisage the international, including economic, relations as an organized society, or a social system with both fundamental rules and institutions<sup>(1)</sup>, and this implies the inevitability of a common ground shared by all the parties who are addressed by the harangue of globalization.

Turning back to the Iraqi legal system regarding the commercial laws, we can simply identify its pluses and the minuses in the process and development, taking into account its originality, adaptability and how far it has really reached in combining them. The researcher accounts for that by the transitional nature of the Iraqi economy and its position which is hybrid, both conventional or traditional and progressive and developmental, as it has taken some suitable steps to keep pace with the new economic developments and progresses that constitute the modern features of contemporary business an economy.

On the scale of the private laws which had been mentioned, such as the law of trademarks, law of companies, and law of investment whether on the level of Iraq or on the level of Kurdistan region, Iraqi commercial laws and transactions have been so widely accommodated and assimilated to the universal developments that we can rightly claim a high degree of openness, responsiveness and adaptability to the modern commercial transactions and laws embodied by the universal commercial setting. Looking through those laws reveals a high degree of progress and adaptability that enable the Iraqi economy to fully assimilate into the universal economy. Deeply looking into the Iraqi legal system, we can rest on the Iraqi constitution of 2005 which reads as follows in article (25) (The state secures the reformation of Iraqi economy pursuant to modern bases as to guarantee the full deployment of its resources and diversifying its sources and encouraging the private sector and its development). Elaborating the content of this article, the researcher can describe the role of private sector as a leading or pioneering role and claim up that it (the private sector) ranks first and comes second to none. This is a fundamental constitutional text as it, legally and constitutionally, surmounts overrides and is superior to all other legal texts that rank second, and are inferior or lower, to it. Thus, we would be encountered by the article (1) of the law of commerce no. (30) of 1984 reading as (the current law stands on the following bases :2- rendering the role of the private and hybrid (blended)

(1) Wayne Sandholtz, Globalization and The Evolution of Rules .in the book, *Aseem Prakash and Jeffrey A. Hart (ed.): Globalizations and Governance* ,Routledge (Taylor and Francis Group), London and New York, UK and USA, 2000, p.77.

sectors complementary to the role of the public sector ).For such a case of *prima facie* contradiction and conflict, nothing else but the superiority of the constitutional provision must be avowed. Hereby the researcher comes to a clear conclusion that the indicated article (1) is unconstitutional and clearly contravenes the foresaid article (25) of Iraqi 2005 constitution.

Contextually, the other subparagraphs of the above article (1) ,exclusively the subparagraph (3) is as well controversial by far as it stipulates that the confining and restriction of the individual autonomy ,which means the contractual liberty of the individuals, is another bases on which the current law of commerce rests. Moreover, the law gives priority to the regulative (legal) relation over the contractual relationship, which means that the contractual relationship must come second to the legal/regulatory schemes especially the imperative rules which are impregnable against the individual contrary agreements. Therefore, and sticking to the state-driven policy, the private agreement (contract) is considered to be the at the bottom of the hierarchal system of the sources of current law of commerce of 1984, preceded by the legislation (commercial and civil) and the customary rules (practical usages) as well. This placement of contract goes incompatible with the leading role of the private sector as depicted by the constitution.

Not only that, the regulation of the acts of commerce, and precisely the scope of the application of the commercial law as outlined by the currently operating law is highly marked by the imperfection and stagnation which both defect the legal regulation of commercial acts.

## Findings

At the end of this research paper, the researcher came to the following conclusions:

1-The attitude of the Iraqi legislator towards the commercial law (specifically the Act that embraces the commercial acts and the rules related to merchant) has so long been founded on an exceptional view from that legislator towards the commercial law. The adoption of this exceptional view is attributed to the objective not to let that law grow and expand spontaneously, rather it was calculated to be within the ambit of the Iraqi Civil Code. It is a well-established legal axiom that anything exceptional in nature cannot be allowed to expand widely.

2-Accordingly, the said legislator had been motivated by the monism theory in pinpointing the nature of the relationship between the civil law and the commercial law, setting aside the duality theory which more compatible with the independence of the commercial law. This policy is badly obliterating and distorting the independence of commercial law and by far unjust.

3-The legislative policy which has so long dominated the Iraqi commercial law reflects the political, ideological background in the structure and formulation of the commercial law and the flexibility and technicality of the law had been discarded and forsaken.

4-The regulation of the commercial acts in Iraqi law of commerce is by far imperfect, improper and underdeveloped, and it cannot keep pace with the modern acts and activities of commerce.

5-It is a great deficit and lacuna not to regulate the (commercial acts by resemblance) and (the ancillary or relative commercial acts), as the Iraqi commercial legislator did intentionally.

6-The difference and disparity in the legal policy that stands behind the law of commerce no.(30) of 1984 and other "special" commercial laws in the Iraqi legal system are by far noticeable and perceivable. The law of commerce no.(30) is mostly outdated and in a pressing need for revision and amendment, while the latter ones, namely the special commercial laws in general, are more compatible with the new legal-commercial trends and more responsive to the newly emerging developments, with a good flexibility.

### Recommendations

1-Rectifying the legal policy which constitutes the driving force for the law of commerce no.(30) of 1984 and its requirements and ramifications ,it is necessary for the above law to be restructured on the basis of the duality theory not the monism which purports that private law are all the same and a unitary system with the far overwhelming role of the Civil Code as an essential pillar at the unitary system.

2-Any prospected amendment proposed for the commercial law in force must be based on the full respect for the peculiarity and distinctiveness of the commercial law with clear-cut separating line between it and the Civil Code. The complementarity between them will never be affected by keeping commercial law independent and distinct.

3-The role of the private sector must be re-regulated and reprioritized as to fit the new trend of Iraqi constitution which encourages the role of private sector. Anything else to the contrary of that will be held unconstitutional.

4-The role of the individual autonomy in the commercial relations must be expanded and reformulated with a new philosophy that goes in line with the openness -oriented economy of the new Iraq.

5-The legal theoretical scheme of the commercial act in Iraqi law of commerce must be redefined, re-conceptualized and modernized far different from the current system of the commercial acts.

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- 20-Law of Investment of Kurdistan Region no. (4) of 2006

## Abstract

The current research aims at exploring a fundamental question which is relevant to the nature of the Iraqi commercial laws system, in terms of their investigated modernity or adaptability to the modern trends and developments that had emerged on the universal level. The background of the topic at issue is that Iraqi commercial laws are varied and different regarding their being out of date or updated, and this affects their efficiency. For that purpose it was necessary for the researcher to navigate through the Iraq commercial laws and evaluate them as far as that was a possible task. In doing so he has rendered the research a two-fold process, partly related to the old laws and partly to the newly emerged laws. The main problem this research-paper tries to resolve is how far the Iraqi commercial laws can keep pace with the new legal-economic developments in the room of commercial laws and the reasons for that. So as to achieve the aims of the current research paper, we opted to adopt the analytical method through which to analyze the legal attitude of various Iraqi laws and regulations. Undoubtedly, divergent outcomes can be expected to come out from each of those laws owing to the historical, political, economic, and intellectual factors that stand behind those laws. The importance of this study lies in the fact that it manifests how far the commercial laws are updated or in need to amendment or updated so that it can keep pace with the new legal-economic developments. The main findings of this research paper are the refusal of the exceptional view towards the commercial law, mainly 1984 Act of commerce, and calling for redefining the nature of the relationship between commercial law and civil law so that we can keep the independence of commercial law versus the civil law. Moreover, the regulation of commercial acts is by far imperfect and marred by flaws and defects. Additionally, the legislative policy in commercial law is constituted on some non-technical ideological and political factors. We also found out that the general Act of commerce is, unlike the private commercial Acts, out of date and pressingly needs update and amendment. Contextually we have recommended redefining and revitalizing the role of private sector, amending the regulated framework of commercial acts and the adoption of the duality theory instead of monism theory in portraying the relationship between the civil law and commercial law. Finally we have called for vigorously restoring the individual autonomy within the commercial law.

## الملخص

تهدف هذه الدراسة إلى تقصي مسألة مهمة تتعلق بطبيعة منظومة القوانين التجارية في العراق من خلال رصد مدى حداثتها أو قابليتها للتكيف والمواكبة مع التطورات التجارية والإقتصادية الحديثة والتي حصلت على المستوى العالمي. إن الخلفية التي تنطلق منها هذه الدراسة هي أن القوانين التجارية العراقية تتباين وتختلف من حيث مدى حداثتها أو قدمها وهذا أمر يؤثر على مدى فعالية تلك القوانين. لذلك فقد لزم الأمر أن يخوض الباحث في القوانين التجارية في العراق من أجل تقييمها طالما كان ذلك أمرا ممكنا. ومن أجل إيصال البحث إلى أهدافه فقد جعل الباحث منه عملية مزدوجة تنطوي على جانبين أو شقين نبحتهما بالتوازي، أحدهما يخص القوانين الأقدم من الناحية الزمنية والأخر القوانين الأحدث نسبيا. إن المشكلة الأساسية التي تطرق إليها البحث هي مدى توافق ومواكبة القوانين التجارية في العراق للتطورات القانونية والإقتصادية التي حصلت على مستوى العالم وتحديد الأسباب التي تقف وراء ذلك. ولتحقيق أغراض البحث فقد اثر الباحث إتباع المنهج التحليلي الذي يقوم على تحليل الموقف القانوني في القوانين ذات الصلة بموضوع البحث. إن أهمية هذه الدراسة تكمن في أنها تبين مدى حداثة القوانين التجارية العراقية ومدى حاجتها للتعديل والتغيير. وأهم ما توصلت إليه الدراسة من نتائج هو رفض فكرة الطابع الإستثنائي للقانون التجاري وتحديد قانون التجارة لعام 1984 في علاقته بالقانون المدني وذلك لكي يتم الإحتفاظ للقانون التجاري بطابعه المستقل والتميز في مواجهة القانون المدني. بالإضافة إلى أن نظرية الأعمال التجارية في القانون العراقي مشوبة بالكثير من النواقص والمثالب وهي مرشحة للتعديل والتغيير. وكذلك فقد إنتقدنا السياسة التشريعية التي تقف وراء قانون التجارة العراقي. وبيننا كذلك أن قانون التجارة لعام 1984، وعلى خلاف القوانين التجارية الخاصة، هي الأقل قدرة على مواكبة التطورات التي تحصل في العالم ولذلك تشدد دواعي تعديله وتغييره. وفي السياق ذاته فقد دعونا إلى تفعيل دور القطاع الخاص في النشاط التجاري وكذلك دعونا إلى تبني نظرية ثنائيات القانون الخاص بدلا من نظرية وحدة القانون الخاص، بالإضافة إلى ضرورة الإبراز التشريعي لدور وأهمية مبدأ سلطان الإرادة في إطار القوانين التجارية.



پهسەندبکریت نەك تیۆری (یهكیتی یاخود یهك لایهینی) یاسای تایبەت، هەروەها پێویستە زیاتر رۆلی پره‌نسیپی بالایی ویستی تاکه‌کەسی (مبدأ سلطان الارادة) دەر بخریت له‌رووی یاساییه‌وه له‌بوارای یاسا بازرگانییه‌کاندا.



## Criminal implications in data privacy: Ensuring legal security in the digital age in Iraq

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كارىگهرييه تاوانكارىيه كان له پاراستنى نهينى داتاكان: دنيا بوون له ناسايشى ياساى  
له سهردهمى ديجيتالى له عىراقدا

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التداعيات الجنائية على خصوصية البيانات: ضمان الأمن القانوني في العصر

الرقمي في العراق

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*key words:* Criminal implications, data privacy, digital, legal security.

### الكلمات المفتاحية:

التداعيات الجنائية، البيانات الخصوصية، الأمن القانوني.

### كليه ووشه:

كاريگرييه تاوانكاربييهكان، زانيارى و داتا تايبهتبييهكان، ناسايشى ياساى.

### Introduction:

The protection of personal data has become a significant concern for society, individuals, organizations, and governments. The concerns about our Digital lives have become widely intertwined with the digital territory, the sensitivity of personal information held by various entities have raised intelligent questions about, individual rights, privacy and security of information. In response to these questions, the terms of legal security in data privacy has appeared as a support in protecting the integrity of personal privacy information. However, Legal security in digital privacy represents important framework that supports the trust of individuals place in the systems that process their data in a safe way. It is the legal scaffold upon which the digital ecosystem relies, delineating the rights and responsibilities of individuals and organizations in the handling of personal information. In essence, it seeks to strike a delicate balance between the inexorable tide of technological innovation and the timeless imperative of safeguarding individual privacy.

The purpose of this work is to illustrate the main aspects of criminal implications in data privacy. The international community concerns about privacy protection and works against Syber criminals, accordingly they made many significant steps such as the European Convention on Human Rights and the International Agreement on Civil and Political Rights. Both of these agreements are protecting privacy rights. Moreover, Article 12 of the Universal Declaration of Human Rights (UDHR), emphasize that law must protect everyone from digital attack.

### Police skills and technology growth

Police skills are necessary in digital age because the services of police are changing nowadays. Before the digital age types of crimes were different such as theft, murdering people and many other traditional crimes. However, electronic crimes are recognized such as drug trafficking, security hacker, Cyberbullying, Fraud, Identity theft and many others, that's why police forces need to be trained well to identify these new technology crimes. On the other hand, new technology suggests new tools to prevent various crimes from happening. Meanwhile, digital crime with is expanding. The ratio of crimes like hacking and drug trafficking by using internet-enables expands significantly in recent years. The harm of drug trafficking and child abuse and pornography is increased with wide use of internet. Moreover, police forces are facing new challenges entitles with unknowable threats, from anonymous sources, which will cause many illegal consequences and harm private and public interests<sup>(1)</sup>. It seems clear that police forces need more training, technology tools and new laws in order to protect society from Cyberattacks.

Police works are bound with legislations and instructions from legal body(parliament) and Government, the use of existing laws related to digital and technology crimes are not sufficient in Iraq and Kurdistan because of growing technology very fast and lack in new digital rules. This is also true for some other middle east countries. While law is basically slow to respond to growth of online threats that has a bad impact on public and private interests. cybe. The cybercrime are the main concern for the police nowadays, they have to use new tools and new technologies to discover digital criminals and to catch them. Law enforcement is necessary for stability and economic growth of any countries. Furthermore, any legal problems arising needs to different methods to deal with such as online threats, Cyberterrorism attacks and many other digital crimes. the criminal justice processes must be up to date with digital age in order to defeat technology criminals<sup>(2)</sup>.

Police investigations play a essential role in safeguarding sensitive information in different sectors. When an individual, private organization, or government entity falls victim to a data breach, the first step must police do is to investigative to discover the nature of the compromised data and the extent of the breach. Law enforcement agencies normally cooperate with

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(1) Alexander Hitchcock, *Bobbies on the net: a police workforce for the digital age*, reformpolice, August 2017, p16

(2) Wall, D.S. and Williams, M. (2007) 'Policing diversity in the digital age: Maintaining order in virtual communities', *Criminology & Criminal Justice*, vol: 7, issue 4, p4

cybersecurity experts to trace the criminals, evaluate the vulnerabilities exploited, and collect digital evidence. This includes analyzing server logs, digital footprints, network traffic, to identify potential sources of the breach or suspects. Moreover, investigators work to secure the compromised systems, contain the breach, and mitigate further damage to stop additional data loss. In cases of involving governmental departments, specialized unit forces will participate in investigation due to their difficulty and potential national security implications, cooperating with other law enforcement agencies and intelligence services to identify suspects and to arrest them<sup>(1)</sup>.

As the technology always in progress, investigation procedures must use new tools and new technologies to fulfill the development. Law enforcement agencies in data privacy and technology breach cases often influence advanced scientific techniques to recover deleted or encrypted data, and trace financial transactions linked to cybercriminals. It is preferable for the police forces to work with legal experts to obtain search warrants and orders to gather evidence from service providers and technology companies. In the private sector, assistance and collaborations between law enforcement and affected organizations is vital, as sharing information about the breach helps in tracking down criminals and avoiding future attacks. Furthermore, authorities may involve in international cooperation when the breach involves cross-border cybercrime, as extradition and coordination with authorized law enforcement agencies in other jurisdictions become necessary to arrest suspects and bring them to justice. Eventually, the investigative process in data privacy and technology breaches requires a requires different methods, combining digital forensics, legal techniques, and international collaboration to protect governmental sectors, individuals, and private sector, from the increasing threat of cybercrime<sup>(2)</sup>.

It seems obvious, that investigations in data privacy breach and legal security needs new developed technology because of the massive growth of digital technology, in order to protect public and private interests some necessary steps are needed, intensive technology training is important for the police forces with cooperation with IT experts and intelligence agencies in order to identify suspects and sources of the illegal technology actions, to arrest criminals and bring them to justice.

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- (1) Naeem Allahrakha, Balancing Cyber-security and Privacy: Legal and Ethical Considerations in the Digital Age, Tashkent State University of Law, 2023. Vol. 4. No. 2 p12
  - (2) Paul M. Schwartz & Edward J. Janger, Notification of Data Security Breaches, Michigan law review, 2007, p942

### Data protection policy in Legal prospective:

it is vital to have a strong legislation to protect individuals and Governmental sectors from breach or misuse of internet platforms. Europe has a great law for data and technology protection, this work will explain them with other US and Middle Eastern technology laws.

#### 1. Data Protection Laws and Regulations.

Data protection laws is important for preventing digital crimes, such as (GDPR) the General Data Protection Regulation in Europe and (CCPA) the California Consumer Privacy Act in the United States, have lead in a new era of data privacy. GDPR, for instance, lays out inclusive regulations governing the collection, processing, and storage of personal data. Under GDPR, individuals have the right to know how their data is being used, the ability to request data erasure, and the power to grant or withhold confirmation for data processing. These laws serve as a strong legal framework for safeguarding personal information, ensuring that organizations handle data with the extreme care<sup>(1)</sup>.

#### 2. Data Breach Notification

One of the critical aside of legal security in data privacy is the requirement for organizations and online platforms to notify individuals and relevant authorities in the event of a data breach. The GDPR mandates organizations to report data breaches within 72 hours of becoming aware of them, for instance, the Equifax breach in 2017, have exposed the consequences of inadequate data breach notification. The legal obligation to notify affected individuals and authorities ensures transparency and empowers individuals and public sectors to take action to protect their data<sup>(2)</sup>.

#### 3. Access Rights and duties.

Data privacy laws grant individuals particular rights, including the right to access their data, correct their incorrect data's, and request to delete some data.,Notably, the case of Google Spain v. AEPD and Mario Costeja González in the European Court of Justice established the right to be forgotten as a essential aspect of data privacy. These rights empower individuals to have

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- (1) CHRISTOPHER KUNER, The European Commission's Proposed Data Protection Regulation: A Copernican Revolution in European Data Protection Law, Privacy and Security Law Report, 2012, p9  
 (2) Nadezhda Purtova (2018) The law of everything. Broad concept of personal data and future of EU data protection law, Law, Innovation and Technology, 10:1, 40-81, DOI: 10.1080/17579961.2018.1452176, p13

control over their personal information and hold organizations responsible for its proper management<sup>(1)</sup>.

#### 4. Data Security Measures

It is significant to Ensure the security of personal data as a legal requirement in data privacy. Countries and Organizations are obligated to implement appropriate security measures to protect data from unauthorized access, disclosure, or criminals. The Yahoo data breach of 2013, which have been affected billions of user accounts, was a great reminder of the consequences of inadequate and weak data security measures. Moreover, Legal provisions demand that organizations adopt strong security practices, safeguarding individuals, official departments from data breaches and cyberattacks<sup>(2)</sup>.

#### 5. Responsibility and Enforcement.

Legal security in data privacy is making clear that organizations are accountable for data protection violations. Furthermore, Data protection authorities have the power and authorities to investigate and impose penalties for non-compliance. In addition, the United Arab Emirates, as one of important developing country has been experiencing rights and duties for using technology in the recent years. UAE has a new legislation about technology law. However, in the case of technology developments must follow the advanced new protection laws worldwide. In the modern world there are many options for a country to improve its cyber-security, by co-operating with many international agencies and organizations<sup>(3)</sup>.

#### 6. Cross-Border Data Transfers

cross-border data transfers are common especially In an increasingly globalized world. Legal security in data privacy illustrates the complex issue of data transfer regulations, ensuring that personal data must be protected even when it moves across international borders. International agreements, such as the agreement of Europe with US Privacy Shield (which was invalidated in

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- (1) Lynskey, Orla (2016) The Europeanisation of data protection law. Cambridge Yearbook of European Legal Studies . ISSN 1528-8870, 6 Centre for European Legal Studies, Faculty of Law, University of Cambridge last access 27/10/2023
- (2) Chris Jay Hoofnagle, Bart van der Sloot & Frederik Zuiderveen Borgesius (2019) The European Union general data protection regulation: what it is and what it means, Information & Communications Technology Law, 28:1, 65-98, DOI: 10.1080/13600834.2019.1573501, last access 27/10/2023 : <https://doi.org/10.1080/13600834.2019.1573501>.
- (3) Official website of Emirate 24/7, <http://www.emirates247.com/crime/local/tra-foiled-more-than-1000-cyber-attacks-last-year-2017-03-16-1.649766>. last access 27/10/2023

2020), have established frameworks for secure data transfers among countries. The plan of making decision to protect data privacy by the European Court of Justice further highlighted the significant of strong legal safeguards and protection for cross-border data transfers<sup>(1)</sup>.

### Ensuring legal security in the digital age in Iraq

Iraq is one of countries in the middle East that faces significant challenges in data protection policy. In 2011, Committee of Media and Culture in the Iraqi Parliament introduced a draft law on Information Technology Crimes (Cybercrimes' draft law, 2011) but it was withdrawn in 2013 when it faced pressures from civil society organizations and human rights departments. Their main disagreement was that certain provisions in the draft law disadvantaged and violated the right to freedom of expression. It was not recognized by the Iraqi parliament, that is why the decision to withdrawal was easy to make. it was reintroduced the legislation draft with minor amendments once again in 2019 with a new title, "Combating Cybercrimes Law, 2019. There were countrywide objections led by Human Rights Watch against the reintroduction of the Combating Cybercrimes law, focused by human rights activists and reporters, who were demanding the individual's right to exercise their right to the expression and freedom of opinion. Furthermore, in 2021 another attempt made by Iraqi authorities to impose the draft law but it is rejected by UN and Iraqi protesters because it was against rights of freedom of expression. It was never the law of data protection or privacy of people it was the draft for threatening people not to express their ideas freely<sup>(2)</sup>.

### Cybercrime Legislation and Data Protection Regulation in Iraq

Iraq currently has an unregulated internet sector, which makes it one of the freest markets globally. However, this also leaves it vulnerable to cyber threats, making it necessary to develop legal, technical, organizational, and capacity-building fundamentals to provide comprehensive cybersecurity for its citizens, businesses, and the state, especially given the current political and security situation in the country. There is a lack of data on the types of cybercrime in Iraq, and the government rarely publishes any information on it. However, earlier reports released by the Iraqi government expose the most

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- (1) Brown, I., 2010. Communications Data Retention in an Evolving Internet. *International Journal of Law and Information Technology*, 49 <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1206&context=chtlj>
- (2) Abdulhamza, S. M. (2022). The Iraqi Legislative Policy to Protect National Cyber Security A study in the light of the principles of public international law. *Lark Journal for Philosophy, Linguistics and Social Sciences*, 3(46) , 522- 540. <https://www.iasj.net/iasj/article/236956>

common types of cybercrime in Iraq, which have likely increased over the years. In 2013, Iraqi Ministry of Planning reported that most cybercrime is usually conducted via social media platforms, primarily Facebook, and is mostly directed towards individuals rather than businesses or governments. The most common types of cyberattacks include internet fraud, identity theft, child pornography, cyber-stalking, cyber-blackmail, copyright infringement, satellite piracy, and cyberterrorism (Jawad and Omer, 2017).<sup>(1)</sup>

According to Data Guidance (2021), although Iraq currently does not have a comprehensive data protection law applicable to private organizations, it has established a law that governs privacy within the public sector. The right to privacy is also recognized in the Iraqi Constitution, which acknowledges that it is necessary to balance it with other individuals' rights and public morals. Additionally, the country has enacted legislation that regulates privacy and confidentiality in certain sectors such as financial services, healthcare, telecommunications, and labor. The Iraqi Government is currently working on a cybercrime law, replacing an earlier draft that was abandoned in 2013 due to difficulties within the country and concerns about compliance with international standards<sup>(2)</sup>.

Data protection in Iraq is not governed by a single codified law. Instead, it is briefly covered under various laws, including the Iraqi Constitution, the Iraqi Penal Code No. 111 of 1969 (the Penal Code), the Iraqi Civil Code, and other sector-specific laws such as banking, securities, labor, and tax laws. While a data protection law has recently been passed, it only applies to government entities. There are currently no data protection initiatives for the private sector in Iraq. However, the government has been considering the introduction of a cybercrime law for some time now (AL Dabbagh, 2023).<sup>(3)</sup>

#### Applicable legislation

In 2011, the Presidential Council of Iraq proposed a draft law called the Iraqi Information Crimes Law, which aimed to regulate the use of electronic devices, information networks, and computers. However, the proposed

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- (1) AL Dabbagh, A. (2023) . Iraq - Data Protection Overview. [online] DataGuidance. Available at: <https://www.dataguidance.com/notes/iraq-data-protection-overview> [Accessed 4 Nov. 2023].
  - (2) AL Dabbagh, A. (2023) . Iraq - Data Protection Overview. [online] DataGuidance. Available at: <https://www.dataguidance.com/notes/iraq-data-protection-overview> [Accessed 4 Nov. 2023].
  - (3) Jawad, H. and Omer, A. (2017). Cybercrime Legislation in Iraq. [online] Al Tamimi & Company. Available at: <https://www.tamimi.com/law-update-articles/cybercrime-legislation-iraq/> [Accessed 4 Nov. 2023].

legislation faced significant criticism from local and international communities as it violated international standards that protect freedom of speech, association, and due process. As a result, the Iraqi Council of Representatives discarded the draft law on 6 February 2013 after receiving a letter from the Culture and Media Committee addressing the head of the Council and facing strong objections. Currently, Iraq doesn't have any specific legislation governing cybercrime. In cases concerning cybercrime, the judiciary has to apply provisions from sector-specific laws like the Banking Law of 2004 and Communications and Media Commission Law CPA Order 65 of 2004, as well as the Iraqi Civil Code No. 40 of 1951 and Iraqi Penal Code No. 111 of 1969. Moreover, Iraq doesn't have any specific laws on data protection, and privacy protection under the Civil Code remains largely undeveloped. While the Iraqi Constitution of 2005 recognizes the "right to personal privacy," there is no guidance or definition of this right in legislation<sup>(1)</sup>.

#### Applying Existing Legislation

As mentioned above, cybercrimes such as internet fraud, identity theft, child pornography, cyber-stalking, cyber-blackmail, copyright infringement, satellite piracy, and cyberterrorism are prevalent in Iraq. Although the Penal Code addresses the criminal nature of these cybercrimes, it fails to incorporate their 'cyber' element effectively. Any individual convicted of cybercrime involving violence, sexual exploitation, threats, or manipulation may face penalties under Articles 369 and 396 of the Penal Code:

Under Article 369, a person can face imprisonment for a maximum of 4 years (eighteen years if the victim is younger than eighteen years of age) if they assault another using force, threaten, manipulate, or violate the decency of another male or female, or initiate such violation. Similarly, Article 396 of the Penal Code imposes a maximum term of imprisonment of 7 years on any person who sexually assaults a man or woman or attempts to do so without their consent and with the use of force, deception, or other means. The penalty for offenses against victims under 8 years of age is imprisonment for a term not exceeding 10 years. Furthermore, any person convicted of a cybercrime involving identity theft, internet fraud, blackmail, or other relevant acts may face detention under Article 456 of the Penal Code.<sup>(2)</sup>

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- (1) Jawad, H. and Omer, A. (2017). Cybercrime Legislation in Iraq. [online] Al Tamimi & Company. Available at: <https://www.tamimi.com/law-update-articles/cybercrime-legislation-iraq/> [Accessed 4 Nov. 2023].
- (2) Iraqi Penal code number 111, year 1969

Any person found guilty of a cybercrime involving copyright infringement may be penalized under Article 45 of the Copyright Law. The copyright owner can seek legal remedies under Article 45, including. The following are the actions that can be taken against infringers:

- Injunctions to order them to stop infringing activities.
- Confiscation of the original, copies, and materials used to manufacture infringing copies.
- Confiscation of the proceeds of the infringement.

Any person convicted of cyberterrorism may face penalties under the Anti-Terrorism Law No. 13 of 2005. Moreover, harmed persons have the right to file claims for damages caused to them by virtue of said violations, in accordance with the Civil Code.<sup>(1)</sup>

### **How to Establish and develop laws and judicial system in Iraq**

To upgrade laws and the judicial system in Iraq, several steps can be taken. Firstly, it is essential to write a new legislation about criminal law and it is important to allocate adequate resources for the training of judges, lawyers, and law enforcement personnel on new technologies and their impact on the criminal justice system. This training can include workshops, seminars, and courses on digital crimes and technological advances. Secondly, upgrading the technical infrastructure of the legal system is necessary to meet the demands of digital evidence. This can include providing courts with the latest technology for electronic evidence presentation and storage. The use of e-filing systems, digital court records, and other technologies that enable remote access to legal procedures can improve the efficiency and effectiveness of court operations. the public should be informed about the potential risks and consequences of digital technology, especially with regard to cybercrime and data privacy. Citizen awareness campaigns can help promote digital security and privacy, thereby contributing to a vigilant public.<sup>(2)</sup>

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(1) Iraqi anti-terrorism law no 13 of 2005.

(2) Data Guidance. (2021). Iraq. [online] Available at: <https://www.dataguidance.com/jurisdiction/iraq> [Accessed 4 Nov. 2023].

## Conclusion

In conclusion, legal security in data privacy is paramount in today's digital age. Data protection laws and regulations, informed consent, data breach notification requirements, data minimization and purpose limitation principles, access rights, data security measures, accountability, and considerations for cross-border data transfers collectively form a robust legal framework. This framework not only protects individuals' personal information but also fosters trust in the digital ecosystem. As data privacy continues to evolve, maintaining legal security remains essential to ensuring that individuals and organizations alike can navigate the digital landscape with confidence and security. The ongoing development of data privacy laws and their enforcement mechanisms will continue to shape the future of legal security in data privacy. Legal security in data privacy is crucial in the digital age, where vast amounts of personal information are collected and processed. It aims to strike a balance between enabling the benefits of data-driven technologies while safeguarding individuals' privacy rights and maintaining their trust in the digital ecosystem.

## Suggestions and Recommendations

1. Enhance legislation on cybercrime: Develop comprehensive and up-to-date legislation specifically addressing cybercrime in Iraq. This legislation should cover a wide range of offenses, including hacking, identity theft, data breaches, online fraud, and cyberterrorism. The laws should clearly define these offenses, establish appropriate penalties, and address the jurisdictional challenges that often arise in cyberspace.

2. Strengthen data protection laws: Enact robust data protection and privacy laws that safeguard the personal information of individuals in Iraq. These laws should establish strict requirements for organizations collecting, storing, and processing personal data, and should enforce strong penalties for violations. Providing individuals with rights to access, correct, and delete their personal data can also enhance privacy protections.

3. Establish specialized cybercrime units: Create specialized cybercrime units within law enforcement agencies that are equipped with the necessary resources, technology, and expertise to investigate and combat cybercriminal activities. These units should work closely with international partners and cybersecurity experts to stay up to date with emerging threats and techniques used by cybercriminals.

4. Promote international cooperation: Strengthen cooperation and information sharing between Iraqi law enforcement agencies and international

bodies, such as INTERPOL, to improve the ability to investigate and track cybercriminals across borders. This collaboration can facilitate the exchange of knowledge, best practices, and assistance in cybercrime cases.

5. Increase public awareness and education: Develop public awareness campaigns on cybercrime, its consequences, and preventive measures. Educate the public on safe internet practices, including strong password management, awareness of phishing scams, and the responsible use of social media. This can empower individuals to protect themselves and report cybercriminal activities to the authorities.

6. Collaborate with the private sector: Foster partnerships with private sector organizations, internet service providers, and social media platforms to address cybercrime collectively. Encourage cooperation in sharing information, reporting suspicious activities, and implementing security measures to prevent cybercriminal acts.

7. Establish guidelines for digital evidence: Develop clear guidelines and procedures for handling digital evidence in legal proceedings. This includes defining standards for the admissibility, authenticity, and preservation of digital evidence, ensuring its integrity for courtroom use.

8. Support research and development: Invest in research and development initiatives that focus on cybersecurity and digital forensics. Funding research projects and supporting innovation in these areas can contribute to advancements in technology and methodologies for detecting, preventing, and investigating cybercrime. By implementing these suggestions and recommendations, Iraqi laws can be better equipped to address the challenges of criminal technology, protect the rights and privacy of individuals, and ensure effective and fair prosecution of cybercrimes in Iraq.

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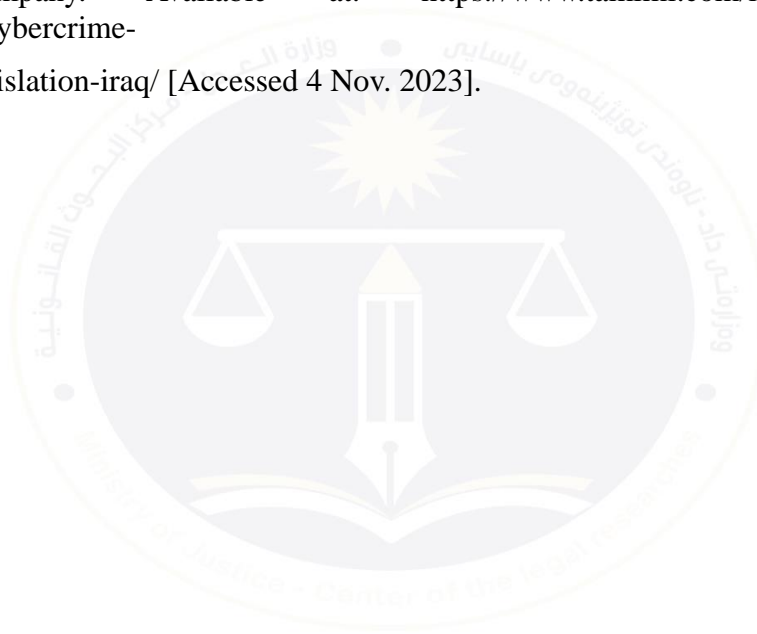
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## Abstract

In a progressively digitized world, the connection of law, security, and data privacy has become a significant concern. This paper investigates into the developing landscape of legal security and data privacy. It discovers the significant impact of developing technologies, Privacy of individuals and society must be protected. Additionally, it searches the developing regulations of digital law and international agreements that related to the future of data and privacy protection. The paper highlights the requirements of practical legal strategies and suggests measures to protect privacy and to prevent illegal digital actions. It also studies the ethical and criminal use of data privacy. Furthermore, breaches of data and privacy violations are occurring daily, this paper provides suitable solutions and best practices that will describe the future of legal security and data privacy. According to the change of nature of crimes law and digital regulations must be ready for this new challenge. Criminals are using digital era illegally for obtaining private interests, that is why European Governments and UK police and authorities take necessary steps to protect individual and public sector data privacy. The (CJEU) Court of Justice of the European Union has been the most powerful judicial body in terms of protection of data privacy.

## الملخص

في عالم رقمي متزايد، أصبح الارتباط بين القانون والأمن وخصوصية البيانات مصدر قلق كبير. يبحث هذا البحث في المشهد المتطور للأمن القانوني وخصوصية البيانات. ويكتشف التأثير الكبير للتكنولوجيات المتطورة، وخصوصية الأفراد والمجتمع يجب حمايتها بالإضافة إلى ذلك، يبحث في اللوائح المتطورة للقانون الرقمي والاتفاقيات الدولية المتعلقة بمستقبل حماية البيانات والخصوصية. يسلط البحث الضوء على متطلبات الاستراتيجيات القانونية العملية ويقترح تدابير لحماية الخصوصية ومنع الإجراءات الرقمية غير القانونية. كما يدرس الاستخدام الأخلاقي والجنائي لخصوصية البيانات. وعلاوة على ذلك، تحدث انتهاكات البيانات والخصوصية يوميًا، وتقدم هذه الورقة حلولاً مناسبة وأفضل الممارسات التي تصف مستقبل الأمن القانوني وخصوصية البيانات. وفقاً لتغير طبيعة الجرائم، يجب أن يكون القانون واللوائح الرقمية جاهزين لهذا التحدي الجديد. يستخدم المجرمون العصر الرقمي بشكل غير قانوني للحصول على مصالح خاصة، ولهذا السبب تتخذ الحكومات الأوروبية وشرطة المملكة المتحدة والسلطات الخطوات اللازمة لحماية خصوصية البيانات الفردية والقطاع العام. كانت محكمة العدل التابعة للاتحاد الأوروبي هي الهيئة القضائية الأكثر قوة من حيث حماية خصوصية البيانات.

### پوخته

لهوبهرهوپیشچوونه زۆرهی له جیهانی ژمارههیداروودهات، پهپوهندی یاسا و ئاسایش و نهینی داتا بووته نیگهرا نییهکی بهرچاو. ئەم توێژینهوهیه لیکۆلینهوه له دیمهنه گهشهسهندووهکانی ئاسایشی یاسایی و نهینی داتاگان دهکات. کاریگهرییه بهرچاووهکانی پهرمپدانی تهکنهلۆژیا پیشکوهوتووهکان دهوژیتهوه، دهبیت پاراستنی نهینی تاکهکان و کۆمهلگا بپاریزیریت سهرهراي ئەو پیشکوهوتنه، دهکۆلینهوه له ريسا پههسهندووهکانی یاسای دیجیتالی و ریککوهوتنه نیودهولهتیهکان که پهپوهندییان به داهاتوی داتا و پاراستنی نهینی بهکارهینهران ههیه. توێژینهوهکه تیشک دهخاته سهر پنداویستیهکانی ستراتیژییه یاساییه پراکتیکیهکان و پیشنیاری ریشوینی پاراستنی تایهتیهندی و ریکریکردن له کردهوه دیجیتالییه نایاساییهکان دهکات. ههروهها لیکۆلینهوه له بهکارهینانی ئەخلاق و تاوانکاری داتا نهینییهکان دهکات. جگه لههوش، رۆژانه پیشیلکردنی داتا و پیشیلکردنی نهینی روودهدات، ئەم توێژینهوهیه چارهسهری گونجاو و باشتترین پراکتیزه دهخاته روو که داهاتوی ئاسایشی یاسایی و نهینی داتاگان باسی لئوه دهکات و بهگرنگی دهزانیت. بهپیی گۆرانی سروشتی تاوانهکان یاسا و ريسا دیجیتالییهکان دهبیت نامادهبن بۆ ئەم ئالهنگاریه نوییه. تاوانباران سهردهمی دیجیتالی به شیوهیهکی نایاسایی بهکاردههینن بۆ بهدهستهینانی بهرژوهندی تاییهت، ههر بۆیه حکومهتهکانی ئەوروپا و پۆلیس و دهسهلاتدارانی بهریتانیا ههنگاوی پنیویست دهگرنه بهر بۆ پاراستنی نهینی داتاگان تاک و کهرتی گشتی. دادگای دادوهری (CJEU) ی پهکیتی ئەوروپا بههیزترین دهزگای دادوهری بووه له رووی پاراستنی نهینی زانیارییهکانهوه.

## محتويات العدد

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