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Administrative Boundaries and Legal Control over Integrity Commission Decisions in Iraq

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Abstract

General Background: After 2003, Iraq witnessed a major transformation in its administrative and legal systems, marked by the establishment of independent bodies to fight corruption, most notably the Federal Integrity Commission. **Specific Background:** Despite extensive legislative reforms, persistent ambiguity remains regarding the boundaries between administrative authority and the Commission's jurisdiction, raising questions about the implementation and legitimacy of integrity decisions within the framework of Iraqi law. **Knowledge Gap:** Previous studies have not comprehensively analyzed the legal limits of administrative power vis-à-vis the Integrity Commission's decisions or the judicial interpretations that define these boundaries. **Aims:** This study aims to examine the extent of administrative compliance with the Integrity Commission's decisions, clarify the constitutional and legislative foundations governing their relationship, and analyze judicial oversight in this context. **Results:** The research reveals that while the Integrity Commission possesses significant investigative authority, the administration retains limited discretion under strict judicial and legal constraints to ensure the rule of law. **Novelty:** By integrating legislative analysis with constitutional jurisprudence, the study offers a nuanced framework explaining how executive power interacts with independent anti-corruption mechanisms. **Implications:** The findings underscore the necessity for clearer constitutional delineation and stronger judicial safeguards to preserve institutional integrity and ensure balanced governance in Iraq.

Highlights:

- Defines clear legal boundaries between administrative powers and the Integrity Commission's authority.
- Highlights the judiciary's central role in ensuring balance and legality in anti-corruption actions.
- Emphasizes the need for constitutional clarity and stronger institutional independence.

Keywords: Integrity Commission, Administrative Authority, Iraqi Legislation, Judicial Oversight, Anti-Corruption

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Introduction

The "limits of administrative authority with respect to integrity decisions" raises a central question in Iraqi public law. This question is related to drawing a fine line between the powers of administrative bodies (ministries, non-ministerial bodies, universities, etc.) and the competencies of the Federal Integrity Commission, in addition to the impact of its procedures and decisions on the legal status of public employees and the functioning of public services. This question is all the more important in the institutional context of Iraq, which has adopted — constitutionally and legislatively — a dual approach to the fight against corruption. This approach combines administrative oversight with criminal investigation and prosecution. The control of legitimacy is entrusted to a specialized administrative body, namely the Council of State and its courts. This question also prohibits immunity from appeal against any administrative decision (Article 100 of the Constitution). It also authorizes the establishment of a Council of State responsible for supervising and drafting administrative judiciary and advisory opinions (article 101 of the Constitution). The Integrity Commission is an independent body subject to the oversight of the House of Representatives (Article 102 of the Constitution). This establishes a normative framework that obliges the administration to act in accordance with the principles of legality and to separate administrative and disciplinary functions from criminal functions, while adhering to the rules of proportionality, due process and employee safeguards. The Iraqi administrative judicial system has witnessed an important legislative development with the issuance of the State Council Law No. (71) of 2017, which separated the Council from the Ministry of Justice and enshrined it as an independent body that exercises the functions of the administrative judiciary, in addition to issuing fatwas and drafting laws. This development follows a series of amendments to the State Council Law No. (65) of 1979, especially the amendments of 2013 and 2017. This amendment strengthened the jurisdiction of the administrative courts and the Supreme Administrative Court to consider the cancellation of administrative decisions that violate the law, including decisions issued in response to the procedures or recommendations of the Integrity Commission. This development restores the balance between anti-corruption bodies, the rights of civil servants and the administration of public services, while regulating the means of appealing decisions before the Sharia judge within the limits and limits provided for by law.[1]

On the other hand, the legislator regulated the powers of the Federal Integrity Commission through Law No. (30) of 2011 and its amendments of 2019. This allows them to use investigative and evidence collection methods after a decision is issued by the competent judge, to seek the help of official authorities, and to obtain data and documents, including confidential ones. The law also obliges "assigned" persons to submit a financial disclosure declaration, and authorizes the Authority to suspend salaries in case of non-submission of such declarations. It also provides for criminal penalties in the case of graft. These provisions indicate that the Board's intervention is, in essence, procedural/investigative and subject to the guarantee of criminal judicial review where appropriate. In the meantime, functional effects (such as withdrawal of powers or imposition of disciplinary sanctions) remain essentially within the competence of the competent department in accordance with the Disciplinary Law, unless expressly stated otherwise.[2]

Athe goal scorer of the study

This analytical study aims to clarify the limits of the Administration's authority in the face of the decisions of the Integrity Commission after 2003, by reviewing the legislative framework regulating the work of the Integrity Commission and its powers (Topic I), analyzing the Department's obligations and legal restrictions regarding the Authority's decisions, and presenting the relevant cases of conflict and judicial interpretation (Topic Two). The study concluded with a summary that includes the most important conclusions and recommendations to strengthen the principle of legitimacy and the rule of law within the scope of the relationship between the Administration and the Integrity Commission.

Method

This study relies on the descriptive and analytical approach of the constitutional and legal texts related to the Integrity Commission and its decisions, in addition to the analysis of the relevant judicial decisions and jurisprudence. The Constitution of the Republic of Iraq of 2005, the Integrity Commission Law No. 30 of 2011 (as amended), the orders issued by the Coalition Provisional Authority, as well as the opinions of jurisprudence and administrative jurisprudence have been used to clarify the limits of the administration's authority in this field.

1. Study Problem

The problem with the study is that the boundaries between the powers of the administration and the decisions issued by the Integrity Commission are notclear. Thequestion arises about the extent of the commitment of the administrative authorities to these decisions, and the possibility that they may exceed their legal powers or interfere in the work of the Commission in light of the Iraqi legislation in force after 2003.

2. Study Questions

a. What are the limits of the administration's authority to deal with decisions issued by the Integrity Commission in accordance with Iraqi legislation after 2003?

b. To what extent are the decisions of the Integrity Commission Obligatory to the administrative bodies, and what is thelegal basis thatdetermines the nature of thisobligation?

c. How the Iraqi legal system and judiciary have dealt with cases of conflict or overlap between the decisions of the Integrity

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Commission and the procedures of the administrative authorities, to ensure that no party exceeds its powers

3. First Topic

a. The Legal Framework of the Commission of Integrity and its Decisions in Iraqi Legislation after 2003

This topic provides an introduction to understanding the legal basis on which the Federal Integrity Commission in Iraq was established after 2003, in terms of its establishment and legislative development, the nature of the powers granted to it, and the decisions and procedures it issues in the field of anti-corruption. The first deals with the establishment of the Commission of Integrity and the constitutional and legal framework regulating it, while the second focuses on its most prominent powers, the nature of the integrity decisions it issues, and the extent of its legal validity.

The First Requirement

1) The Establishment of the Commission of Integrity and the Legislative Framework Governing it

After 2003, there was an urgent need to establish independent oversight bodies to promote integrity and combat corruption that had spread across the country. Accordingly, the Coalition Provisional Authority established the Iraqi Commission for Public Integrity by Order No. 55 of 2004, as an independent body responsible for implementing anti-corruption laws and public service standards. The move was seen as part of a structural reform aimed at consolidating the principles of good governance and the separation of powers, as this body was to operate without direct subordination to the legislative or executive branches. In 2005, the Constitution of the Republic of Iraq guaranteed the independence of anti-corruption bodies. Article 102 of the Constitution stipulates that the Integrity Commission is an independent body subject to the oversight of the House of Representatives, and its work is regulated by law. The constitution places the Integrity Commission among the independent bodies, along with the Election Commission, the National Audit Office, and others, stressing its vision that these oversight bodies should be isolated from the influence and pressure of the executive authority.[3]

Accordingly, the House of Representatives approved a special law for the Integrity Commission, namely the Integrity Commission Law No. (30) of 2011, which replaced the aforementioned order. Article (2) explicitly states that "the Integrity Commission is an independent body with legal personality and financial and administrative independence, and is subject to the oversight of the House of Representatives." The law also stipulates that the head of the commission must be independent and not affiliated with any political party, in order to promote the principle of neutrality in the work of the commission. It is noteworthy that this law was later amended by Law No. (30) of 2019 (First Amendment) with the aim of expanding the powers of the Authority and including graft crimes within its jurisdiction. However, these amendments did not affect the principle of the independence of the Commission stipulated in the law.

Thus, it is clear that the post-2003 legislative framework has strengthened the legal status of the Integrity Commission as an independent oversight body, operating under the supervision of the legislature, separate from the administrative hierarchy of the executive branch. It has been entrusted with the task of developing and implementing anti-corruption strategies in coordination with the relevant judicial and executive branches. A special law, the Integrity Commission Law of 2011 (as amended), regulates the details of its work and powers. In the light of this framework, the requirement is reviewed The following are the most prominent competencies of the Commission and the nature of the decisions and procedures it issues in the context of confronting corruption cases.[4]

The Second Requirement

1) The Integrity Commission's Competencies and the Nature of Its Decisions in Combating Corruption

The Integrity Commission has a wide range of powers and competencies under its laws in force that aim to enable it to perform its oversight and investigative role in combating administrative and financial corruption. The most important of these competencies and the decisions resulting from them can be highlighted as follows:

a. Investigative Authority and Evidence Collection: The law empowers the Integrity Commission to investigate corruption cases through its investigators, who work under the supervision of specialized investigative judges. This includes arrest, interrogation and evidence collection using modern scientific and technical means. As such, the Commission is an investigative body parallel to other investigative bodies (such as the police and investigative judges) and has specific jurisdiction over corruption crimes. The law affirms this power in Chapter III, leading some to describe the Integrity Commission as a quasi-judicial authority due to its comprehensive anti-corruption investigative procedures. However, the investigative role of the Commission ends with the referral of the case to the judiciary and the issuance of a final judicial ruling. The proceedings of the Commission are not judicial rulings and do not have the force of a judicial order, but rather they are a precursor to the case ofthe accused before the competent courts.[5]

b. Referring the accused to the competent judiciary: The Integrity Commission does not have the authority to issue judicial rulings or impose penal penalties on its own, but its task is limited to completing the investigation files and collecting evidence, and then referring the cases to the judiciary (the competent investigative court or the criminal anti-corruption court) to complete the legal procedures. In other words, the decisions issued by the Commission are more like referral decisions and recommendations to the judiciary to take appropriate action. Investigative judges follow up on cases referred by the commission and have discretion in evaluating evidence and legal qualifications. Sometimes, a dispute may arise as to the legal qualifications of the facts, and whether or not they fall within the jurisdiction of the Commission (a crime of corruption). In this case, the final decision shall be for the judiciary to determine that jurisdiction.[6]

c. Request for information and cooperation from government agencies: The Integrity Commission Law of 2011 obliges all government departments and institutions to cooperate with the Commission by providing them with the necessary information and documents for investigations. Article 15 (1) of the Law stipulates that all government departments are obliged to provide the Authority with the documents, preliminary information, and information it requests regarding the cases under investigation or investigation. This means that the Authority's decisions to request information or files related to the investigation of corruption are legally binding on the relevant administrative bodies. No administrative body may refuse to provide the Authority with a document or information under the pretext of confidentiality or otherwise, otherwise its officials will be subject to legal accountability. The law already provides for a penalty for anyone who obstructs the work of the Authority, where anyone who refuses to provide information or conceals the data requested by the Commission in accordance with the provisions of thelaw is punishable by imprisonment for up to one year.

d. Measures to prevent the waste of public funds and recover funds: The law empowers the Integrity Commission, in coordination with the judiciary, to take precautionary measures to protect public funds and prevent those accused of corruption from disposing of their funds. This includes requesting the competent investigating judge to prevent the accused from travelling or temporarily seizing his or her assets if necessary. It is also tasked with following up on the recovery of public funds smuggled abroad as a result of corruption, in cooperation with international bodies. Although these procedures require judicial approval, they are taken by the Integrity Commission and issued by its decisions, and submitted to the competent authorities. [8]

e. Mandatory financial disclosure: Iraqi legislation (in particular the amended Integrity Commission Law and the Graft Law) requires senior government officials to submit periodic financial disclosures disclosing their assets and assets. The Integrity Commission is responsible for receiving and reviewing these disclosures, and has the authority to refer any suspected case of graft to the judiciary for legal action (e.g., graft or enrichment charges). The Commission's decision to refer the graft case to justice is an important integrity measure, as it limits the abuse of power by some officials. The law also imposes penalties on those who fail to provide financial disclosures or deliberately provide false information, giving the authority to hold violators accountable through the judiciary. Pursuant to the text of Article (16/First/C) of the Integrity Commission Law No. 30 of 2011, as amended.

f. Education, awareness, and setting standards of professional conduct: As part of its preventive role, the Commission of Integrity issues administrative decisions and instructions aimed at promoting a culture of integrity and transparency in state institutions. The law empowers it to establish a code of professional conduct for state employees and to adopt standards of integrity as a condition for appointment and continuation of service. Although these instructions and decisions are of a general organizational nature, they are considered effective and binding on the administrative authorities, as they are issued under a legal mandate. The Commission also prepares annual reports on the reality of corruption and efforts to combat it, and makes recommendations for administrative and legislative reform, which often include calls for executive bodies to take corrective action. [9]

With regard to the nature of the decisions of the Integrity Commission and their legal enforcement, it is important to emphasize that the decisions and procedures issued by the Commission - despite their importance - are not final judicial rulings, but are by their nature subject to the nature of the Commission's work as an investigative administrative body. These decisions are preliminary or preliminary, aimed at exposing corruption and referring the files to the judiciary or the competent authorities to take the necessary measures. Consequently, it does not acquire the force of a judicial order, nor does it unilaterally resolve a criminal or administrative dispute. For example, the commission's decision to refer an official accused of bribery to a criminal court does not constitute a legal conviction; Similarly, decisions by administrative bodies (such as requesting the dismissal of an employee or the suspension of the disbursement of funds) require the approval of the legally competent authority (such as the head of the administration or the judiciary) to become effective. However, the decisions of the Integrity Commission have great moral strength and practical importance, as they are based on a specific legal reference, and ignoring or violating them has legal consequences (such as exposing the abstaining official to punishment, as mentioned above). Therefore, good governance requires respecting the decisions of the Authority and dealing with them seriously within the limits of the law. This leads us to examine the limits of the administration's authority over these decisions in the next section, to clarify what it may or may not do when a decision is issued by the Integrity Commission, and how the law and judicial interpretation have drawn the line between their respective powers. [10]

4. Second Topic

a. The Limits of the Administration's Authority in the Face of the Integrity Commission's Decisions

After reviewing the legal basis of the Integrity Commission and its powers, this section analyzes the limits of the authority of the administration (the executive authority) vis-à-vis the decisions and procedures of the Integrity Commission. The limits of the administrative authority here refer to the legitimacy and legality of the actions of the administrative bodies towards the decisions of the Commission, whether in terms of the obligation to implement them or the possibility of objecting to or ignoring them, and the controls for this in light of the principle of the rule of law and the separation of powers. The topic is divided into two requirements: The first deals with the obligations and legal duties of the administrative bodies towards the decisions of the Integrity Commission and the judicial decisions related to them, while the second deals with the judicial oversight of the administration's interaction with the decisions of the Commission, including the interpretations issued by the Federal Supreme Court that affect the nature of the Authority's relationship with other entities, and the resulting problems and conflicts between the Authority and some executives.

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The First Requirement

1) The Department's Legal Obligations and Duties Towards the Decisions of the Integrity Commission

Iraqi legislation after 2003 established a set of obligations on the shoulders of administrative bodies (ministries and government departments at various levels) with regard to cooperation with the Commission of Integrity and respect for its decisions. The most important of these obligations can be summarized in the following axes:

a. Commitment to cooperate and provide information: As mentioned earlier, the Integrity Commission Law obliges all government departments to provide them with the documents and information they need during their investigations. Accordingly, the administrative authorities are legally obliged to respond to the Authority's requests without delay or procrastination. The head of the department or the minister may not reject a request from the Integrity Commission on the grounds of confidentiality or lack of jurisdiction. The law considers meeting the Authority's requests as part of their duty to promote integrity. Even in cases where the information is of a security or sensitive nature, coordination should be made with the Commission to provide what can be provided within the legal framework (e.g., providing information in strict confidentiality to the investigative judge supervising the Commission's work). Any refusal or obstruction of the Authority's requests constitutes a clear violation of the law and requires accountability. Iraqi law explicitly criminalizes failure to cooperate with the commission, and anyone who refuses to provide documents or data requested by the commission or deliberately conceals them is punishable by up to one year in prison. This criminal penalty constitutes a legal deterrent to the administration, preventing it from overstepping its boundaries and refusing to implement integrity decisions related to evidence gathering and investigations. [11]

b. The Duty to Refrain from Interfering in or Influencing the Commission's Investigations: The principle of separation of the functions of administrative investigation and criminal justice on the one hand, and the functions of the executive management on the other, obliges administrative officials not to interfere in the investigative work of the Integrity Commission. The law implicitly confirms this principle, as the investigators of the Commission of Integrity exercise their powers under judicial supervision, and no executive body has authority over them in the context of their investigations into corruption cases. Therefore, the executive authorities must refrain from any attemptto influence the Conduct or direct investigations. [12] This includes refraining from exerting any administrative pressure on employees, witnesses, or whistleblowers, and refraining from punishing or threatening them for cooperating with the authority. It also includes refraining from obstructing the Authority's access to the headquarters of the departments or sites necessary for inspection and investigation under legal permits. All of this falls within the duty of the administration to respect the independence of the investigation and not to exceed the limits of its powers by interfering in matters in which it is not legally allowed to interfere. This duty has been clearly stated in some regulatory manuals. For example, the Code of Professional Conduct obliges officials and officials to cooperate with oversight and investigative bodies and to refrain from any conduct that would compromise the integrity of an investigation. In the event of interference or influence by an official, the Authority may refer the matter to the judicial authorities to take appropriate action against him (such as accusing him of obstruction of justice or covering up corruption). Thus, the limits of the administration's authority are determined here by not prejudice to the integrity of the investigation and respect for the procedures of the Integrity Commission as legal procedures to be followed. [13]

c. Enforcement of judicial decisions resulting from integrity investigations: Integrity Commission investigations often result in the referral of suspects to court and the issuance of judicial orders (such as arrest, summons, travel bans, or seizure of funds). These orders are issued by the judiciary based on the evidence provided by the Commission. The Department has a strict legal duty to enforce these judicial orders promptly, as an executive authority charged with enforcing the law. For example, the ministry may not fail to execute an arrest warrant issued by an investigative judge against an employee based on a referral from the Integrity Commission, nor may it hide a suspect or move him to a safe place, as this constitutes a grave violation of the rule of law. The same applies to travel bans or seizures of funds. The concerned authorities (the Ministry of Interior, banks, real estate departments, etc.) must immediately implement these orders in compliance with judicial rulings. Any attempt by the administration to refrain from implementing or delaying its implementation, whether for political or other reasons, is considered an excession of its authority and requires accountability. The Customs Department's refusal to implement the Supreme Federal Judgment No. (57/2017) to release convicts after the expiry of their sentences, which was considered a violation of their rights and a violation of the legitimacy of judicial decisions[14]

Iraq has at times witnessed a slowdown in the implementation of arrest warrants for senior officials accused of corruption, which has drawn harsh criticism. Therefore, in its annual reports, the Commission of Integrity has repeatedly emphasized the importance of the commitment of the executive authorities to implement judicial rulings related to corruption cases without delay, as an integral part of anti-corruption efforts. For example, the 2020 annual report indicated a number of arrest warrants issued and the level of response to them by law enforcement agencies.[15]

d. Taking internal administrative measures in response to the decisions of the Integrity commission: In addition to the above, the administrative authorities are committed to taking internal administrative measures to support the efforts of the Integrity Commission. For example, if the commission refers an employee of a ministry to the judiciary on charges of serious corruption, the ministry should consider taking precautionary measures, such as suspending him or transferring him to another entity far from public funds. This is to prevent the damage from worsening and to prevent the evidence from being hidden. Departments should also respond to the Integrity Commission's recommendations on improving internal control systems or closing corruption loopholes. Although these recommendations are not legally binding, as in judicial decisions, they fall within the concept of good governance, which requires management to take into account the recommendations of the relevant oversight bodies. Furthermore, informed departments may take the initiative to report suspected cases of

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corruption within their institutions to the Integrity Commission and cooperate in the investigation, fulfilling their duty to protect public funds. The laws state that administrative officials are responsible for reporting corruption crimes as soon as they become aware of them, with legal accountability if they fail to do so. Therefore, the limits of the authority of the administration are defined here as one that is constrained by legitimacy. The administration does not have the authority to ignore or suspend the decisions of the authority, but must act within them in a way that serves the public interest. [16]

In summary, Iraqi legislation obliges the administration with a set of duties that make it a positive partner of the Anti-Corruption Integrity Commission, rather than an obstructive adversary.The authority of the administration upholds the law, making integrity decisions part of the mandatory legal system that must be respected.Any deviation by the administration from these boundaries (such as refusal to cooperate or illegal interference) is met with legal penalties that ensure corrective action. This achieves the principle of the administration's subordination to the law (the principle of legality) by subjecting its actions in combating the Corruption for Legal Control.

The Second Requirement

1) Judicial Oversight of the Relationship between the Commission of Integrity and the Executive Authority

Defining the limits of the administration's authority vis-à-vis the decisions of the Integrity commission is not complete without examining the role of the judiciary in drawing those boundaries and resolving any disputes or ambiguities that arise between the two parties. The role of the Federal Supreme Court in interpreting the constitutional texts related to the independence and relevance of the Integrity Commission is particularly highlighted, as well as the role of the administrative judiciary in monitoring the legitimacy of administrative decisions related to the fight against corruption. The following are the most important judicial milestones and interpretations that have affected the relationship between the Commission and the executive authority:

a. The Federal Supreme Court's interpretation of the independence of the Integrity Commission (2006 and 2011): After the adoption of the 2005 Constitution, which placed the Integrity Commission under the control of the House of Representatives (not under the executive branch), questions were raised about how this body is actually related, especially since the House of Representatives is a legislative body and not an executive body to manage the bodies.[3] In 2006, the Federal Supreme Court issued its decision No. 288/Federal/2006, which was decisive in affirming the independence of the Commission of Integrity from the government, as the Court decided that the Commission of Integrity is subject to the sole control of the House of Representatives, and that it manages itself according to its own law without the interference of any other party. This decision constituted an important judicial guarantee To immunize the decisions of the Integrity Commission from any influence or executive tutelage, and to put a clear end to the authority of the administration that it does not extend to interfering in the work of the Independent Commission.[17]

This situation seems to have changed with the change in the political climate and the increasing influence of the executive branch in subsequent years. In early 2011, the then-prime minister submitted another request to the Federal Court to explain the relationship between the independent bodies. The Court's decision, No. 88/Federal/2010 (issued on 18 January 2011), reversed its previous position. This time, the court ruled that linking some independent bodies (such as the Central Bank, the Integrity Commission, and the Election Commission) to the House of Representatives does not preclude executive oversight of them, as they are "non-ministry entities." The Court held that these bodies are of an executive nature in their work and should therefore delegate their powers to the Council of Ministers, which is constitutionally mandated to plan and monitor the work of ministries and non-ministry entities. She justified this by saying that the House of Representatives has the right to monitor the work of these bodies, but it does not have the power to manage them or direct their executive policy. Therefore, there must be a link between them and the Council of Ministers to coordinate them with the general policy of the state. The court stressed that the government's control over the commission does not mean dominating it or abolishing its financial and administrative independence, but rather aims to ensure integration and coordination with other state agencies. [18]

This interpretation of 2011 sparked a wide controversy, as many considered it a derogation from the independence of the Integrity Commission and a circumvention of the constitutional text, and in fact, it resulted in the Integrity Commission becoming effectively linked to the Council of Ministers (the Prime Minister's Office) instead of the House of Representatives, in terms of administrative reference such as appointment and public supervision. The government has relied on this decision to justify increasing its influence over independent bodies, for example, the head of the Integrity Commission is now appointed and dismissed by a decision of the Council of Ministers (or even directly by the Prime Minister) as an executive body that is not linked to a ministry. Thus, it is clear that the Federal Court has redrawn the boundaries of the administration's authority vis-à-vis the Integrity Commission: after the administration (represented by the government) was prohibited from interfering according to the 2006 understanding, in 2011 it has the power to oversee the overall administrative oversight of the Commission. Although the decision stressed that this should not affect the professional work of the Commission, the practical reality showed the difficulty of dismissal, as the increase in the influence of the executive authority reflected negatively on the independence of the Commission's decisions and its impartiality.[4]

b. Federal Supreme Court Decision No. 129/Federal/2017 The matter did not stop at the 2011 decision, as in 2017, the Federal Court issued another important decision on the requirement of the independence of the heads of the authorities. In its interpretation of the concept of independence of independent bodies, the Court held that independence did not necessarily mean that the head of the body did not belong to any political party. This effectively allows the Integrity Commission (and other bodies) to be run by individuals with partisan affiliations, as long as they commit to independent work within the institution. This decision was interpreted as a consolidation of the reality of partisan quotas in the

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leadership of independent bodies, including the Integrity Commission, which was considered by some to be another setback to the independence of the Commission. While the Integrity Commission Law explicitly stipulates that its president must be independent and non-politically affiliated, this decision allows parties to monopolize the position of the commission's chairman. The practical result of this was that after 2011, the Commission of Integrity was succeeded by a number of heads belonging to influential political parties. This weakened the Commission's effectiveness and, according to critics, turned it into a political tool used selectively. Within the authority of the administration, this development indicates an expansion of the influence of the executive branch (including parties involved in the government) over the Commission and its decisions by appointing loyalists to its leadership. As a result, the Commission's oversight role as an officer of administrative abuse has declined, and it has become a Sometimes it is a cover for selective measures that serve factional interests.[19]

c. The role of the judiciary in annulling integrity decisions: In addition to the Constitutional Court, the role of the administrative judiciary (the Court of Administrative Justice and Public Discipline before its abolition) is prominent in considering appeals against administrative decisions that may be related to integrity issues. For example, if the management of an administrative body decides to impose a drastic disciplinary action to dismiss a Taiwanese employee from the Integrity Commission before a court ruling is issued, the employee can challenge that dismissal in court on the basis of sharing the presumption of innocence. The judiciary examines the legitimacy of the administration and the extent to which it adheres to the limits of its authority. In many cases, executive court rulings were overturned by immediate dismissal or formal authority against staff on the recommendation of the Integrity Commission prior to the court's conviction, based on the fact that management exceeded its authority and reinstated judicial authority. In contrast, the administrative judiciary was abolished by a judicial ruling, and contacts were made with judicial judges or adjudicated on integrity issues. For example, if an administrative court decides to dismiss an employee under a court ruling for committing a crime of corruption, the decision is considered legitimate and is enforced by the administration. Hence, it is clear that the judiciary draws a dividing line: it does not allow the administration to further punish individuals or harm their functions by simply requesting the completion of the commission's procedures without a final judicial basis (in order to preserve the rights of individuals and the principle of legitimacy). At the same time, the administration is obliged to take the necessary action whenever a judgment is rendered or adjudicated, and it must be implemented (in order to maintain compliance with the law). The powers of the regulatory framework are balanced on two scales: it prevents integrity from excluding rights, and it prevents the administration from excesses, whether by being lenient with others or by arbitrarily targeting suspects before they are convicted. [20]

d. Other oversight bodies and the limits of their powers at the Commission: It should be noted that the Integrity Commission is not the only body in the field of anti-corruption. There is also the National Audit Office (which is responsible for the financial audit) and the Court of Integrity within the judiciary. There were previously offices for inspectors general within ministries (abolished in 2019). The law regulates the relationship between the Integrity Commission and these bodies so that they are complementary. For example, if the National Audit Office issues a report revealing serious financial irregularities within a ministry, the administration in that ministry is obliged to take immediate internal corrective action and refer the report to the Criminal Investigation Commission if it contains suspicions of corruption. Here, the authority of the administration is limited to three supervisory authorities: the report of the National Audit Office, the procedures of the Integrity Commission, and judicial oversight. The administration cannot simply ignore a documented official report on the waste of public funds, or it will be considered a cover-up. Parliament may also interfere with its oversight role by questioning the minister or defaulting official based on these reports. Thus, we believe that the multilateral integrity system has restricted the arbitrary powers of management, making financial integrity and control decisions a "red light" that management must consider and address before moving forward. [6]

Finally, it can be argued that the Iraqi judiciary, in most of its rulings, has sought to strike a balance between the need to enable the Integrity Commission to perform its functions independently and to ensure that it does not deviate from the framework of general coordination with the Government. When the commission sought to achieve a complete separation from the executive branch, the judiciary considered this impractical in its 2011 decision. When the executive branch encroached on the independence of the body, observers criticized it and called for a rebalancing. The most important principle remains the rule of law for all: the Commission is subject to the law and the judiciary in its work, and the executive authority is subject to the law and the judiciary in its dealings with it. The Authority may not impose its will outside the law, and the Administration may not obstruct its work without legal justification. Any excesses by any party must be corrected by the judicial or legislative authority to ensure compliance with the limits of jurisdiction set by the Constitution and the law.

The end

The limits of the administration's authority over integrity decisions, as defined by law and the judiciary, are primarily aimed at striking a balance between the need to enable anti-corruption bodies to exercise their oversight role efficiently and to ensure that these bodies do not exceed the scope of legitimacy or compromise the inherent duties of the executive management. Despite the independence of the Integrity Commission, its success depends on the administration's cooperation and commitment to law enforcement. Despite its broad powers, its continued adherence to sound principles depends on impartiality and judicial oversight. In this sense, respect for the limits of its authority and commitment to its legal obligations are the cornerstone of building an effective integrity system in Iraq, based on the rule of law and subject to it by all, whether they are governors or rulers, executives or supervisors. No one is above the law, there is no immunity for the corrupt, and there is no room for arbitrariness or revenge. Rather, it is a system that works in harmony and integration to protect the state and society from the dangers of corruption, within the framework of legitimacy and justice. Establishing and strengthening this culture through ongoing legal and administrative reforms will ensure a fairer and more transparent future for Iraq.

Through this study, the features of the delicate relationship between the administration and the Integrity Commission in

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Iraq after 2003 emerged, a relationship governed by clear constitutional and legal texts on the one hand, and realistic and political challenges on the other.

The most important findings and recommendations of the study can be summarized as follows:

Results and Discussion

1. Consolidating the principle of legitimacy and separation of powers. Iraqi legislation after 2003, especially the 2005 constitution and the Integrity Commission Law, established the principle of the administration's commitment to the law in the fight against corruption. The task of investigating corruption cases was entrusted to an independent body that is theoretically linked to the parliament. This means that the executive authority is obliged not to interfere in the work of that body, and is obliged to comply with its decisions and implement its results within the limits of the law. This consolidation of the principle of legitimacy aims to prevent the encroachment of the executive authority and to protect integrity decisions from influence Illegal.

2. There are clear limits to the administration's authority over integrity decisions. The study showed that the administration is legally obligated to cooperate with the Integrity Commission in all information or procedures it requests, and it does not have the right to reject its decisions or recommendations without legitimate justification. They must also carry out judicial orders resulting from integrity investigations without delay. A dividing line has been drawn that prevents the administration from using its disciplinary or administrative powers in a way that impedes the work of the Integrity Commission or violates the rights of individuals before the issuance of judicial rulings. If the administration exceeds these limits, it exposes itself to criminal and disciplinary accountability. In return, the administration's commitment to its limits contributes to enabling the Authority to perform its mission and achieve public deterrence against corruption.

3. The central role of the judiciary in regulating the relationship. Successive decisions of the Federal Supreme Court have demonstrated the significant influence of the judiciary in determining the course of the relationship between the Commission and the executive branch. While the 2006 decision strengthened the independence of the Commission, the 2011 decision restored some of the oversight powers of the government. Despite the controversy surrounding this latest decision, it highlights that the texts are subject to multiple interpretations and may be influenced by the surrounding circumstances.

4. Practical challenges need to be addressed. Experience has shown that simply emphasizing the independence of the Commission and the commitment of management to cooperate may not be sufficient to ensure a reality free of interference. We have seen how some influential forces have exploited gaps in interpretation to marginalize the independence of the Commission by appointing loyalists and excluding independents.

5. Enhancing coordination between the Commission and the executive authorities: The study also recommends activating the official coordination channels between the Commission of Integrity and ministries and government institutions, so that communication units or liaison officers are established within each ministry to follow up on the Commission's requests and implement its recommendations. These regulatory procedures ensure a quick response and overcome bureaucratic obstacles, ensuring that the Authority's decisions are respected in practice and not ignored. Coordination also enables the Commission to understand the nature of the work of each institution and to take into account its specificities – within the limits of the law – during investigations, thus striking a delicate balance between law enforcement and preventing paralysis of the institution concerned.

Recommendations

1. The researcher recommends reviewing the constitutional texts related to independent bodies to clarify their authority unambiguously, in order to avoid contradictory jurisprudence. It also recommends supporting the administrative judiciary in monitoring the legitimacy of the administration's actions towards integrity decisions, to ensure that no party exceeds its powers.

2. The researcher recommends taking practical steps toensure the independence of the Integrity Commission, including fortifying the procedures for the appointment and dismissal of the head of the Commission by setting transparent standards and parliamentary approval, enhancing the protection of the Commission's employees from pressure, and developing mechanisms to hold accountable any executive body that is proven to be illegally involved in corruption cases.

3. Spreading an institutional culture among the administrations that the Integrity Commission is a reform partner and not an adversary, and that its decisions are in the interest of the administrative facility itself by ridding it of the scourge of corruption.

4. Strengthening the independence of the administrative judiciary to be the ultimate guarantor of the resolution of disputes between the administration and the Integrity Commission.

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