

ISSN (ONLINE) 2598 9928



INDONESIAN JOURNAL OF LAW AND ECONOMIC
PUBLISHED BY
UNIVERSITAS MUHAMMADIYAH SIDOARJO

Table Of Contents

Journal Cover	1
Author[s] Statement	3
Editorial Team	4
Article information	5
Check this article update (crossmark)	5
Check this article impact	5
Cite this article	5
Title page	6
Article Title	6
Author information	6
Abstract	6
Article content	7

Originality Statement

The author[s] declare that this article is their own work and to the best of their knowledge it contains no materials previously published or written by another person, or substantial proportions of material which have been accepted for the published of any other published materials, except where due acknowledgement is made in the article. Any contribution made to the research by others, with whom author[s] have work, is explicitly acknowledged in the article.

Conflict of Interest Statement

The author[s] declare that this article was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

Copyright Statement

Copyright © Author(s). This article is published under the Creative Commons Attribution (CC BY 4.0) licence. Anyone may reproduce, distribute, translate and create derivative works of this article (for both commercial and non-commercial purposes), subject to full attribution to the original publication and authors. The full terms of this licence may be seen at <http://creativecommons.org/licences/by/4.0/legalcode>

EDITORIAL TEAM

Editor in Chief

Dr. Wisnu Panggah Setiyono, Universitas Muhammadiyah Sidoarjo, Indonesia ([Scopus](#)) ([Sinta](#))

Managing Editor

Rifqi Ridlo Phahlevy , Universitas Muhammadiyah Sidoarjo, Indonesia ([Scopus](#)) ([ORCID](#))

Editors

Noor Fatimah Mediawati, Universitas Muhammadiyah Sidoarjo, Indonesia ([Sinta](#))

Faizal Kurniawan, Universitas Airlangga, Indonesia ([Scopus](#))

M. Zulfa Aulia, Universitas Jambi, Indonesia ([Sinta](#))

Sri Budi Purwaningsih, Universitas Muhammadiyah Sidoarjo, Indonesia ([Sinta](#))

Emy Rosnawati, Universitas Muhammadiyah Sidoarjo, Indonesia ([Sinta](#))

Totok Wahyu Abadi, Universitas Muhammadiyah Sidoarjo, Indonesia ([Scopus](#))

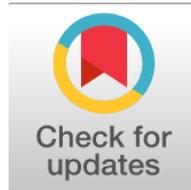
Complete list of editorial team ([link](#))

Complete list of indexing services for this journal ([link](#))

How to submit to this journal ([link](#))

Article information

Check this article update (crossmark)



Check this article impact (*)



Save this article to Mendeley



(*) Time for indexing process is various, depends on indexing database platform

The Impact of Party Coalitions on Cabinet Formation in the Iraqi System: Between Constitutional Text and Political Practice: Dampak Koalisi Partai terhadap Pembentukan Kabinet dalam Sistem Irak: Antara Teks Konstitusi dan Praktik Politik

Mohammed Amer Issa, amr499898@gmail.com (*)

College of Physical Education and Sports Sciences, University of Shatrah, Iraq

Mohammed Mahdi Sajit, mohammedmahdi@shu.edu.iq

College of Applied Medical Sciences, University of Shatrah, Iraq

(*) Corresponding author

Abstract

This study examines cabinet formation within Iraq's parliamentary system after 2003. **General Background:** In parliamentary democracies, government formation constitutes a core constitutional mechanism linking electoral outcomes to executive authority and political stability. **Specific Background:** Since the adoption of the 2005 Iraqi Constitution, repeated crises have emerged regarding the nomination of the Prime Minister, particularly concerning Article 76 and the concept of the "largest parliamentary bloc." **Knowledge Gap:** Despite extensive political debate, limited integrated analysis connects constitutional text, Federal Supreme Court interpretation, and sectarian-based coalition practices within a single analytical framework. **Aims:** This research analyzes constitutional provisions regulating government formation, evaluates the Federal Supreme Court's interpretation of the largest bloc, and investigates the role of party coalitions and quota-sharing in shaping cabinet formation. **Results:** Findings reveal that constitutional ambiguity, absence of enforcement mechanisms, and politically driven interpretations have generated recurring delays and conflicts. Sectarian and interest-based alliances have prioritized power-sharing arrangements over programmatic governance, weakening parliamentary coherence and institutional legitimacy. **Novelty:** The study offers a combined constitutional and political analysis linking legal norms with coalition behavior in post-2003 Iraq. **Implications:** Clarifying constitutional provisions, reinforcing judicial independence, and reforming coalition practices are essential for restoring legitimacy and stabilizing parliamentary governance in Iraq.

Keywords: Constitutional Law, Parliamentary System, Party Coalitions, Largest Parliamentary Bloc, Government Formation

Key Findings Highlights:

Ambiguous constitutional wording enabled conflicting interpretations of cabinet nomination procedures.

Sect-based quota arrangements produced fragile executives lacking cohesive policy direction.

Judicial interpretation shaped post-election alliances more than electoral seat distribution.

Published date: 2026-02-20

Introduction

Unpacking how to form a government—the mechanism for the organization of power that is setting up, or forming, a government—in parliamentary systems refers to the process by which executive and legislative officials are brought together. This is an essential action for players. Readers have yet read none. In Iraq, since the 2005 Constitution, this way has been one of the most controversial matters and a key trigger for political as well as constitutional crises. The coalition building ritual is almost always an acrimonious test of wills between constitutional imperatives and political survival, sometimes with balancing the entire political system on its toes, and often taking the country to the verge of a political imbalance.

A number of issues have contributed to the difficulty in the development of Iraqi governments, namely the vagueness of several constitutional clauses, the failure to establish a constitution court dedicated to that heard they issue, and most recently partisan blocs based upon sectarian or personal interests. These are not coalitions based on genuinely different political programs or national visions, but simply power-sharing pacts of convenience. Consequently, the mechanism for establishing a government is by no means exclusively constitutional and legal one any more, yet has turned into hostage of interpretations of forces in control within parliament away from public view at behind closed political parties' doors.

In the midst of these difficulties, one question is raised here: How much does forming a government in Iraq really comply with the constitutional text and when does it fall within political reading or ad hoc alliances? This question severs into others: How serious are the constitutional authorities about the formations deadlines? To what extent does the Federal Court interpret uncertain provisions? And is there really such a thing as "balance" between what the constitution says and what happens in political reality? The originality of this research is that it attempts to do more than just witness the political events observational these are connected with the forming of a government but also somehow reflect on the intricate relationship between written text (the constitution, first and foremost) and political pacts and reality. This article examines what the constitutional regulation of the process provides for how it is to be formed and looks for ways in which this can be undermined or rendered nugatory.

This study will be using analytical-descriptive method, which critical reading to the constitution rulings and Jurisprudence by Iraq Courts. Surprisingly, how a "Federal Court" interpreted in definition for "largest bloc". It will also follow practical examples of the government formation exercises from 2005 through to post 2021 elections. This inquiry in itself does not only have the purpose of understanding the legal paradox between legitimacy and government formation, but also constitutes an appeal to re-think the Iraqi political system per se - laboring for constitutional-legal solutions paving its way towards building a government which is based on the popular will; loyal to the principle of legitimacy, and rules over law as opposed to being subjected to power relationships that overpower it.

Research Objectives

1. To examine the constitutional texts concerning formation of government in Iraq and determine their clarity and efficiency.

To assess the process of government formation and the Contribution of Partisan and Sectarian Coalitions in Iraq After 2003.

To examine the role of the Federal Supreme Court in interpreting constitutional provisions and its effect on formation of the cabinet.

To provide guidance to improve the process of forming governments by being more transparent and efficient, as well as less sectarian based on quota systems.

Importance of the Research

This research is significant as a result of the need to comprehend the political situation in Iraq and its relationship with state stability and institutional maintenance. The research results will help clearing some of the constitutional and political obstacles that face the task of government formation, and then will aid for policy-makers and researchers to comprehend as how legal and institutional reforms could assemble an effective and stable government represents the public desire.

Research Problem

The research problem is that, the constitutional written texts on government forming Vs. actual political practice in Iraq for instance effectively due to the impact of both partisan and sectarian blocks that held off time and conflicting interests with negative implication on stability and performance of successive Iraqi governments. The study is central because it asks: How the Iraqi government can strike a balance between legal legitimacy and political legitimacy?

Research Methodology

The work used a descriptive-analytical methodology in examining the relevant constitutional provisions and case studies of Iraqi governments post-2003. Recent legal and political literature was also considered to complement the analysis. Emphasis was given to provide a well-rounded presentation involving law and politics in order to propose practical and workable recommendations.

Section one

The Constitutional Framework for Government Formation in the Iraqi Political System

The 2005 Iraqi Constitution was a moment of transformation in the construction of the new political system post-2003. It introduced a series of rules and procedures for government formation, ostensibly to promote power-sharing and transfer of power through peaceful means. "However, practice has shown structural inadequacies in drafting the constitution and latent ambiguity on certain concepts, notably the largest parliamentary bloc." In this way, the present research will examine the constitutional articles related to cabinet formation process and determine for certainty whether or not the provision is vague and finally deal with its controversial interpretation by the FC.

First Requirement: Constitutional Provisions Governing the Mechanism of Government Formation

According to article 76 of the constitution, that there is nothing will be violated or break a law in forming a government. "President of the Republic shall charge with forming the Council of Ministers, nominated by the largest proportion in parliamentary within fifteen days from date of election," Paragraph (First). If we scrutinize this text closely, it not only reveals the beginning of the formation sequence by assigning a nomination to the "largest parliamentary bloc." But it fails to specify when this bloc is in fact the largest: before elections, if the case; or by a coalition formed after the election within Parliament? This constitutional obscurity has thrown the political process into a series of crises since 2006 [2].

The constitution also specifies a 30-day period for the appointment of the cabinet and holding a vote of confidence in parliament, which must consist of more than half the number of representatives. But this period is not enforced because there are no provisions for punishment and legal actions if the law is violated. I mean that the constitution was necessary but not sufficient as its regulatory framework was clear, but politically parties could violate these rules (in practice) and also disregard them as party code.

On the question of the president's role, although he is constitutionally responsible for beginning the Supreme Court nomination process, his part is essentially minimal and ceremonial. He is not even able to choose the candidate, let alone refuse the candidate proposed by the biggest bloc who could be unqualified or unethical [3]. This puts into focus the constitutional structure's frailty in realizing the principle of separation of powers. The only so-called "strict constitutional rules" by which the head of state's role is circumscribed, still seem to be those of the need for consensus among political blocs; it feels like *déjà vu* right now. This is one of the basic causes of weakness that oppresses the Iraqi political system. In this connection, it is important to emphasize that in many constitutional orders sharing the same model (without going much further, as in Germany or in the United Kingdom), the head of state has been given power to appoint for forming a government of choice according to balance political and constitutional criteria. The Iraqi constitution, however, mandates the assignment of this task to the "largest bloc" and thus undermines the constitutional independence of this office [1].

Second Requirement: The Federal Supreme Court's Interpretation of the Concept of "the Largest Parliamentary Bloc"

The necessity for the Federal Supreme Court to interpose its head into interpreting "the largest parliamentary bloc" term is attributed to political frictions that escalated post 2010 parliamentary polls. Interpretation of the term received by the court through ruling w/i (25/Federal/2010) "The bloc which is composed after the election and based on an agreement between two members of parliament or more, whether it was announced before or after the elections" [5]. This interpretation played a serious role in consolidating the principle of "political consensus" since it enabled political forces that failed to win elections with an absolute majority to join hands after convincing results become available to form what is known as the largest bloc, and therefore assume the guiding role for governing despite not securing the biggest representation at Parliament. Thus it denuded the democratic process of its content [6]. This interpretation was condemned by a lot of political and legal bodies because it would legalize the logic of quotas, which weakens the weight of votes and drains their results from its real features not only that but also frustrated or losing blocs were granted a license to "change variables" by way of team play in parliament -not our visions-based policies- through power-sharing formulas [7]. What is interesting here is that this reading was then adopted in every Iraqi government subsequent to 2010, to a point where it became more of a political convention than a legal interpretation. Hybrid political schemes followed, mixing constitutional documents with facts on ground leading to constitutional turmoil at every election [8]. Moreover, the Federal Court did not update this interpretation in response to altered conditions and continuing protests by political groups and civil society organizations. This has put into question the objectivity of the constitutional judiciary in Iraq, particularly in deeply politicized matters [9].

Third: The Legal Concerns in Ticketing the PM in Light of the Constitution & Political Norms

Although there is a constitutional provision for the appointment of the prime minister in Iraq, it has proved to be an impractical experience that raised many legal and political challenges creating crises after every election. These problems also do not only result from interpretations of the text, but also from lack of legal arrangements that guarantee its adequate execution and expression of popular will.

Indecision over Who the Appointer Is: According to Article 76 of the Iraqi Constitution, it is the President of Iraq who appoints a candidate from "the largest parliamentary bloc." But the Constitution is silent on whether this grouping is that which wins the most in elections or the alliance formed subsequently inside Parliament from multiple post-election alliances. Such ambiguity has resulted in major disputes, as happened in the 2010 parliamentary elections when the Federal Court passed a legislation that permitted the block representing the largest number of members to be assigned with forming

governments following first session [10]. This is a contradiction that allowed political forces to lobby independent MPs and on which allies are held within parliament, something not always in line with the vote result. This cast doubt on the democratic intent of the constitutional document and contributed to widespread loss of trust in elections [11].

Lack of legal safeguards for implementing the mandate within a realistic time frame: The constitution provides that a President-designate be named within 15 days and the cabinet presented within 30 days since the day he was actually appointed. However, there is no explicit legal measure to make the President liable who refuses appointing a Prime Minister or if there are disputes about nominee. There are also no sections imposing consequences on third parties who take longer. This void has resulted in constitutional vacuum such as those witnessed during the crises of 2019 and 2022 where the delay in designation of a prime minister for months because political blocs could not reach consensus, without any legal provisions to coerce them to abide by time limits [12].

The Disruptive Effect of Political Practice on Constitutional Clauses

In a great deal of political practice, political norm has taken precedence over the language of constitutional texts. Premiers had been forced on their nominators outside the established constitutional framework under unwritten deals and arrangements between the main political parties. While this practice can be depicted as an institutionalized response to repetitive political crises, it has in effect rendered constitutional provisions hollow of meaningful content and made appointment of the prime minister a pure political affair that takes place outside the regular confines of constitutional order [13]. Political tradition has come to be the basis of the mechanism of formation at present, and constitutional norms are only a formal-legal covering of this political custom. This paves the way to a spiral of successive crises, and undermines the constitutional bodies, which would otherwise have been responsible for ensuring that the political life cycle is not threatened [14].

Section Two

The Political Impact of Party Coalitions on Government Formation in Iraq

The role of politics parties on the making of government is a key factor in grasping the dynamics of the Iraqi political system. On the other hand, while coalitions are perceived as an inevitable tool needed to reach consensus among various elements of Iraq's political spectrum; they are also accused of obstructing politics and undermining the legitimacy of government.

I. The Role of Party Coalitions in the Formation of the Iraqi Government Post 2003

BeqirajBTSM6_process G3dit Page: 8 of 29 The country has been marked by a "democratic transition process" since the fall of the previous regime in Iraq in 2003, based on multiparty elections and peaceful rotation of power. This development constituted a qualitative shift in Iraqi politics of course, but it was not as straightforward as all that. The most outstanding feature in this period constituted the emergence of party coalitions formed at the heart of government [15].

In parliamentary system, party which belongs to parliamentary majority will receive the task of forming a government. The experience in Iraq, however, showed that no one election produced a single majority that would have allowed any party to rule by itself. The above pushed political forces to resort for alliances and parliamentary coalitions in order to reach the constitutional quorum which enables them their right to form the government. So the political process passed into a new phase; for election results were not now and never had been the sole controlling consideration in determining who should administer the government. Political deal-making and party deals replaced the university as a key factor in shaping government composition and power configuration [16]. The post-2003 coalitions in Iraq had no unity on a political program or reform vision. Instead, they were frequently driven by sect and ethnicity and parochial interests. This resulted in the emergence of Iraqi governments, often based on a quota principle, according to which power and posts between parties not on Škapretrommer's capabilities and experience but affiliation or belonging to political loyalty. This fact helped to subvert the state, or made the chlorine too weak for states that became internally divided among various rival groups. As a result, government decision-making was paralyzed and made incoherent, taking place outside the formal constitutional institutions by way of informal power-sharing between bloc leaders [17].

Legally, the 2005 constitution did not address in detail or with specificity mechanisms by which political parties and coalitions are to be formed. It referred only to the "largest parliamentary bloc" in Article 76, which names the prime minister. This language left the door wide open to many interpretations, causing intense constitutional argument with each new election cycle as to who is entitled to constitute the government: The bloc which initially won more seats directly after results were announced or the bloc later formed from coalitions inside the Council of Representatives? Some scholars would argue that these ambiguities played a role in reinforcing the power of the "fragile alliances" formed by people who were often simply seeking short-term gain rather than having any clear long-term strategy, which in turn contributed to undermining Iraqi citizen trust in the democratic process as a whole [18, 19].

Moreover, the lack of a clear law to regulate party life and coalition formation led political sphere to be an open space for making pivotal political bargains especially in influential forces favored or manipulated electoral systems [20]. Furthermore, as the example of Iraq demonstrates, coalitions have been employed not only as a tool to assemble governments but also as a means to control crucial state institutions via the allocation of ministries and senior positions or "consensual power-sharing". This kind of power-sharing has repressed institutional functioning and entrenched that the bureaucracy remain partisan rather than professional in conducting public business. Constitutional law scholars in other jurisdictions would not

at these comparisons, and note that the plight of new democracies is frequently mirrored, with power not used for governing purposes but rather as a means to manipulate coalitions. However, while some states do not control coalitions and alliances by the confines of legal or constitutional frameworks in Iraq a legislative vacuum is one reason for this situation [21]. From this perspective, it is needed to reformulate the constitutional and legal framework that organizes the work of governments formation, whether by amending Article (76) of the Constitution in a clearer form or through a special law organizing parliamentary parties and coalitions' work so as to achieve a balance between political pluralism on one hand and stability in the executive authority on the other [22].

Second Requirement: The Impact of Sectarian Quotas on Party Coalitions and Government Formation in Iraq

Iraq's post-2003 political system was not just a shift from an autocracy to a democracy; it was something much more complicated and faced deep political and social obstacles. Foremost among these challenges was the advent of consociational power-sharing as a model of governance with regard to government-formation in no time through informal understandings between groups and parties, representing different sects and ethnicities. And that change was most obvious in the nature of party coalitions, which were hardly ever combinations for a common political or ideological purpose and generally just one way to include these groups but without giving them too much power.

This approach initiated during the first post-election government, where the three presidencies (the Presidency of the Republic, Council of Ministers and Council of Representatives) were divided on a sectarian and ethnic basis which was regarded then as a political equilibrium management mechanism. It was an established political tradition that repeated itself in subsequent electoral years. This blurred the line between the ruling party and opposition, allowing many political forces to engage in power or attend to some extent [23]. This kind of political distribution led to unstable party coalitions because their goal was not the formation of a parliamentary bloc but rather to ensure government positions for each party as the representative of a certain group. The absence of coalition coordination results in the emergence of feeble governments void of a consolidated national project and bound by petty sectarian interests, which is associated with political decision-making fragmentation [24]. There is no explicit article in the constitution about coalition government, but political practice has imposed a reverse corpus of laws that now wields power heavier than the constitution itself. In this way, the meritocratic principle has been replaced by the "principle of 'representation'", and state power sharing into venues [25]. This culture is indeed a major constraint to building an institutional state precisely because it thrives on the spoils system, not on good governance.

In political analysis terms, this has yielded what could be called a top-down coalition - with the Dirty Dozen striking deals behind closed doors among their bloc leaders, rather than on behalf of any elected representatives or according to the will of the public at large. Therefore, these coalitions are usually not coherent politically when confronted under the first political troubled signs they tend to fall apart [26]. Power-sharing did not merely affect government formation, however; it also touched upon the very legislative branch. The parliament was blocked by deals between the political blocs, and every law or investigation became something that had to be agreed on in advance between representatives of different groups, so laws are made through bargaining, not actual monitoring [27].

This kind of rule is problematic not just because it deepens the divisions in society, but also because it stunts the natural evolution of political life. We do not have a right and we do not have a left, nor a ruling power or an opposition, but we have instead an absolute distribution of power between sects and groups that blocks the emergence from a civil political contraption above smaller identities [28]. "More importantly, the Iraqi citizen is now feeling marginalized as he/she may not identify with his/her sectarian identity as that represented by those appointed to carry out negotiations on [his/her] behalf by parties." Accordingly, the voter was just a number in an equation whose solution he did not have a say about and elections were denuded of substance becoming an empty form, which circumnavigated all the forces which monopolize the state to sharecul [29].

Third Requirement : The Impact of Divisions within Political Alliances on the Stability of Successive Governments

Intra-alliance disputes among Iraqi political blocs constitute one of the most serious challenges to forming a government and the aftermath governmental work, including performance and stability. The political practices since 2003 show that even though these blocs are crucial in the parliamentary system, in fact they are formed upon temporary and fragile basis and can fall at anytime regarding servers of different interests without common procedures or programs.

Ad Hoc and No Shared Vision

Most alliances in Iraq are characterized by "power-sharing" rather than programmatic or ideological unity which explains their tendency to disband once negotiations for positions have been accomplished. In particular, the emergence of a large party in parliament is rather spontaneous and fast after an election, to avoid the constitutional provisions without shared strategic plans [30]. The alliance of this kind results in the formation of heterogeneous governments, when relations between parties reduce to a struggle for power within the regime that leads to a low level of ministers performance, lack of coordination, and an inability to carry out public policies [31].

Internal Struggles and Their Effects on the Parliament and Government

A few examples (notably the 2014, 2018 and 2021 parliamentary sessions) showed that splits in alliances are reflected as high-stake struggles on parliament floor, crippling passage of laws and becoming instruments or mutual leverage. These

divides are internalized and can prevent the executive from enjoying a relationship with the legislature; case in point, parliamentary oversight instruments at times only serve as political blackmail to meet selfish interests rather than constitutional objectives [32]. In many cases these situations produced virtual paralysis in the government; or, as was often the case in recent years for longer periods, the government was simply unable to undertake projects or strategic decisions because of lack of a common denominator within its own ranks.

How Divisions Determine the Fate of Governments

A number of Iraqi governments have collapsed, or been seriously handicapped, as a result of fractures in the coalitions that installed them. For instance, several withdrawals and rivalries in the National Alliance had an impact on the stability of Nouri al-Maliki's second government (2010–2014). In the same vein, government of Adel Abdul Mahdi (2018–2019) substantially disintegrated because it did not have a substantial backing from those who put forward his nomination and its fracture after formation [33]. These two models reveal that alliances based on sectarian partnership or opportunism quickly disintegrate when the balance of power changes, with some damage being inflicted on the government and more pain suffered by the nation through internal cyclic political crises.

Programmatic Transparent Alliances Is What We Need

To achieve genuine stability in Iraqi governments, alliances must be based on declared political programs, not on the distribution of positions. Developing party and institutional life requires building clear alliances in which goals, plans, and mechanisms for governing the state are announced to voters in advance, thus allowing for the accountability of all parties [34]. Transparency within alliances must also be strengthened by establishing written and binding charters that define each party's commitments within the government and prevent sudden splits that disrupt the entire political process.

Section Three

The Relationship between Constitutional Text and Political Practice in the Formation of the Iraqi Government

The dynamic relationship between the constitutional texts and practical application is the complex matrix that embodies the reality of Iraqi politics, where practical application is not a different thing from interconnected political and social reality, extending beyond even what is contained in constitutional texts in their interpretation and implementation to serve the interests of political blocs that rule Iraq.

First condition: Lack of consistency between constitutional text and political practice in the government formation.

The Iraqi Constitution of 2005 represents the main legal framework that shapes the political system and its functioning in the country. Reading its articles, specially article 76, shows that the legislators of the constitution copied as it is a parliamentary system form in which role of president of republic that is mainly confined to symbolic wording for the nominee chosen from members within biggest blocs inside parliament for establishing government therefore executive power die at alDefineat with other powers under Council of Representatives [35]. Yet if we look at the Iraqi political landscape since those first post-2005 elections, a very wide divergence appears between the constitutional paperwork and reality on the ground. The idea is that the text should trigger a clear and straightforward rule: The bloc with the most seats has been charged forming the government. Yet, differences in the "largest bloc" definition between election cycles have turned out to be a continuous source of dispute [36]. The most notorious example of this took place after the 2010 elections, where Iraqi List (led by Ayad Allawi) won the largest number of seats (91), but Nouri al-Maliki and his State Of Law coalition ended up being asked to form a government (or rather, to be given enough room to maneuver until they announced that this was indeed what had happened). This triggered considerable constitutional controversy and was seen by many as a departure from the letter and spirit of the constitution [37].

The problem, sometimes the tension, between text and practice is not a technical issue; it reflects something much more profound about Iraq's hybrid political order. It is a democratic system on paper, but is actually run by ultra-constitutional understandings. This situational structure allows the rise of "consensual political legitimacy," which becoming dominant in practice over the process of government formation, replaces the formal constitutional legitimacy [38]. If these agreements are cast, then the interpretation of Article 76 by the federal supreme court becomes irrelevant in practice as matter of fact; this is so for political leaders play their roles based on internal balances that pre-exist even parliamentary sessions. Power-sharing deals are typically agreed upon behind closed doors, in which positions and ministry posts are divided among the blocs on partisan and sectarian lines, not by the performance or vote they harvested [39]. And this lacuna does not only concern the definition of the "largest bloc," but also other steps in government formation, from designation of ministers and government program to its cabinet table. Although the constitution provides the parliament with real power to give confidence to and scrutinize governments, in reality, the parliament has now been reduced to a mere stamp of approval for deals concluded outside its walls [40].

This contradiction has shaken the confidence of the Iraqi citizen in the entire political process, who see now that legal texts are violated by political will, and democracy not practiced as written in constitution. Political explanation replaces the language of law and government becomes a question of understandings, rather than will - underlining once more the idea that "parliamentary system is devoid of democratic content" [41]. To this, it can be added that the issue is that this does not only relate to the texts per se, but also to their non compliancy due to weak political wills in applying them and because of missing established political traditions compromising on constitutional principles. Rectifying this lacuna will necessitate (1)

clarifying certain provisions that are ambiguous, (2) determining legal requirements to apply the literal meaning of the constitution with a view to strengthening the role of Federal Court in interpreting constitutional provisions and (3) promoting a new political culture predicated on respect for the constitution as the only source of legitimacy.

Second demand: The effect of party coalitions on the balance between constitutional form and political practice.

Within a democratic context, political parties should work in the framework of constitutions that manage their relationship with branches of government and offer some kind of stable path for governance. But the reality of Iraqi politics has given birth to an alternative system, where party alliances have a life beyond constitutional clauses and sometimes overrule them, even marginalizing or reinventing them in favor of fluid and pragmatic political understandings. The 2005 Iraqi Constitution theoretically laid down the principles to govern the political process, including particularly the principle of separation of powers, commitment to transfer power peacefully by free and fair elections (including mechanisms for establishing a government through nominations from the strongest parliamentary blocs and appointing a prime minister before holding his cabinet [42]). In practice, however, these mechanisms conflict with the fact of dominant party alliances that are not embedded in constitutional logic so much as they run according to equations of power and influence within or outside parliament.

Coalitions in Iraq are seldom based on shared election programs or common political visions, but rather have been means to reaching power, instead of a way for achieving a national comprehensive project. As a result, such coalitions interfere with constitutional stipulations in an equally distorted or exaggerated form, and the legal shell of the system loses connection with real substance [43]. Such as that parliamentary blocs do not get created in the parliament following elections but behind close doors. Many were doing so because the "biggest bloc" was traditionally decided through informal political arrangements, making the text of the constitution merely a façade for deals based on raw power between party leaders rather than formal law [44]. This has in turn undermined the constitution as a form of governing authority and entrenched a culture of "consensual constitutions," rather than operating ones. But perhaps the most perilous consequence is that party alliances are now, very directly, affecting the separation of powers. Party-in-parliament parties also influence the government and some forms of the judiciary and the bureaucracy through networks of political influence. The result is that the executive branch is very often "held captive" to coalitions; and not subject to parliamentary control, nor public scrutiny [45].

They also obstruct the functioning of parliament, as positions and committees within the House of Representatives are partly allocated according to party quotas rather than competence or recruitment of actual representation. This undermines the role of the legislature, reducing it to a negotiating ring that is guided by short-term coalitions rather than legal and constitutional norms [46]. It is also worth noting that the parties' rapprochement is facilitated by the undermining of a culture of multi-party opposition, given that most political currents are involved in government (through quota sharing), whereas forming a strong and objective opposition front remains impossible. This fact dispossesses the parliamentary system one of its basic fulcrums: that of the majority and the opposition [47].

Analytically, it can be posited that alliances between parties in Iraq developed into an alternative mechanism of political power which manages constitutional resources and things up - reinterprets them in the interest of supporting parties rather than public interests, including to curtail the constitution. It has accordingly proved impossible to determine where the legal and political lines of demarcation are drawn because, as they would have it, "it is the politician who controls the law and not the other way around." In that context, it is not possible to achieve balanced centering of constitutional text and political-fact reality without changing the alliances in asymmetry at party level (at a proper 'meta-legal' framework) as well as enact clear-cut constitutional limits which will prevent any un-principled politicization of government forming mechanisms - these have to offer fidelity primarily to voter's will' and not to one legislative leader's decisions. This implies reviving the role of the Federal Court, clarifying some provisions in the Constitution and a reconstruction of political culture on solid constitutional basis.

Third Requirement: The Political Interpretation of Constitutional Texts and its Impact on the Stability of the Parliamentary System in Iraq

The constitution is used in parliamentary systems to ensure that there is an explicit agreement between the holders of executive power and the political process. Yet, the Iraqi case has demonstrated such a different reality in which political reading of constitution seems to prevail one over legal interpretation and this has ensued poor political stability as well as persistent constitutional grievances.

Political reading as an instrument for setting party interests in order

In Iraq's post-2003 experience, the political blocs would frequently manipulate constitutional texts to suit their short-term interests. For instance, the meaning of "the largest parliamentary bloc" as defined in Article (76) of the Constitution has swayed according to whether majority or balance of power is favored; it was based on political interpretation instead of fixed law standard [48]. Such teleological reading drains the constitutional texts of their content and makes them subject to political bargaining, in violation of the constitution's supremacy and democracy/legitimacy principles [49].

The Absence of the Constitutional Courts and the Role of a t Flex Law Courts

The deficiency of Iraq in having an independent and specialized constitutional court, and depending of the Federal Court

with its regular judicial composition has resulted that flexible solutions could be taken to satisfy all political parties who appealed but without giving decisive interpretation for the texts. This situation has resulted in the use of certain judicial rulings to legitimate political practices that violate the constitution, which results in an unbalance of power within the political system [50].

Consequences of Political Interpretation for Trust in the Constitution and the System

Persisting in the political interpretation of texts has not only undermined public confidence in the constitution as a source of legitimacy, but even threatened to re-invigorate an anti-left opposition. This found expression in mass protests, such as October 2019 demonstrations and others, where people called for tearing up the constitution because they did not believe it protected their rights any longer. This has also been a method to consolidate political parties at the detriment of institutions. "Its most important decisions are now made outside the constitution, in closed doors and behind-the-scenes deals, which has led to higher levels of corruption [51] and undermined the concept of a parliamentary representative system."

2.1 Recalibrating the Text-to-Application Relationship

It is necessary to start the process of recovering the status of text as constitution within a clear design of mechanisms for judicial interpretation and independence of the court, to exhibit a few constitutional articles that have been turned into shelter-courses and revised in this sense. In addition, attacks on interpretation in a partisan way shall be minimized and respect for constitutional text encouraged among political factions in order to ensure the stable operation of government machinery and thereby protect democracy enjoyed by the nation [52].

Conclusion

In a prospective analytic framework, this study has sought to understand the function of party coalitions, sect-based power-sharing regimes, constitutional text and its political application and influence of political culture and party systems in the context of Iraqi government formation. "The process of government formation in Iraq remains to be afflicted by a number of structural and ideological maladies that are linked to the clash between legal norms, on paper, and political reality, On the one hand, and sectarian privileges, on the other. Which is incompatible with the building of state strong institutions. That such a political culture - one that is anchored in sectarian and tribal loyalty - tends to hamstring efforts to construct an institutional party system founded on national programs, and serves to perpetuate the logic of power-sharing against the backdrop of competence and merit at the expense of quality leadership representation and stable governance structures. Yet, positive signs are appearing in the Iraqi political front as well — civil society movements have been on the rise in Iraq, and a generation of young people reared politically after sectarian quotas seem to no longer believe in them or seek to move beyond them to call for a democratic, civil state. This is a real chance for reinvigorating the political process and putting in place more transparent and efficient procedures to create a government.

Findings

Multiplicity of interpretations existing due to the lingo that is used by constitutions and their guess-worthingly ambiguous content, further compounding politicians' antagonizing formation of governments.

The sectarian system and the quotas it has brought to life are still the biggest obstacle to the creation of national institutions.

The fragility of the institutional party system, along with the parties' reliance on personal and sectarian patronage, decreases the likelihood for stable governments.

A political culture which relies on traditional social affiliations dilutes the notion of citizenship and undermines sectarian quota's perpetuation.

Despite the difficulties, encouraging signs of civil society and youth consciousness are creating a building block for future opportunities for reform.

Recommendations

Constitutional Amendment: Constitutional articles that impact government formation, specifically Article 76, should be looked at to define the concept of the largest bloc in a clear and explicit manner.

Reforms of the Electoral System: The electoral system should provide for instit... Read More Reforming the Sharia'ah Courts and Standards to Stop Child Marriage in Lebanon or regional laws.

Support for Civil Parties: Political parties with unambiguous national programs and institutional values must be encouraged, and supported legally and politically.

Strengthening citizens: the notion of being a citizen and of political responsibility should be raised by educational content and awareness-raising activities under taken, with mass- media involvement in it.

2: Strengthening Judiciary and Monitoring Agencies -The independence of the Federal Court as well as the integrity commissions should be reinforced to guarantee that all sides remain under the law of land and within the constitution.

Youth and civil society participation: we need to have wider channels for youth, and civil society organizations which play a role in Youth Civic Engagement should be given space to take part in political decision-making and government performance oversight.

References

- [1] The Iraqi Constitution of 2005, Art. 76, para. 1.
- [2] N. A. Halim, *Political Parties and Coalitions in Arab Parliamentary Systems*, Ph.D. dissertation, Univ. of Baghdad, Baghdad, Iraq, 2022.
- [3] H. Z. Al-Janabi, *The Impact of Political Parties on the Stability of the Iraqi Parliamentary System*. Baghdad, Iraq: Al-Qadisiyah Publishing House, 2021.
- [4] F. H. Al-Shammari, *The Constitution and Political Balance in Parliamentary Systems*. Baghdad, Iraq: Al-Rafidain Publishing House, 2022.
- [5] Iraqi Federal Supreme Court, Decision No. 25/Federal/2010, 2010.
- [6] B. Hussein, "The Largest Bloc: An Unresolved Dilemma," Al-Mustaqbal Institute for Advanced Studies, Baghdad, Iraq, 2021.
- [7] Al-Rafidain Center for Dialogue, *Political Papers: Analysis of the Iraqi Government Formation Crisis 2022*. Najaf, Iraq, 2023, p. 11.
- [8] F. Al-Zahra, "The Impact of Quota-Sharing on Governmental Efficiency in Iraq," *Journal of Public Administration*, Univ. of Kufa, 2019.
- [9] S. A. Sattar, "Sectarian Quota-Sharing and Its Impact on the Cohesion of the Iraqi State," *Journal of Law and Politics*, Univ. of Sulaymaniyah, no. 45, 2022.
- [10] A. H. Saleh, *Constitutional Interpretation in Iraq: An Analytical Legal Study*. Baghdad, Iraq: Al-Jamii Publishing House, 2021.
- [11] M. S. Al-Kaabi, *Constitutional Responsibility in the Iraqi Parliamentary System*. Kufa, Iraq: Univ. of Kufa Publications, 2020.
- [12] N. M. Al-Faili, *The Constitutional Vacuum in Political Systems*. Baghdad, Iraq: Dar Al-Fikr Al-Jadeed, 2022.
- [13] M. Khalil, *The Balance Between Law and Politics in the Iraqi Constitutional Experience*. Baghdad, Iraq: Al-Sanhouri Publishing House, 2021.
- [14] T. A. Hassan, *The Impact of Political Custom on the Interpretation of Constitutional Texts*. Baghdad, Iraq: Center for Legal Research, 2020.
- [15] Center for Strategic Studies, Univ. of Baghdad, "Political Alliances in Iraq after 2003: An Analytical Reading," Baghdad, Iraq, 2021, p. 5.
- [16] G. Al-Attayah, "The Iraqi Political System after 2003: The Missed Opportunity," Iraqi Institute Publications, Baghdad, Iraq, 2019.
- [17] Carnegie Endowment for International Peace, *Iraq's Political Marketplace*. Washington, DC, USA, 2020.
- [18] The Iraqi Constitution of 2005, Art. 76.
- [19] A. Al-Rubaie, "The Problem of the Largest Bloc in the Iraqi Parliamentary System," *Journal of Legal and Political Sciences*, Univ. of Karbala, no. 27, 2020.
- [20] Iraqi Center for Legal and Political Studies, "Elections and Coalitions in Iraq: An Analytical Study," Baghdad, Iraq, 2022.
- [21] K. Al-Hashimi, "The Experience of Government Coalitions in Developing Countries: A Comparison between Iraq and Lebanon," *Arab Journal of Political Science*, no. 36, 2022.
- [22] F. Al-Janabi, "Quota-Sharing and Its Impact on Public Administration in Iraq," *Journal of Public Administration*, Baghdad, Iraq, 2021.
- [23] H. Saeed, *The Consociational State in Iraq: Quota-Sharing and Prospects for Reform*. Doha, Qatar: Arab Center for Research and Policy Studies, 2021.
- [24] F. A. Jabbar, *State and Society: Contradictions of Nation-Building in Iraq*. Beirut, Lebanon: Dar Al-Jamal, 2018.
- [25] The Iraqi Constitution of 2005: Constitutional Principles Ignored in Practice in Favor of Consensual Customs, 2005.
- [26] Al-Bayan Center for Studies, "Party Coalitions in Iraq: Reality and Challenges," Baghdad, Iraq, 2020.
- [27] I. Al-Anbar, "The Iraqi Parliament between Constitutional Reality and Political Practice," *Journal of Political Science*, Univ. of Baghdad, 2022.
- [28] Human Rights Watch, "Sectarianism Undermines Democracy in Iraq," New York, NY, USA, 2021.
- [29] Washington Institute for Near East Policy, "Iraq after the Elections: Containing Popular Anger or Continuing Division?" Washington, DC, USA, 2022.
- [30] F. J. Al-Saadi, *Political Alliances in Iraq after 2003: An Analytical Study*. Baghdad, Iraq: Dar Al-Sawaf, 2022.
- [31] S. H. Al-Azawi, *Challenges of the Parliamentary System in Contemporary Iraq*. Cairo, Egypt: Dar Al-Thaqafa Al-Jamiya, 2021.
- [32] B. J. Al-Sudani, *Party Fragmentation and Its Impact on Parliamentary Performance in Iraq*. Amman, Jordan: Dar Al-Amal, 2020.
- [33] A. K. Al-Rubaie, *The Crisis of Governance in Iraq: Causes and Outcomes*. Baghdad, Iraq: Iraq Center for Legal and Political Studies, 2021.
- [34] M. H. Al-Shammari, *Political Reform and Coalition-Building in Fragile Systems*. Beirut, Lebanon: Dar Ibn Khaldun, 2023.

35. [35] The Iraqi Constitution of 2005, Art. 76.
36. [36] Iraqi Center for Legal Studies, "The Problem of the Largest Bloc and Government Formation," Baghdad, Iraq, 2020, p. 14.
37. [37] Iraqi Federal Supreme Court, Ruling No. 25/Federal/2010 on the Interpretation of the Largest Bloc, 2010.
38. [38] A. Al-Rubaie, "The Gap between Constitutional Text and Political Practice in Iraq," *Journal of Political Science*, no. 63, 2021.
39. [39] Carnegie Institute, "The Political Process in Iraq after 2003: A Study in Deinstitutionalization," Washington, DC, USA, 2022.
40. [40] I. Al-Anbar, "Legislation and Parliamentary Oversight in Iraq: Challenges and Failures," Al-Bayan Center, Baghdad, Iraq, 2021.
41. [41] I. Al-Shammari, *The Iraqi Political System: A Crisis of Text and a Crisis of Practice*. Baghdad, Iraq: Dar Al-Jawahiri, 2020.
42. [42] The Iraqi Constitution of 2005, Arts. 76, 61, and 80.
43. [43] M. Saleh, *Political Systems in Iraq: A Comparative Analytical Study*. Cairo, Egypt: Dar Al-Nahda Al-Arabia, 2020.
44. [44] A. A. Rahman, *Political Authority and Democratic Transition in Iraq after 2003*. Beirut, Lebanon: Dar Al-Kitab Al-Arabi, 2021.
45. [45] I. Al-Shammari, "The Impact of Political Alliances on the Structure of the Iraqi State," *Journal of Political Future*, no. 19, 2021.
46. [46] I. Al-Anbar, "The Iraqi Parliament between Political Representation and Quota-Sharing," *Journal of Political Science*, Univ. of Baghdad, no. 62, 2022.
47. [47] Carnegie Endowment for International Peace, "The Problem of the Absence of Political Opposition in Iraq," Washington, DC, USA, 2020.
48. [48] H. J. Al-Dulaimi, *Problems of Implementing the Constitution in Iraq after 2005*. Baghdad, Iraq: Dar Al-Zahraa for Publishing, 2021.
49. [49] M. N. Al-Maamouri, *The Parliamentary System in Comparative Constitutions and the Iraqi Experience*. Baghdad, Iraq: Dar Al-Kutub Al-Qanuniyya, 2022.
50. [50] A. T. Al-Sarraj, *Constitutional Judiciary between Text and Practice in Iraq*. Amman, Jordan: Dar Al-Raya, 2020.
51. [51] F. K. Al-Hassani, *The Impact of Political Factors on the Interpretation of Constitutional Texts in Iraq*. Baghdad, Iraq: Dar Al-Ibda, 2023.
52. [52] Q. Al-Ubaidi, *Crises of the Parliamentary System in Iraq: A Legal Approach*. Beirut, Lebanon: Dar Al-Nahda Al-Arabia, 2021.