

The Administration's Refrainment from Executing Judgments in Iraqi Legislation

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ABSTRACT

Objective: The research addressed the methods and forms of the administration's failure to implement rulings in Iraqi legislation by addressing the forms of the administration's failure to implement administrative rulings, such as laxity or delay in implementation, partial implementation of the ruling, mis implementation, and then explicit refusal to implement. **Method:** The methods of disrupting implementation were also addressed, such as disrupting the implementation of the ruling by an administrative decision and a regulatory decision. **Results:** The study concluded that the judicial rulings and decisions issued by administrative courts, after they acquire executive force, become enforceable and become an administrative executive document, according to the executive formula attached to the copy of the ruling. If they are issued against the administrative body, the administrative body must implement the ruling issued against it by taking immediate executive measures. **Novelty:** However, there are some practices that some administrative bodies may carry out, such as arbitrarily refraining from taking these measures or delaying them, which results in harm resulting from the interruption or loss of benefit, whether it is specific profits or other benefits.

INTRODUCTION

One of the most critical duties entrusted to the administration is the obligation to implement any legal rule or judicial decision immediately upon its issuance. This duty is vital and essential, as the judiciary's primary role is to provide a final resolution to disputes by issuing judicial rulings that embody the law and represent a form of justice. Consequently, it is imperative for the administration to execute these rulings promptly; otherwise, the judicial decision becomes meaningless. The same applies to legal rules, whose objectives must be translated into tangible reality through judicial decisions that are enforced by the administration. Thus, the administration's duty to execute judicial rulings ensures that justice is served and individuals' rights are preserved.

The forms of the administration's refusal to execute judicial decisions vary between explicit and implicit refusal. The administration may employ various methods to evade its duty to execute rulings, such as issuing individual decisions, implicit decisions, or adopting negative behavior by refusing to implement judicial rulings. In some cases, the administration may even resort to legislative authority to avoid executing these rulings [1].

The refusal to execute judicial rulings against individuals occurs frequently because the administration possesses all legal means to compel individuals to comply with judicial decisions. It oversees compulsory enforcement, meaning that all relevant state agencies are obligated to execute judicial rulings at all times, in all places, and under

all circumstances. In this context, it is the administration's duty to respect judicial rulings and ensure their execution when issued against it. The administration has no right to refuse execution or disregard its obligations under the law without justification [2], [3], [4].

There is no doubt that judicial rulings and administrative court decisions become enforceable once they attain their final legal status and are issued in an administrative format, accompanied by an enforcement formula attached to the ruling.

The execution phase of these administrative documents involves the appellate council notifying the party in the case who has an interest in the execution of the decision. If the decision is issued against an administrative authority, that authority must execute the decision through immediate enforcement procedures. However, some administrative entities may engage in practices such as: b) deliberate omission or unjustified delay in these procedures, resulting in harm due to the loss or interruption of certain benefits, whether profits or other advantages.

These practices and procrastination often cause financial losses to the claimant in their pursuit of enforcing their rights and achieving their objectives.

The Iraqi legislator addressed the government's refusal to execute administrative decisions by proposing amendments to the Iraqi State Council Law No. 69 of 1979 and the Execution Law No. 45 of 1980 and its amendments.

The primary issue of this research lies in identifying the administration's refusal to execute judicial rulings in Iraqi legislation. Historically, enforcement instruments, including judicial rulings in which administrative authorities are involved, have been a source of contention for many. Although rulings have been issued in favor of individuals against administrative entities, these rulings often remain unimplemented, failing to reflect their intended impact on individuals' lives due to the absence of an effective and clear regulatory mechanism to ensure the execution of these rulings against administrative bodies. Since a judicial ruling reveals and affirms rights, its execution is the realization of justice and the granting of each individual their due rights, the ruling carries the force of *res judicata* and becomes a symbol of truth, as concluded by the legislator in the Republic of Iraq.

This research primarily aims to explore the issue of executing administrative rulings in the Republic of Iraq, with the following objectives:

To examine the Iraqi legislator's stance on the administration's abuse of power in executing rulings issued against it.

To identify methods for confronting the administration when it refuses to implement administrative rulings and the legal texts regulating these methods.

To explore the justifications used by the administration to evade its obligations in executing judicial rulings issued against it.

To highlight the consequences of administrative bodies' failure to execute rulings.

The significance of this research lies in its focus on the administration's refusal to execute judicial rulings in Iraqi legislation, which represents a stain on the rule of law. The legal state is founded on certain pillars, the most important of which is the existence

of a judicial system that monitors the actions of the administration. The purpose of establishing administrative judiciary in the state is to safeguard individuals' rights and freedoms from the abuse and injustice of the administration, which often exploits its power.

The problem of the administration's refusal to execute rulings is not new; it has existed for a long time. This research builds on the efforts of scholars and legal experts to find enforcement mechanisms that ensure the administration respects and implements these rulings. It aims to contribute new insights to the administration's obligations, as the Iraqi legislator has done.

The researcher adopts an analytical approach by examining the legal rules established by the legislator, occasionally referencing judicial rulings and legal texts from advanced countries such as France and Egypt.

At times, the administration may lack the willingness to execute judicial rulings, despite having the means to obstruct their implementation. It may adopt various methods and tools to evade executing rulings issued against it. This evasion can take several forms, such as deliberate delay or procrastination in execution without justification, partial or flawed execution that deviates from the ruling's intent, or outright refusal to execute the ruling, either explicitly or implicitly. When administrative authorities resort to explicit refusal or flawed execution, it effectively nullifies the ruling or leads to outcomes contrary to its content. In most cases, explicit refusal is the least effective method and is rarely used by administrative authorities due to the accountability they bear in execution [5].

There are numerous forms that refusal to execute can take. When the administration is unwilling to execute a ruling, its refusal may manifest in various ways, ranging from delay or procrastination in execution, to flawed or partial execution that deviates from the ruling's intent—especially in cases of annulment rulings—and ultimately culminating in outright refusal.

However, the administration's behavior is not limited to just one of these forms. In some instances, the administration may employ all three methods to obstruct the execution of a ruling, resorting to procrastination, flawed execution, and outright refusal. Accordingly, we will examine these three forms in detail as follows:

The administration's deliberate delay in executing a judicial ruling is considered an implicit refusal to execute it. While it is necessary to grant the administration a reasonable period to arrange the conditions required for execution, this does not justify delaying execution beyond the timeframe determined by the judicial authority based on the circumstances. The administration's discretion in choosing the appropriate time to issue a decision for execution, even if not strictly bound, is not an absolute discretionary power. The administration is driven in this choice by factors unrelated to the public interest, which is presumed to be the sole objective of its decisions. Therefore, if the administration's decisions deviate from this objective, they suffer from an abuse of power, rendering them subject to annulment. The responsibility for such delay lies with

the administration, whether it delays the application of the law or the execution of a ruling [6].

It is undoubtedly necessary to grant the administration adequate time to arrange its affairs for executing judicial rulings issued against it. Some rulings may require procedures and approvals from multiple entities, and delays may occur due to unforeseen circumstances without any obstinacy on the part of the administrative authority. In this context, Article 53/1 of the Sixth Amendment Law No. 13 of 2019 to the Execution Law No. 45 of 1980 states: "A ruling may be executed during the legal appeal periods, but execution shall be delayed if the defendant provides evidence of an objection to a default judgment, an appeal, or a cassation if the ruling concerns real estate. However, rulings and decisions issued against government entities shall be delayed until they attain finality."

While it is necessary to grant the administration time to arrange its affairs for executing a ruling, especially if it involves annulment, this does not mean that the process should exceed the necessary period estimated by the judge based on the circumstances [7]. The administration often resorts to procrastination or delay in refusing to execute a ruling, given the numerous forms of delay it can employ to evade its obligation to execute the ruling upon its issuance. However, the administration's delay in execution may be justified if executing the ruling requires numerous special procedures and measures that affect existing administrative conditions [8]. In such cases, the administration's responsibility for the delay in execution is negated.

In light of this, we will examine the forms of delay in execution and the conditions under which the administration's responsibility is established, as follows:

In the past, the administration delayed the execution of certain rulings issued against it, citing the principle of separation of powers. The role of the ombudsman judge ended with the issuance of the ruling, leaving the determination of the appropriate time and duration of execution to the administration. It is undoubtedly necessary to grant the administration adequate time to arrange its affairs for executing judicial rulings issued against it, as some rulings may require procedures and approvals from multiple entities. Additionally, delays may occur due to unforeseen circumstances without any obstinacy on the part of the administrative authority [9].

In the same context, the Iraqi legislator, through the Iraqi administrative judiciary, has held the administration accountable for delays in execution. In one of the decisions of the General Assembly of the State Council, Case No. 65 of 1979, in the lawsuit numbered (1/Discipline/Appeal/2010), it was stated: "The enforcement of the law is only suspended by a similar text. Since the plaintiff exercised a right provided by law, and since the responsibility for the non-application or delay in the application of the law lies with the administration and not the employee, and since the General Discipline Council decided to consider the period from 17/8/2006 to 17/9/2008 as service for the plaintiff for the purposes of promotion and retirement, its decision is correct and in accordance with the law." This demonstrates that the responsibility for non-application or delay in execution lies with the administration [10].

Since the administration is obligated to execute judicial rulings in general, and administrative rulings in particular, immediately upon their issuance and notification, any delay or procrastination in execution without legal justification and beyond the necessary period estimated by the judge constitutes an unlawful negative decision. This results in the administration's liability, and the affected party may request annulment and compensation for damages incurred due to the administration's decision that violates the law. Administrative judiciary rulings have affirmed this, as the Administrative Judicial Court ruled that "the administrative authority must execute rulings within the specified period from the date of their issuance and notification. In case of refusal or unlawful abstention from execution within the specified period, this refusal is considered an unlawful negative decision, and the concerned party is entitled to compensation" [11].

The Egyptian Supreme Administrative Court also affirmed this in its ruling, stating: "If the administrative authority neglects to execute a ruling for an extended period without justification... it has overstepped in abstaining from executing a final judicial ruling" [12].

The French Council of State also ruled similarly in its famous ruling in the Véron-Réville case [13]. The administration's obligation to execute rulings falls within the limited scope of discretion that allows it to choose the appropriate time to intervene. However, this does not mean that the administration has absolute freedom to execute the ruling at its discretion. The administration is free to choose the appropriate time to execute the ruling, provided that execution is not delayed indefinitely and is initiated within reasonable timeframes.

In our opinion, procrastination in execution is no less serious than flawed execution or outright refusal, if not more so. When the administration delays execution under pretexts, it renders the ruling devoid of any legal value, as long as it is not executed within the specified period. Despite this, some opinions argue that procrastination in execution does not constitute refusal to execute, as it lacks the criminal intent of the responsible employee. According to this view, delay does not fall under the meaning of deliberate refusal to execute, and thus the employee is not held accountable if the ruling is executed after the initiation of criminal proceedings – as per Article 329 of the Penal Code [14]. This opinion is incorrect because attempting to determine the intent of the employee responsible for execution to ascertain whether their behavior constitutes refusal is speculative. There is no criterion to definitively determine the employee's intent, nor is there a predefined period to assess whether the employee has delayed execution. The reasonable period for execution depends on the nature of each dispute, making it a discretionary matter that is difficult to standardize.

In some cases, delay in execution may be justified if the execution of the ruling – particularly in cases of annulment – requires administrative, organizational, or special measures. Such execution may affect administrative conditions that could impact the management of the institution. There may also be procedural complexities or legal difficulties surrounding the execution process due to correspondence between the administration and other administrative entities [15], or the execution may require

complex procedures or the reorganization of the legal status of a large number of employees affected by the annulled decision. Additionally, delays in execution may occur due to unforeseen circumstances without any obstinacy on the part of the administration [16], or the execution of the ruling may disrupt public order and security.

Therefore, the administration's delay in executing an administrative ruling issued against it does not constitute a refusal to execute. In such cases, the administration has justified reasons for the delay. However, for a delay to be considered a form of refusal to execute, two conditions must be met: first, the delay must be for an unreasonable period, and second, there must be no acceptable reasons justifying the delay in execution [17].

The administrative authority sometimes resorts to another method of non-execution. Instead of delaying execution or resorting to explicit refusal, it may adopt a deceptive and evasive approach by executing the ruling in a partial or flawed manner [18].

Partial execution can take various forms, such as incomplete or conditional execution, which we will discuss as follows:

While the administration enjoys discretionary power in executing annulment rulings in particular, it is natural that this power should be limited to ensuring legality. Otherwise, the value of the ruling would be undermined. What is the point of annulling an administrative decision for violating the law if the administration returns to violating the law again or executes the ruling only formally? The administration must execute the ruling correctly and fully, taking into account the text of the ruling and the substantive reasons associated with it [19].

If individuals are obligated to obey judicial rulings literally, it is not permissible for the administration to obey them only in spirit, especially since it is the only entity legally and technically responsible for execution. The administration answers this question in the affirmative.

The administration finds fertile ground for maneuvering and evading the substance of rulings in the realm of public employment. In this regard, the Supreme Administrative Court has stated that "the obligation of a ruling with the force of res judicata to annul the contested decision is to execute this decision and erase its effects from the time of its issuance, especially up to the time of its issuance, within the scope determined by the ruling." If the annulled decision was a rejection, its judicial annulment necessarily entails the reinstatement of the plaintiff to the position they held at the time of their dismissal, with their rank and grade as if the dismissal decision had never been issued. This is because the condition for the dismissal decision to be considered null and void is that the position must be deemed legally occupied by the dismissed employee. The execution of the ruling must be complete and not deficient, based on what the ruling imposes, in the manner, extent, and scope it specifies. Therefore, the execution must be balanced with the balance of the law in all these aspects and its effects. It is not sufficient to limit the execution of the ruling to merely reinstating the employee to service but at a lower rank and grade. Otherwise, this would mean that the ruling was not fully executed

but was implemented in a flawed and incomplete manner, effectively constituting a disguised disciplinary demotion [20].

The execution of an administrative ruling in general – and annulment rulings in particular – imposes a positive obligation on the administration to take measures to execute the content of the ruling and its substantive reasons, applying its legal effects on the assumption that the annulled decision was never issued, thereby restoring the status quo ante [21]. If the administration violates this and executes the ruling partially, it becomes liable, and judicial oversight restores the rights of the affected party [22]. After that, if the administration wishes to persist in its obstinacy, it has no choice but to explicitly refuse to execute the ruling.

The administration is obligated to execute rulings issued by ordinary courts in general and administrative courts in particular, without limiting this obligation to conditions. The execution of the ruling depends entirely on the fulfillment of those conditions. If the administration imposes conditions, it violates the law and becomes liable, requiring compensation. In this type of partial execution, the administration accepts the execution of the ruling but imposes conditions that restrict its execution as required by law. It is obligated to execute the ruling without restrictions or conditions. In this case, it cannot be said that the administration has not executed the ruling, as according to the judicial policy of the State Council, it is sufficient for the administration to declare its willingness to execute the ruling for its effect to be realized in lifting its liability. However, at the same time, it cannot be said that it has executed the ruling because its acceptance of execution is conditional on fulfilling the conditions it has imposed. Therefore, the most accurate description of this situation is that it falls within the scope of partial execution of the ruling [23].

This form is the least used by the administration, as it usually tries to avoid confrontation with the judiciary and being labeled as undemocratic and uncivilized for openly violating the law by blatantly refusing judicial rulings. Even if the administration resorts to this form, it does so without issuing an explicit decision of refusal. Therefore, its refusal often takes the form of a negative decision. If this happens, the interested party may have no choice but to resort to the judiciary again to annul the negative refusal decision or even seek compensation for damages if necessary. The administration may refuse to execute the ruling even before its issuance [24]. Given the seriousness of this method and the resulting compensation rulings against the administrative authority in case of explicit refusal to execute judicial rulings if the conditions for liability are met, the administrative authority often prefers to avoid this method and remain silent, which is expressed as a negative decision not to execute the ruling. It also prefers silence regarding some annulment rulings issued against it. It can be said that silence is, in fact, a negative decision by the administration to refuse to execute the judicial ruling [25].

If the administration finds that its delay, procrastination, or partial execution is futile, it has no choice but to refuse to execute the administrative ruling issued against it, except for the final form of refusal, which is explicit refusal. This method is considered one of the most dangerous forms of non-execution of judicial rulings, and therefore it is

the least used by the administrative authority. The administrative authority may resort to this method if it faces delays in execution and tires of maneuvering in execution, clearly and explicitly declaring its refusal to execute. However, as mentioned earlier, the administration rarely resorts to this method, likely due to its seriousness, as it entails severe legal consequences [26].

Although cases of explicit refusal remain rare compared to other forms (delay in execution, partial execution, or flawed execution), they are serious when they occur [27]. The danger lies in the administration's obstinacy and explicit refusal to execute, which undermines the real value of judicial rulings [28]. This has led scholars and the judiciary to complain about the administration's behavior, highlighting its bad faith in executing rulings, especially those it does not accept or that may cause difficulties in execution.

It is worth noting that the Iraqi legislator addressed explicit refusal by allowing a second annulment lawsuit. The aggrieved party may resort to the execution department to obtain a ruling for voluntary and then compulsory execution, based on Article 9 of the Execution Law No. 45 of 1980 and its amendments, which states: "Rulings issued by the courts of the country shall be executed in accordance with the provisions of this law." This is what the Iraqi State Council and its opinions, such as Opinion No. 726/Employee Judiciary/Appeal 2018 on 5/7/2018, established as a legal principle: "The Employee Judiciary Court is not competent to execute judicial rulings" [29]. Additionally, the Iraqi legislator, through the Iraqi Penal Code, addressed the administration's refusal to execute rulings in Article 329/2 of Law No. 111 of 1969, which states: "The same penalty shall apply to any employee or person entrusted with a public service who refuses to execute a ruling or order issued by a court or any competent public authority, provided that the execution of the ruling or order falls within their jurisdiction." This article emphasizes the necessity of respecting judicial rulings and the principle of *res judicata* [29].

RESEARCH METHOD

To obstruct the execution of a ruling issued against the administrative authority, the administration resorts to issuing an administrative decision through one of two paths: either an individual decision or a non-specific decision. To refuse execution, the administrative authority may issue an administrative decision that mirrors or resembles the decision that was annulled by the ruling. Therefore, the new decision, whether individual or regulatory, is subject to challenge, and the aggrieved party has the right to seek its annulment in court, provided that it is not a necessary excuse or a change in the appellant's circumstances that would compel the administrative authority to issue such a decision [30].

Some argue that the issuance of a new decision in this case constitutes a presumption against the administrative authority, indicating that it has resorted to disguised means to achieve the same effects intended by the annulled decision. In such cases, the burden of proof lies on the administrative authority to demonstrate that the new decision was issued to serve a public interest. For example, if the administrative judiciary issues a ruling annulling an employee's dismissal, and the administration,

unwilling to execute the ruling, abolishes the position to rid itself of the employee, this constitutes an abuse of power [31].

RESULTS AND DISCUSSION

Results

The obstruction of the execution of an administrative ruling issued against the administration is achieved through the issuance of an individual administrative decision, which takes one of two paths: first, refusal and silence, resulting in a negative administrative decision to refuse execution; and second, the issuance of an explicit administrative decision to refuse execution [32]. This is explained as follows:

1. Refusal to Execute by Remaining Silent:

To achieve its goal of refusing to execute an administrative ruling issued against it, the administration often resorts to remaining silent regarding the execution of a ruling that annuls its defective decision. This behavior generates a negative decision to refuse execution [33]. For example, when a ruling is issued to annul the refusal of a license, the administration does not follow this ruling by issuing a decision to grant the license in compliance with the ruling. Despite the annulment of its administrative decision, the administration leaves matters in the state they were in under the annulled decision. Similarly, when a ruling is issued to annul the administration's decision to bypass the promotion of an employee, the administration ignores the ruling and continues to bypass the employee for promotion whenever the promotion date arises, [34] blatantly disregarding the judicial ruling that annulled its unlawful decision.

The Iraqi legislator, in the Fifth Amendment Law No. 17 of 2013 to the State Council Law No. 65 of 1979, Article 7/Paragraph 6, stipulates: "The refusal or abstention of an employee or body from taking a decision or action that they were legally obligated to take shall be considered equivalent to an order or decision." This confirms the Iraqi legislator's recognition of the existence of a negative decision, although it does not define its nature, leaving it to legal scholars to define. In this regard, the Supreme Administrative Court has affirmed: "The administration was obligated to implement the provisions of the law by referring the appellant to retirement. Since the administration's decision to abstain from implementing the law constitutes a negative decision, and since the annulment of the negative decision of abstention is not bound by a time limit as long as the abstention continues..." [35].

The matter does not stop at passive refusal or negligence in executing the ruling. The administration may take a more disgraceful path and issue a new administrative decision that nullifies the effect of the *res judicata* [36].

2. Issuing a Decision with the Same Content or Similar to the Annulled Decision:

While the administration has the right to reissue an annulled decision after correcting similar defects, it may act contrarily and issue a decision with the same content as the annulled decision, ignoring the ruling that annulled it. For example, if a ruling is issued to annul an employee's dismissal, the administration may reinstate the employee and then quickly issue another dismissal decision.

The administration fears that its obstinacy and blatant disregard for the authority of *res judicata* will be exposed by reissuing its annulled decision. It may attempt to cover up its challenge to the rulings issued against it by searching through various legislative texts that outline its authority and powers in different areas, including a text that allows it to issue a specific administrative decision requiring execution, thereby suspending the content of the ruling that previously annulled the decision it wishes to execute despite its annulment. In this way, the administration achieves its goal of suspending the execution of the ruling and lends its behavior a semblance of legality, even superficially. However, the administration is obligated to respect the spirit of *res judicata* and use the authority granted to it by law and the constitution to execute judicial rulings and not obstruct their execution.

The administration may circumvent its obligation to execute rulings – especially annulment rulings – by issuing a new decision with the same content and effects as the annulled decision, justifying it by claiming that the new decision is based on new reasons that permit it. However, it later becomes clear that its justification is incorrect, and the new decision is issued by an authority different from the one that issued the annulled decision [37].

For example, the administration in Iraq may refuse to execute a ruling, as seen in the case of the Real Estate Registration Directorate in Diwaniyah, which, through its letter No. 13183/2010, refused to execute a ruling by the Diwaniyah Court of First Instance ordering the plaintiff to proceed with the sale of his property No. 1/1367, District 2, Al-Bu Salih. Similarly, the same directorate, through its letter No. 11303/2011, refused to execute a ruling by the Diwaniyah Court of First Instance prohibiting the Minister of Justice and the Real Estate Registration Directorate in Diwaniyah from opposing the plaintiff's transfer of ownership of property No. 1/510, District 2, Al-Bu Salih [38].

For instance, the administration may not issue a new decision to confiscate agricultural land for the benefit of a user despite the annulment of a previous decision granting the same user a concession. After the State Council annuls the decision, it may form a special committee to replace the municipal council. Therefore, as a result of the annulment ruling, the municipal council should resume its duties. However, the government issues a new decision – days after the annulment – to dissolve the municipal council, leaving the State Council no choice but to annul this new decision as well [39]. This evasion by the administration may continue indefinitely, leaving the administrative judiciary no choice but to annul any new decision issued by the administration that has the same content or effects as the annulled decision. Therefore, the aggrieved party may file a lawsuit to annul the new administrative decision issued by the administration to circumvent the ruling issued against it [37]. Whether the decision is negative or positive, or explicitly refuses to execute the ruling, or resorts to evasion and deceit in executing the ruling, such a decision, in all cases, violates the principle of *res judicata*. Every authority that issues a new administrative decision does so to obstruct and nullify the ruling. Otherwise, the administration resorts to covert means that are not easily revealed in their true content or explicitly reveal its intentions toward the ruling and its objectives in

refusing to execute it. By doing so, the administration also violates a fundamental principle of administrative law, which is the principle of purpose limitation, which obliges the administration to exercise its various powers in accordance with the purpose for which it was established. If it deviates from that specified purpose, its decision is defective and must be annulled, even if the goal it sought to achieve aligns with the public interest.

Discussion

In some cases, the administration resorts to issuing what it is prohibited from doing in general, whether specifically or individually. In this regard, the administrative court has stated: "If it is proven from the documents that the administrative authority, after annulling the decision again, issued a new decision promoting the employee to a 'lower' rank and added a new condition for this, namely that the promoted employee must not have been subjected to an administrative penalty in the five years preceding the date of the decision. The new decision aims to exclude the plaintiff, indicating that the administrative authority sought through its latest decision to exclude the plaintiff from the promotion process. It has scattered and made it a condition to prevent promotion, thereby undermining the essence of the ruling issued regarding the promotion process, because the legal rule is not an end in itself but a means to achieve the public good." The court concluded by annulling the decision [34].

The Iraqi legislator has addressed the administration's breaches in this regard through Article 46 of the Iraqi Constitution of 2005, which states: "The restriction or limitation of any of the rights and freedoms stipulated in this Constitution may only be imposed by law or based on it, provided that such restriction or limitation does not affect the essence of the right or freedom." Based on Article 80 of the Iraqi Constitution of 2005, regulatory decisions in Iraq are issued in accordance with the law [4].

Therefore, the administration should not hide behind the authority granted to it by law to regulate by issuing individual administrative decisions—regulatory in nature—with the intent to obstruct the execution of judicial rulings. Otherwise, this constitutes a clear deviation of authority from the purpose for which it was established, necessitating the annulment of such decisions and the establishment of its liability.

CONCLUSION

Fundamental Finding: The administration's violation of its enforcement obligations takes many forms. The administration may refuse to execute a judicial ruling entirely, reissue an annulled decision, deliberately execute a judicial ruling incompletely, or be lax in execution. Additionally, with its broad powers, it may deliberately obstruct the execution of a judicial ruling through regulatory (statutory) measures. We also concluded that the administration's explicit refusal to execute administrative judicial rulings indicates its clear intent to refuse execution. This form differs from other forms of refusal where the administration conceals its intent to refuse execution. **Implication:** It is necessary for the Iraqi legislator to explicitly address some forms and methods of the administration's refusal to execute administrative rulings, which may vary depending on

circumstances and developments in their types and methods. It is essential to expand the adoption of the principle of personal responsibility for the non-execution of administrative rulings, which would push the administration or the employee responsible for execution to execute administrative rulings, thereby reducing the rate of non-execution. **Limitation:** The Second Amendment Law No. 106 of 1989 to the Iraqi State Council Law No. 65 of 1979 lacks any explicit provision allowing Iraqi administrative courts to suspend the execution of administrative rulings if their conditions are met, unlike the French and Egyptian legislators. The Iraqi legislator addressed only the explicit refusal to execute judicial rulings and did not cover other forms of refusal, such as flawed execution, partial refusal, or incomplete execution, in the penal provisions that include the crime of an employee refusing to execute judicial rulings. **Future Research:** We hope that the Iraqi legislator will establish a special system for the presence of an enforcement judge within each administrative court or employee judiciary court, similar to civil enforcement departments, tasked with enforcement and follow-up, as part of the administrative judiciary structure. This would allow for monitoring the forms and cases in which the administration refuses to execute rulings, given that the administrative judge is neutral and insightful regarding the administration's arguments for refusing to execute administrative rulings, while granting him the powers and procedures for enforcement that align with the nature of administrative relationships.

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