

Self-Restriction of Constitutional Oversight

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Abstract

We try through this research to shed light on the foundations on which the constitutional control depends, by defining the limits set by the constitutional courts to determine the scope of their work, using for this the different methods that they clarify through their rulings or decisions, explaining the scope of their work and the context followed by them in Analyzing constitutional texts, as well as evaluating legislative texts based on Constitutional matters, to examine the compatibility of legislative texts with constitutional contents, and the purpose of the Constitutional Court imposing self-restrictions on its oversight in order to avoid overlapping its authority with other authorities in the state, including the legislative and judicial authorities.

The research clarifies the limits of the function of the judiciary by listing the important principles that are supposed to be adhered to by the Constitutional Court, and the multiplicity and diversity of subjective restrictions, which are based on restrictions inspired by the constitutional texts, after the Constitution is the one that granted the constitutional judiciary the supervisory jurisdiction according to certain foundations and rules.

Introduction.

First: Introduction to the topic:

The constitutional oversight granted to the constitutional courts constitutes an important guarantee of protecting the constitution from any neglect of its principles or provisions, and that the decisions of the constitutional judiciary have a special place in the state; Then it enjoys absolute authority and all authorities in the state must abide by it, and also that the rulings and decisions issued by the constitutional courts do not include resolving the dispute related to the constitutionality of legislation only, but also goes beyond that to direct the ordinary legislator to the necessity of observing the constitutional contents during the exercise of the legislative process.

Second: the research problem:

The research problem is summarized in several points:

- 1- What is meant by self-limitation on the authority of the Supreme Constitutional Court?
- 2- What are the limits of the judicial position?
- 3- What are the self-restrictions that stem from the rule that constitutional issues must be adjudged?

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Third: The importance of the research:

The importance of the research is summarized in clarifying the foundations of the constitutional judiciary's work, and determining the self-restrictions imposed by the judiciary on itself to exercise its oversight work within the constitutional limits and controls. Elimination of the powers of the legislature.

Fourth: the Research Hypothesis:

The hypothesis of the research is based on the fact that there are several self-restrictions that the courts themselves restrict and declare through their rulings, through which they define the scope of their supervisory work.

Fifth: the research Division:

We will deal with this research through two chapters, in the first chapter we will deal with the concept of self-restrictions, while the second chapter will be devoted to the types of self-restrictions of the constitutional judiciary.

Chapter one : The concept of self-restriction

The constitutional court in the state is the one that handles the issue of adjudicating constitutional issues, after which the body in charge is equal in sanctioning the constitutionality of laws and protecting the constitution from any violation that may be exposed to it.

For the purpose of familiarity with the subject of self-restrictions, we will divide this chapter on a requirement.

In the first requirement, we will deal with the definition of self-restrictions, while the second requirement will deal with the limits of the judicial function.

The first requirement: the definition of self-restrictions

Judicial oversight on the constitutionality of legislation and regulations, its main objective is to preserve the existing constitution and confirm its respect, and protect it from any violation that may be exposed to it or deviation from its provisions. And the restrictions established by the constitution, and therefore the controls and restrictions must be clarified and identified, and then identify the aspects of legislation inconsistent with the constitutional contents.

In principle, the constitutional courts are not exposed to constitutional issues except in the case of necessity that justifies their intervention, and this principle is one of the natural consequences of the principle of control over the constitutionality of legislation and part of the judicial function, and that the main role of the court is to resolve the disputes that are presented to it by clarifying the word of the law, so It is not permissible for the Constitutional Court to discuss the constitutionality of legislation, unless this research is a preliminary issue.

And the connection of the constitutional litigation with the constitutional court in the country is according to the conditions stipulated by the law, in terms of the procedures and requirements that must be met in the constitutional case, and this means that the constitutional case is in the possession of the competent court; And that is to dominate it alone, and then it is not permissible, after its convening, for the trial court to take a measure or issue a ruling that prevents the ruling on constitutional issues, which assessed the seriousness of what was raised by those concerned about it. The latter is obligated not to decide on the case until the constitutional issues are decided by the Constitutional Court.

And that the exercise of the Constitutional Court's powers is not absolute, but there are many constitutional controls and restrictions that must be observed, including formal procedures as well as substantive procedures, and that these restrictions imposed on the authority of the Constitutional Court enable it to exercise its competencies within the constitutionally drawn limits.

Self-restrictions were defined as "technical methods that the court can use to control the scope of its constitutional oversight, and to volunteer its powers to avoid any imminent friction with other public authorities in the state".

Through the advanced definition, it becomes clear that the subjective restrictions are represented by the technical methods inspired by the jurisdiction of the Constitutional Court, and that the constitutional courts may use several methods in order to control the limits of their control.

It can be said that these self-restrictions that the court uses to determine the scope of its oversight find their basis in the constitutional principle that requires the separation of powers in the state, since within the state there are several authorities, and these authorities exercise their powers within the limits set for them, and that the multiplicity of these authorities in the state is due. Its basis is the existence of functions for the state, and each authority exercises its specific function, without the presence of an attack by an authority on the competencies of another authority.

The basis of restrictions is imposed in the state so that there is no violation of the limits of the powers specified in the constitution, and that the imposition of these restrictions is so that there is no overlap between the work of the authorities or there is tyranny of one over the other, and all authorities must work in a cooperative and balanced manner; This is to achieve the state's function and to ensure the general rights and freedoms of individuals, so the constitution may impose a penalty on an authority in the event that it exceeds the constitutional limits, and goes beyond the controls or restrictions imposed by the constitution, these restrictions are called constitutional restrictions.

It is clear that there is a difference between constitutional restrictions and self-restrictions, as constitutional restrictions are imposed by constitutional texts, while subjective restrictions are inspired by constitutional restrictions, as the court draws them through its decisions to restrict its oversight, and draws for it limits and restrictions that restrict itself, in a way that enables it to Avoid any overlap between its authority and other authorities in the state.

Since the constitutional judiciary has a special place, especially in countries that stipulate in their constitutions the introduction of the court system that considers the constitutionality of laws, as the applicable constitution of the Republic of Iraq stipulates the jurisdiction of the Federal Supreme Court with constitutional oversight "First: Oversight of the constitutionality of laws and regulations in force"), Hence, the constitutional judiciary must maintain this special status by restricting its jurisdiction to self-imposed restrictions. The purpose of this is to avoid friction with the legislative authority.

The second requirement : Elimination function limits

We will deal with this requirement in two sections. In the first section, we will deal with the relationship of the principle of separation of powers to constitutional oversight. As for the second section, we will devote it to the intervention of the constitutional judge in the legislative work.

Section One: The relationship of the principle of separation of powers to constitutional oversight.

The idea of the separation of powers in the state was a weapon used to fight tyranny in power and absolute monarchy that combined all the powers in its hands, but in the current era, this theory is no longer in the same strength that it appeared in, as it was replaced by the idea of the unity of power and it means authority. It is exercised by the people through its representatives whom they choose freely, while recognizing the existence of several bodies in the state, each of which operates with its specific powers, as one of them works in legislation, the second in implementation, and the third in the judiciary.

It must be noted that there is a clear relationship between the principle of separation of powers and the political system in the state, as we find under the political system that one of the pillars upon which this system is based is the semi-absolute separation of powers, as this principle means the complete and complete independence of each authority from Other authorities in the exercise of their function specified by the Constitution, and there are those who deny the existence of such a principle after it is an illusory principle that cannot be achieved in practice; This is because of its conflict with the unity of the authority in the state, after authority means a set of competencies distributed to bodies regulated by the constitution, and then there must be influence and cooperation between the bodies in the state, so absolute separation means that there is no influence between the authorities, and this means that the government You cannot dissolve

Parliament, and the latter does not have the right to withdraw confidence from the government. In the parliamentary system, we find that there is cooperation and influence between the authorities in the state.

As for the relationship of the principle of separation of powers to constitutional oversight, there are those who believe that the legislative authority is the owner of the original jurisdiction in legislation, after him the sovereign with regard to his competence, so the existence of constitutional control over legislation in the state may conflict with this sovereignty granted to the legislative authority.

There are those who believe that oversight over the constitutionality of laws violates the principle of separation of powers, and the reason for this is that oversight over the constitutionality of laws allows the judiciary, during the exercise of its oversight jurisdiction, to interfere in the work of the legislative authority, if the judge must rule according to legal texts and not rule these texts in terms of conformity with the Constitution.

The requirement of constitutional oversight is that there should be a competent authority to monitor the constitutionality of laws, and its owner has the right to approve the validity or invalidity of legislation. The actions and actions of the legislator, and this matter leads to modifying the hierarchy of public bodies at the expense of the legislative authority, which is the representative of the nation.

It is clear from the foregoing that the principle of separation of powers, even if it is one of the principles stipulated in a number of constitutions, but that in reality there is no complete separation of powers, but rather there is a mutual influence between the authorities, and cooperation between them, as in every country there are three powers distributed. The constitution has jurisdiction between them and makes there are several areas for cooperation and exchange between them. The judicial authority, represented by the Constitutional Court, is granted by the constitution an oversight jurisdiction over legislation in the state in terms of its compliance with constitutional controls and restrictions. Constitutional decisions and provisions, in a manner that enables the constitutional judiciary to exercise its oversight role in the correct manner and within the constitutional limits.

Section two : Intervention of the judge in the legislative work

The principle in constitutional or judicial oversight is that it is based on the judge's intervention, and it is a logical means that imposes itself by virtue of the judge's job, because he applies the law to the disputes presented to him, and is binding in the event of a conflict between the common law and the constitutional law in this case, the ordinary law is excluded. The rule of the Constitution is revealed, and this is in implementation of the general principle that governs the conflict of laws and their conflict before the judge. Political currents and the whims of parties, and they also take from the judge his professional specialization, with the litigation procedures that surround judicial disputes, guarantee the right of defense, and define methods of proof in a way that protects the different interests in the foreseeable conflict.

The oversight exercised by a judicial authority over constitutional legitimacy with regard to legal texts alleged to be in violation of the Constitution, which requires it to decide either their validity or invalidity, and that is when it concludes its innocence of what is constitutionally flawed, or there is an objection against it for its violation of the Constitution, and that the Constitutional Court is not convinced of the violation attributed by the opponent to it in the case brought before it, or raised by the court in question in its regard. Rather, the Constitutional Court turns its sights on all constitutional texts in the light of the integrated view of their provisions.

This means the constitutional judge's departure from the limits of his job and his interference in the scope of legislative work, and this matter is considered by some to be a waste of the role of the legislative authority, through the judge's abolition of the contested law before the Constitutional Court, and this matter leads to making the judge's legal position strong compared to the authorities of the state. Others, including the legislature.

The intervention of the constitutional judge in the legislative work is evident by directing the legislative authority to the necessity of observing the constitutional texts when drafting the legislative texts, and not to waste constitutional controls and restrictions. With this competence, it may not be a basis for amending these texts themselves, in a way that detracts from their meaning or exceeds their intended purposes.

Likewise in another case, we note that the Supreme Constitutional Court in Egypt directs the ordinary legislator to the necessity of adhering to the protection prescribed for private property and the inadmissibility of violating the constitutional protection assigned to it, as it ruled that "the Constitution is keen to stipulate the preservation and protection of private property for every individual, whether national or foreign, and ensured that the It is not permissible for the legislator to undermine its elements, change its nature, deprive it of its requisites, separate it from its parts, destroy its origin, or restrict the exercise of rights derived from it without a necessity required by its social function." .

It is clear from the foregoing that the role of the constitutional judge is not only to interpret the provisions of the constitution or to explain its provisions, but rather to his intervention in the legislative process, which is originally the jurisdiction of the legislative authority, and the most prominent form of interference is to direct the ordinary legislator to the need to adhere to constitutional controls when legislating ordinary laws. The constitutional judge also shows the matters that the legislator must refrain from, either because they contradict the provisions of the constitution or lead to prejudice to the origin or essence of the right.

Chapter two: Types of self-restrictions of the constitutional judiciary

There are many restrictions stemming from the rule that constitutional issues must be adjudged, and these restrictions are adhered to by the Constitutional Court when carrying out the tasks entrusted to it.

We will divide this chapter into two requirements. In the first requirement, we will deal with the presumption of the constitutionality of legislation, while the second requirement will address the commitment of the Constitutional Court to its jurisdiction.

The first requirement: Presumption of the constitutionality of legislation and the commitment of the Constitutional Court to its jurisdiction

We will deal with this requirement in two sections. In the first section, we will deal with the presumption of the constitutionality of legislation. As for the second section, we will allocate it to the court's commitment to its jurisdiction as a limitation on the authority of the Constitutional Court.

section One: Presumption of constitutionality of legislation

The legislative authority is the authority competent to exercise the legislative process, and that under representative democratic systems it is mainly based on election by the people, so it has a representative character for public opinion.

The presumption of constitutionality of legislation means that the original law in what the legislative authority issues is that it is issued within the limits of the constitution. Therefore, the judge must, when examining the constitutionality of legislation, note this matter, so that he does not deviate from the requirements of this presumption unless the conflict between the constitution and the law is clear, so that It is impossible to reconcile them, that is: the court does not rule unconstitutional unless the violation of the law against the constitution is above all reasonable doubt.

This presumption, which is in favor of the legislation, presupposes the correctness of the constitutional interpretation carried out by the legislator, through which he determines the scope within which he operates without deviating from the provisions of the Constitution.

The presumption of the constitutionality of the legislation requires the judiciary to bear in mind that the legislative authority is one of the authorities in the state and the most important, and therefore it is keen, like the judicial authority, to abide by the provisions of the constitution. drawn up by the constitution.

It is clear from the foregoing that the origin is the agreement of the legislative texts with the provisions of the constitution, and this is what is known as the constitutional presumption, which is a self-limitation on the authority of the Constitutional Court, which must be adhered to. That is: the challenger of the constitutionality of the law.

And that the basis of this presumption stems from the fact that the legislation is issued by an authority elected by the people, and therefore it is more careful than others on the necessity of adhering to the constitutional limits, as well as not violating the rights of citizens.

The assessment of the legislative authority in several matters is taken into account by the judicial oversight body on constitutionality, which expresses its position on the legislative power sometimes and its statement of the theory of political actions, and at other times it embraces the assumption that the origin of the legislative texts is their reasonableness and consistency with the provisions of the constitution, and that the jurisdiction of the judicial oversight body Constitutional oversight to decide and divide the legislative texts approved by the legislature, which means that this body is not considered a supreme legislator who weighs these texts in the light of their motives or wisdom, especially in issues that cannot be surrounded, such as the organization of the legislature, economic issues that balance in their scope between multiple alternatives, competing for Estimating the best solutions to it, that is: the body that undertakes judicial oversight must remove the issues raised to it with reasonable standards.

section two: Compliance with the Constitutional Court

The Constitutional Court, while exercising its work, may not engage in a jurisdiction that is not among the competencies specified for it in the Constitution.

The effective constitution of the Republic of Iraq defines the competencies of the Federal Supreme Court, after which the body that undertakes constitutional oversight, as it states: "The Federal Supreme Court has jurisdiction over the following: First: the constitutionality of legislation first. Oversight of the constitutionality of laws and regulations in force. Second: Interpreting the provisions of the constitution. Third: adjudicating issues that It arises from the application of federal laws, decisions, regulations, instructions and procedures issued by the federal authority, and the law guarantees the right of each of the Council of Ministers, concerned individuals and others, the right of direct appeal to the court Fourth: Settling disputes that occur between the federal government and the governments of the regions, governorates, municipalities and local administrations. Sixth: Settling disputes that occur between the governments of regions or governorates. Sixth: Settling accusations against the President of the Republic, the Prime Minister and the ministers. Between the federal judiciary and the judicial bodies of the regions and governorates that are not organized in a region B. Settlement of jurisdictional disputes between the judicial bodies of the regions or governorates that are not organized in a region.

The Federal Supreme Court in Iraq confirmed that its constitutional jurisdiction is to monitor the constitutionality of laws and regulations in force, and not expire.

The scope of constitutional oversight granted to the constitutional courts as a protector of constitutional legitimacy, the principle is that it is a comprehensive oversight of all the objections directed at them, regardless of their nature. Therefore, it is not limited to objective defects that are based on violating a legislative text to the content of a constitutional rule, but constitutional oversight also extends to the objections. The formality that is based in its structure on the violation of a legislative text to the procedural conditions stipulated in the constitution, whether related to the proposal, approval or issuance of legislative texts, when the legislative authority convenes, or related to the conditions imposed by the constitution to exercise the jurisdiction to issue them in the event the legislative authority is appointed or authorized by it.

The Constitution of the Republic of Iraq for the year 2005 in force was also keen on the role of the federal judiciary in monitoring the constitutionality, through the provisions stipulated in the second section of Chapter Three of the Constitution, which are related to the Federal Supreme Court. (92/first) of the constitution, and it has been assigned specific competencies in the constitutional and legal texts, such as oversight of the constitutionality of laws and regulations in force, interpretation of the provisions of the constitution and the jurisdiction of the court in appeals related to judgments and decisions of the court of justice and other competencies referred to above, and the constitution referred to the law regulating How to form the Federal Supreme Court, the number of its members, the method of selecting them, and the work of the court, as stated in the texts of the constitution.

The competencies of the Federal Supreme Court were divided between constitutional texts such as the text of Article (93) and the text of Articles (52) and (61/sixth/b) on the one hand, and ordinary laws as the text of Paragraph (Third) of Article (4) of the Federal Supreme Court Law No. 30 of the year 2005. On the other hand, the jurisdiction of the Federal Supreme Court to interpret the texts of the constitution works in opposition to the texts contained in the constitutional document (the 2005 constitution) and does not extend to other texts such as laws or regulations.

It is clear from the foregoing that there are competencies for the Federal Supreme Court, after which the constitutional oversight body, so the constitution's determination of these competencies is a limitation on the authority of the court that exercises oversight after exceeding its jurisdiction specified in the constitution. Or her jurisdiction, she is trying to clarify her jurisdiction specified in the provisions of the constitution, which is a self-restriction on her when she exercises her oversight work.

The second requirement: The Constitutional Court's commitment to constitutional rules

There are many constitutional controls that oblige the constitutional courts to abide by their provisions, and as far as these controls relate to the subject of the research, we will address this requirement in two branches.

Section one : Damage sustained by the appellant from the law

This restriction is intended to cause the appellant to have harmed the constitutionality of the legislation as a result of the implementation of the contested law, and this was confirmed by the Supreme Constitutional Court in Egypt, "the criterion of the interest in the constitutional lawsuit is that there is a link between it and the interest in the substantive lawsuit, and that the decision on issues Constitutionalism is necessary to adjudicate the requests related to it submitted to the subject court, which means that the constitutional litigation is not accepted from people other than those who are harmed by the validity of the contested text. Or he had benefited from his advantages, or if the violation of the rights he claims did not return to him, this indicates the absence of direct personal interest, because the nullification of the legislative text in all these forms will not bring the plaintiff any practical benefit, by which his legal position may change after the case is decided Constitutional."

The Federal Supreme Court of Iraq also emphasized the need for the appellant to have an interest in the constitutionality of the legislation, and that there should be damage to the appellant as a result of the application of the law, as it ruled "the plaintiff has no interest in requesting the unconstitutionality of Law No. (2) of 2006 (Resolution Commission Law). real estate property disputes), and he was not harmed by him.

The condition of direct personal interest requires that the Supreme Constitutional Court decide the constitutional litigation from its practical aspects, and not from its theoretical data or abstract perceptions, and that this matter restricts its intervention in the litigation presented to the court, and also defines its jurisdiction, and therefore it does not extend to other than the appeals that affect the ruling. The validity or invalidity of the substantive dispute, and this matter means that the constitutional litigation is not accepted by anyone other than the persons who are affected by the harm as a result of the validity of the contested text, regardless of the harm, whether it is imminent threatening them or the harm is actually real, and the harm must be separate from mere violation of the text. If the plaintiff does not have any practical benefit that he can obtain by changing his legal status after the constitutional case is decided, the constitutional lawsuit is a tool through which the plaintiffs express their opinions in matters that concern them in general. A public or window from which they display various forms of conflict away from their direct personal interests

It is clear from the foregoing that the appellant of the constitutionality of the law has suffered harm from the enforcement or implementation of the contested law, and the appellant has a personal interest in challenging it, as the decision on the constitutional case by the Constitutional Court leads to a change of his legal position, and therefore if the legislation was not applied to the appellant. Or the appellant was not among those addressed by the provisions of the legislation, this indicates the absence of the personal interest of the appellant, and therefore the ruling of the Constitutional Court nullifying the legislative text for violating the constitution does not benefit the appellant with any benefit that could affect the legal position.

Section two: Authoritative rulings of the Constitutional Court

The general rule in judicial rulings is that they are of relative authority, but the rulings issued by the constitutional judiciary differ from the rulings issued by the ordinary judiciary.

The ruling issued by the Constitutional Court leads to the cancellation of the force of enforcement of the contested text, so it is considered legally non-existent, and then falls as a state legislation, and cancels the force of enforcement of the text judged to be unconstitutional. The fall of this text from the scope of application due to the ruling of unconstitutionality, according to what the legislator clarified, makes this matter equal in action with revocation.

Whether the constitutional court's invalidation of the contested legal texts is due to its formality or to its violation of an objective provision in the constitution, this text in both cases is stripped of its force of enforcement, so it is not permissible to apply it, especially by all state authorities, including the judicial authority, as the The absolute authenticity of the Constitutional Court's judgment in the constitutional issues it decides upon, also restricts all people, and by stripping the contested legal text of the power it possesses before the issuance of the ruling of unconstitutionality, this text does not exist, and therefore does not exist in the legal life after the disappearance of all effects which it arranges.

And that the rulings of the Constitutional Court, as well as the decisions issued by the constitutional judiciary, enjoy absolute authority, and that this authenticity is proved by the rulings of the Constitutional Court, whether it has ruled the constitutionality of legislative texts or their unconstitutionality, and that the rulings of the Constitutional Court are binding on all state authorities, that is: they are binding on the legislative, executive and judicial authorities. It is also binding on everyone in the state.

The Supreme Constitutional Court confirmed this, as it ruled that "the judgments issued in constitutional lawsuits, which by their nature are in-kind lawsuits directing the litigation to the contested legislative texts with a constitutional defect, are absolutely authoritative so that their effect is not limited to the litigants in the lawsuits that were issued in them, but rather this effect goes away." To all, and all state authorities are bound by it, whether these rulings have ended in the unconstitutionality of the contested text or its constitutionality, and the case is rejected on this basis because of the generality of those texts and because the judicial oversight that the court exercises exclusively is a comprehensive control that extends to ruling the unconstitutionality of the text The force of its enforcement or its constitutionality and consequently its integrity from all defects and invalidity are nullified, thus preventing the consideration of any appeal that may arise again in its regard.

It is clear from the foregoing that the rulings of the Constitutional Court are characterized by the absolute authenticity of its rulings and decisions, and this authenticity is adhered to by all the authorities in the state, as well as all citizens in the state, and everyone can adhere to this authority, and also that these rulings are final, and therefore it is not permissible to appeal the decisions and rulings of the constitutional judiciary As the supreme judicial authority in the state.

Conclusion

After we finished our study tagged (self-restriction of constitutional control), we reached the most important conclusions and suggestions.

First: the conclusions

- 1- There are many methods used by the constitutional courts to determine their oversight, in order to ensure that their authority does not overlap with other authorities in the state, and this is what we call self-restriction.
- 2- The constitutional judiciary has a special place in the state and raises its profile to ensure its independence from any influence that may be exposed to it.
- 3- The content of the principle of separation of powers within the framework of constitutional oversight means the necessity of the independence of the constitutional judiciary, the provision of the necessary immunity to the judiciary and the provision of the necessary guarantees, so that there is no interference or influence on the part of other authorities, and

that the judicial authority represented by the constitutional courts is granted by the constitution oversight jurisdiction over legislation in the state in terms of their compliance with constitutional restrictions and controls.

4- There is a special subjectivity to the work of the constitutional judge, as his competence is not limited to interpreting the texts of the constitution or stating its provisions, but rather to his intervention in the legislative process by directing the ordinary legislator to the necessity of observing constitutional restrictions and controls when legislating laws in the state.

5- There are many self-restrictions that derive from the rule that constitutional issues must be decided upon before the constitutional court, the most important of which is the presumption of constitutionality and the commitment of the Supreme Constitutional Courts to their jurisdiction specified in the Constitution, as well as the damage suffered by the appellant as a result of the application or implementation of the law challenged by its absolute authenticity of the provisions of the constitutional judiciary He gave his rulings a special importance that distinguishes him from the rest of the other judicial authorities.

6- There are certain limits and scope. The constitutional courts exercise their jurisdiction in the light of the scope drawn by the constitution and in light of the self-restrictions that they set for themselves through their decisions and that are inspired by constitutional restrictions.

Second, the suggestions.

1 -We suggest to the Iraqi constitutional legislator adding a text allowing the constitutional judiciary to examine the legislation before its issuance, in order to avoid the effect of legislation on the rights of individuals, since the constitutionality of the law may require time and certain procedures that must be fulfilled. Issued.

2 -We suggest to the Federal Supreme Court in Iraq to follow the path of the Supreme Constitutional Court in Egypt, especially with regard to directing the ordinary legislator towards adhering to the constitutional controls and restrictions stipulated in the heart of the constitution.

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