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THE ORIGIN OF THE RULE OF LAW; APPLIED RESEARCH ON IRAQI LAW AND INTER-RELIGIOUS LAWS

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ABSTRACT

Political systems adopt the principle in some of its manifestations and not others. The transformation into a state of law is gradual, passing through several systems of government in which the state develops and transforms into civilized democratic systems subject to the law and respecting the principle of the rule of law. On this basis, the state of law is one that subjects its public authorities to all legal rules in all actions and behaviors issued by it. This commitment is what takes it out of the category of oppressive states in which the ruling authority has absolute freedom to take whatever actions and procedures it deems appropriate in confronting individuals to achieve whatever goals it pleases without being bound by the provisions and rules of the law. Some constitutional law scholars have distinguished between the principle of the state's submission to the law and the principle of the rule of law. They say that the principle of the state's submission to the law means subjecting all authorities in the state, and it is a legal principle that aims to protect the rights and freedoms of individuals in the face of the state or the administration. As for the principle of the rule of law, it means the supremacy of the legislative authority over the executive authority, and the inability of the latter to take any action unless it is in implementation of the law or with the authorization of the law. It is a political idea that originated from the fact that parliament represents the will of the nation. The rule of law means the supremacy of the provisions of the law in the state; such that the provisions and rules of the law are superior to all wills in the state (the wills of the rulers and the ruled together).

Keywords: Principle, Rule of Law; Iraqi Law, International Conventions

INTRODUCTION

The principle of the rule of law is among the fundamental legal principles of all legal systems, regardless of the social, political, or religious philosophy governing the legal system of a state. It is not confined to a specific system or philosophy but is a universal principle applicable

continuously in every society and to every authority, irrespective of its form or basis.

The concept of the rule of law dates back to the origins of authority in human societies, yet its interpretation has varied widely from one community to another, influenced by political, social, economic, and ideological factors.

1. Significance of Research

Research into the rule of law is crucial within legal studies due to its role in highlighting the importance of achieving legal objectives, establishing a comprehensive vision aimed at enhancing security, instilling societal trust in the law, and ensuring its effective application. The rule of law guarantees operate across various facets and directions. Any failure to enforce this rule leads to rights being lost, disturbs individual positions, threatens freedoms, and negatively impacts social life by breaching and violating legal provisions, thereby affecting the state and its civic values.

For these reasons, the rule of law has become a fundamental requirement pursued by all governments. No administration or government can move towards reform, progress, or improved performance without adopting advanced sovereignty as a consistent approach and cornerstone in managing the helm of governance.

2. Research Problem

If the rule of law is considered the fundamental factor in protecting individuals' rights and ensuring their freedoms, the question posed for research in this field is: What is this principle? What are its sources and guarantees? Does the mere enactment of laws by the legislative authority signify the existence of the rule of law, or does it require someone to apply the provisions of these advanced laws in order for sovereignty to be present?

3. Research Methodology and Plan

Our research will follow an analytical approach, addressing two main topics:

Firstly, we will delve into the concept of the rule of law, defining it and discussing its origins, evolution, legal texts, and sources upon which this principle is based. We will also explore the guarantees of the rule of law.

Secondly, we will focus on the principle of the rule of law in Iraqi law and international treaties.

Concept of the Rule of Law

There is no dispute that the rule of law has become a distinguishing feature of modern states and a constitutional principle that every state strives to apply and respect. A lawful state adheres in all its actions, behaviors, and decisions, regardless of the nature of its authorities, to legal principles that govern it. The democratic concept of the state's subordination to the law and its sovereignty implies that laws enacted by the state do not undermine rights considered fundamental in democratic countries. This principle is vital for safeguarding human rights, dignity, and integrity, without compromising on proper legal means. The rule of law is a product of historical evolution, and political regimes may not recognize the state's subordination to the law or consider it a modern civic foundation. The shift towards a lawful state occurs gradually as states evolve, transforming into sophisticated, law-abiding democracies rooted in the rule of law.

1. Definition of the Rule of Law

The rule of law refers to the supremacy of legal norms within a state, where these norms and their principles override all wills within the state (both those of the rulers and the ruled). In Islamic

jurisprudence, sovereignty of law means that governance adheres to the principles of Islamic Sharia law itself, or to legal rules enacted by legislative bodies that are in harmony with Islamic Sharia principles and objectives.

2. The Principle of the Rule of Law: Origin and Evolution

The principle of the rule of law has undergone significant development throughout history, with differing views among legal scholars regarding its existence in ancient times. Some argue it was based on the consistency and generality of laws, independent of guarantees. The rule of law finds its origins in the conflict between individual freedom and authority. Its birth can be traced to the time when laws became more universal and abstract due to the advent of written codes. This transition transformed societal governance from arbitrary, unwritten rules to general, abstract laws accessible to all, moving legal knowledge and its application beyond the privileged few.

Early attempts to establish the rule of law include Draco's laws in Athens, the Code of Hammurabi in Mesopotamia, and the Twelve Tables in Rome, all striving to affirm the principle within their societies. However, in its early days and far from its modern concept, the essence of legitimacy realized through the rule of law allowed rulers absolute authority to change and evade legal rules. This often tilted the balance in favor of authority over freedom, leading to numerous setbacks for the rule of law. Nonetheless, guarantees ensuring rulers' compliance with the law existed, often rooted in religious and customary references, as seen in ancient Egyptian law.

Ancient democracies and teachings of Christianity and Islam significantly contributed to expanding the dimensions of the rule of law, particularly emphasizing religious teachings on freedom of belief and equality between rulers and the ruled, and the sovereignty of religious law over all.

3. Legal Texts and Sources Underpinning the Rule of Law

The rule of law is not based on a single law alone but relies on a comprehensive set of fundamental and supplementary laws, including the constitution, ordinary legislation, subsidiary legislation, regulations, and directives:

1. **Constitution:** The constitution represents the fundamental law of the state, occupying the highest position in the legislative hierarchy. It serves as the cornerstone outlining the basic principles of state governance, procedures for enacting and enforcing laws, and defining the entities responsible for its establishment. The constitution also sets out fundamental rights, such as human rights, and establishes frameworks that cannot be violated. It provides guidelines for international treaties and agreements.

2. In summary, the rule of law draws its strength from a structured legal framework that includes the constitution as its bedrock, supplemented by various legislative measures and regulations, ensuring governance adheres to legal principles across all levels of authority and actions within the state.

3. Legal Texts and Sources Underpinning the Rule of Law

The rule of law is supported by a range of legal texts and sources, including:

1. **Ordinary Legislation:** This refers to a collection of legal rules issued by the legislative authority according to its specified jurisdiction outlined in the constitution. Ordinary legislation occupies an intermediate position between the constitution and subsidiary legislation. It is a detailed document through which state affairs, individual matters, relationships between individuals, and their interactions with state institutions are managed. Ordinary legislation clarifies individual rights, obligations, criminal acts, and their respective penalties.

2. **Subsidiary Legislation (Regulations and Directives):** This encompasses a set of legal rules issued by the executive authority based on the powers delegated to it by the constitution. Subsidiary legislation ranks lower in the hierarchy of legal rules compared to ordinary legislation and the constitution. When enacted, subsidiary legislation must conform both formally and substantively to ordinary legislation and the constitution. It includes regulations, directives, and internal regulations. Subsidiary legislation plays a crucial role in detailing the specifics and procedures necessary for implementing ordinary legislation from a practical perspective.

Foundations of the Rule of Law

The rule of law rests upon several foundational pillars, including:

Legitimacy of Legal Rules: Legitimacy refers to respecting the minimal legal requirements of the highest legal rule without contravening it either formally or substantively. This means that laws issued by the legislative authority, as well as regulations and directives, must align with the supreme law of the state, which is the constitution. Any deviation from this alignment undermines the legitimacy of the legal rule. The relationship between legitimacy and the rule of law underscores the coherence of ordinary legislation and subsidiary legislation with the societal will, as expressed through their conformity with constitutional legal principles. If society does not perceive a legal rule as legitimate, compliance with it diminishes, impacting its stability and enforceability on individuals.

In summary, the rule of law draws strength from a structured legal framework comprising the constitution, ordinary legislation, and subsidiary legislation. These legal texts ensure that governance adheres to legal principles across all levels of authority and actions within the state, safeguarding individual rights, obligations, and the enforcement of laws.

Foundations of the Rule of Law

The rule of law relies on several foundational pillars, including.

Justice of Legal Rule:

Justice refers to a specific virtue that entails giving each person their rights or duties equally, without discrimination. Legislators are obligated to adhere to principles of justice when drafting laws. If laws fail to uphold equality and fairness among individuals in society, the legislator may be perceived as unjust. The relationship between justice and the rule of law underscores the necessity of ensuring equality among members of society when enacting legal rules. If society does not perceive a legal rule as just, compliance with it diminishes, leading to its stagnation and ineffective enforcement.

Power of the Executive Authority:

The executive authority manages the state's highest policies, executes laws, and oversees public facilities. It is responsible for effectively implementing legal rules. If the executive authority fails to enforce legal rules promptly, societal trust in both the authority and the laws upon which it is based diminishes. This may lead individuals or groups to seek their rights through extralegal means, potentially resulting in violence and disruption of public order, which undermines the rule of law.

Speed of Judicial Proceedings:

This refers to the set of courts within national boundaries that resolve disputes between natural and legal persons based on legal texts. Judicial bodies are tasked with decisively resolving disputes as swiftly as possible. Delays in court proceedings foster a perception of dysfunction within the judiciary. Consequently, individuals may refrain from bringing disputes to court and seek alternative methods, such as appealing to their tribe or community. This shift away from judicial resolution can lead to the dominance of other authorities over the rule of law.

In conclusion, the rule of law is bolstered by legitimacy, justice in legal rules, the effective power of executive authorities, and the expediency of judicial procedures. These elements collectively ensure that legal governance maintains order, protects rights, and upholds societal trust in the judicial system's ability to administer justice impartially.

Guarantees of Rule of Law

There are several aspects or guarantees ensuring the state's adherence to the law, which vary from one country to another based on the extent to which its authorities and institutions comply with and respect the law. However, the genuine and effective guarantee to achieve the state's adherence to the law and sovereignty of its rule can be summarized as follows:

1. Existence of a Constitution:

The presence of a constitution is the primary guarantee for the state's adherence to the law. The constitution establishes authority within the state and legitimates its legal existence, surrounding its activities with a legal framework from which it cannot deviate. Its presence ensures the limitation of state powers, organizing its authority and methods of practice. Naturally, it holds the highest authority in the state as it defines the path of its selection and grants it legal status, outlining its powers and jurisdictional limits. Therefore, authorities derived from the constitution must be bound, not because they operate according to democratic conditions, but due to the necessity of affirming their constitutional status. If they were to disregard this, they would lose their legal character. The existence of the constitution implies the restriction of all authorities within the state—legislative, executive, and judicial—by it, thereby preventing any encroachment on freedoms guaranteed as long as they are stipulated and organized by the constitution. The constitution assumes supremacy over all other enacted legislation, a principle known as the superiority of constitutional rules and their sovereignty over all legal rules within the state. This principle is applicable only in democratic systems. As for governments that are not subject to a constitution, do not adhere to the law, or establish a formal constitution that they neither respect nor appreciate; it is natural not to find a place for this principle. Therefore, the principle of the supremacy of the constitution is considered one of the characteristics of a constitutional state, as it requires the establishment of constitutional rules regulating public freedoms in a superior position above all these authorities and subjecting them to its provisions to achieve state adherence to the law. The principle of the superiority of the constitution is closely and inevitably linked to the principle of legality - the state's adherence to the law - because the principle of the superiority of the constitution includes the principle of legality. This is because if the principle of legality means that rulers and the ruled are subject to the control of legal provisions, where no decision or law is issued beyond the limits of the constitution, and every authority must respect the law. Thus, the principle of the superiority of the constitution supports and strengthens the principle of legality, and expands its scope, as it requires rulers and the ruled to adhere to its rules on one hand, and adherence to the enacted regulations, decisions and organized laws related to public freedoms in the country on other.

2. Separation of Powers

The principle of separation of powers refers to the distribution of fundamental powers within the state among various bodies, ensuring that these powers are not concentrated in a single entity, which could lead to severe legal consequences. When the three powers converge into one body, it inevitably results in violations and arbitrariness. For instance, if legislative, judicial, and executive powers were consolidated within the executive branch, allowing it to legislate, judge, and execute, it would not be subject to accountability before a separate judiciary. Therefore, the separation of powers ensures a form of oversight over each authority to prevent anyone from monopolizing decisions, ultimately upholding the principle of legality.

While the principle of separation of powers constitutes an important and effective guarantee for the state's adherence to the law, its absence does not necessarily imply the collapse or non-existence of a legal state. Some legal scholars argue that a state's adherence to the law is achieved simply by respecting the governing bodies' jurisdictional boundaries, which can occur without strictly adhering to the principle of separation of powers. In Islam, the principle of separation of powers is recognized as Sharia restricts the three state powers (legislative, executive, judicial), prohibiting legislation that contradicts explicit texts, undermines fundamental principles of Islamic law, or deviates from established legal precedents.

3. Subordination of Administration to the Law

The term "administration" refers to the executive authority, represented by the president, ministers, agencies, departments, and affiliated institutions. The importance of the administration's subordination to the law stems from the fact that the executive's nature involves more interaction and contact with the public compared to other state powers. Furthermore, the executive formulates and enforces laws and regulations, which directly impact individuals' rights and freedoms and can potentially compromise the principle of legality.

This principle necessitates that both the governed and the governors are subject to the law through oversight of their actions, including the authority to declare actions null and void if found unlawful. The administrative function and its requirements balance between freedom and order, arguing that regulating rights and freedoms or restricting them inherently falls within the jurisdiction of the parliamentary body, not the executive branch. Recognition of the executive branch's authority only occurs out of operational necessity, considering the executive's efficiency in swiftly executing complex, lengthy parliamentary actions. Therefore, the government or administration cannot take any administrative action or material action without legal authority.

4. Oversight of Legislative Legislation

It is established that human rights and public freedoms are enshrined in the constitution, and the legislator's task is limited to regulating freedoms through laws, restricting and not diminishing them. The legislator has discretionary authority to regulate and restrict freedoms, though some legal scholars argue that this authority is constrained. This view stems from democratic philosophy which considers freedoms as constitutional material, even more sacred than other constitutional rules. Moreover, they argue that the legislator's authority to regulate freedoms is exceptional, contrary to the principle of affirming freedom, and must be strictly delimited, with restrictions applied according to sound legal measures, not arbitrarily.

The legislator can regulate freedoms without unduly restricting them. This differentiation lies in how freedoms are utilized; regulation dictates the manner of freedom usage, while restriction diminishes or affects its essence. Therefore, the legislative authority possesses discretionary power to regulate freedom by law, ensuring adherence to the constitutional purpose—

safeguarding the exercise and enjoyment of these freedoms and public rights within their defined limits, provided that the authority's use of power does not deviate from its purpose. Deviation is assessed objectively, ensuring that rights, post-regulation as per the constitution, are not diminished from all angles so that they do not align with the constitution's objective. Thus, if the constitution imposes specific constraints on ordinary legislators for the regulation of freedom, they must be respected, as the law would be invalid if it contradicts the constitution.

If the constitution does not impose specific constraints on ordinary legislators and simply allows freedom among freedoms and provides the legislator the right to regulate them, then the legislator has only one legal limitation, not eliminating or undermining that freedom, so if he undermines it, the law is flawed for violating the constitution.

5. Judicial Oversight

Establishing judicial oversight over the actions of authority within the state should not violate the principle of separation of powers. It is not appropriate to argue that the judiciary has no right to intervene in administrative matters based on the separation of powers. A rule-of-law state begins with the idea that any action or decision can be brought before the competent judiciary for examination and assessment of its legitimacy and oversight, which may lead to its annulment with consequential arrangements. It is indisputable that the confrontation of authority before a competent judge, who has the power to scrutinize and verify the legitimacy of its actions and decisions, and to return them to the realm of legitimacy if they deviate from it, even to penalize them if necessary, is a crucial aspect of the principle of legitimacy and rule of law.

The effectiveness of these principles in ensuring that state authorities abide by the law and respect its boundaries in all their actions and behaviors is contingent upon the establishment of judicial oversight over the constitutionality of laws on one hand, and the legitimacy of administrative decisions on the other. These two principles complement each other, and any breach of judicial oversight would undermine the principle of legitimacy and rule of law, potentially rendering them meaningless. Judicial oversight over the constitutionality of laws, regulations, and administrative actions finds its foundation in the general principle of legitimacy and rule of law established by the constitution.

However, jurisprudence and legal practice have excluded sovereign acts from judicial oversight, arguing that their nature precludes them from being subject to judicial review due to reasons of preserving the state's integrity domestically, defending its sovereignty abroad, and safeguarding its highest interests. Most legal statutes affirm the right to litigation, prohibiting any law from depriving individuals of recourse to the judiciary. The right to litigation is considered in positive law as part of the public order, and judicial oversight over the constitutionality of legislation is exercised by the judiciary.

Principle of Rule of Law and its Relationship with Human Rights:

There exists a close relationship between the principle of rule of law and the historical development of human rights. The rule of law itself is a historical component of the content of human rights and, at the same time, a means of protecting and ensuring these rights. Human rights are closely linked to the political and legal system, both internationally and domestically. They have significantly influenced legal theory within states, evolving from mere concepts to their current status under national legal systems and within the framework of international law.

The principle of rule of law is closely associated with respect for general and abstract legal norms by both governors and the governed. This close connection between the rule of law and human rights arises because the protection of rights and freedoms only becomes a reality through the reinforcement of the rule of law and the state's adherence to it. This includes ensuring the independence and immunity of the judiciary and guaranteeing everyone's right to litigation.

The fundamental connection lies in recognizing that the rule of law is the basic guarantee for protecting human rights and freedoms. Legitimacy forms the barrier for freedom and human rights, with individuals being the primary beneficiaries of the rule of law in a state. Upholding and respecting the constitution is essential, underscoring the importance of the rule of law in delineating the boundaries between the rights of governors and the governed. Therefore, the significance of the principle of rule of law and its relationship with human rights is evident in safeguarding these rights and ensuring the legitimacy of state actions.

Rule of law is not an end in itself but a mechanism that humanity has embraced, akin to other mechanisms like democracy, to affirm the existence of human rights, guarantee compliance with them, and preserves them. Hence, the principle of rule of law constitutes an element of the rule of law state. This close relationship underscores the legal and social status of individuals in society, maintaining a balance between authority and freedom. Rule of law thus serves as an effective and essential guarantee for individuals, their freedoms, and their rights when confronting public authority. According to this principle, governing bodies cannot violate the rights and freedoms of individuals contrary to what the law dictates.

Moreover, the principle of rule of law is linked to the necessity of guaranteeing the right to litigation, which is one of the most crucial human rights highlighted by international and regional agreements, national constitutions, and Islamic law. This principle ensures a secure buffer between public authority considerations and their necessity, safeguarding both the legal and social position of individuals within society.

Principle of Rule of Law in Iraqi Law

In democratic systems, it is recognized that the constitution represents the supreme legal document in a state. It sets forth the legal foundations that determine the state's structure and system of governance, including the allocation of powers to public authorities and the delineation of rights and freedoms of individuals. The governing principle in contemporary society is the rule of law, under which all members of society and state authorities are obligated to respect the law as the basis for legitimacy of actions.

The principle of rule of law signifies more than mere compliance with legal provisions; it entails the elevation and supremacy of the law over the state. Thus, the content of the law must guarantee the rights and freedoms of citizens, forming the foundation of the rule of law. Anyone examining the Iraqi constitutions would notice that none of the constitutions issued from 1925 until 2004 explicitly mentioned the principle of rule of law. This omission may be justified legally because the republican era constitutions from 1958 to 2004 were temporary in nature, designed to address exceptional circumstances or transitional phases.

The absence of explicit mention of the rule of law in these constitutions might seem formalistic, despite some of them enduring longer than many permanent constitutions. However, the permanent Constitution of 2005 explicitly incorporated the principle of rule of law. Article 5 clearly states, "The law is sovereign, and the people are the source of authorities and legitimacy, exercised through direct general secret ballot and through constitutional institutions." This provision establishes that authority must operate according to the law, and no one is above the law.

Furthermore, Article 66 specifies that, "The federal executive authority shall consist of the President of the Republic and the Council of Ministers, and shall exercise its powers in

accordance with the Constitution and the law." This ensures that the executive branch operates within the framework of the Constitution and the law.

Therefore, the Constitution of 2005 affirmed the principle of rule of law explicitly, which is essential for ensuring that state authority respects the rights and freedoms of individuals. The principle of rule of law in Iraqi law emphasizes the legality and legitimacy of state actions, reinforcing the foundations of a rule of law state where no one is above the law.

The constitution, in addition to organizing the fundamental matters of the state, also undertakes the regulation of individual rights and freedoms, whether these rights are personal, political, social, or economic. For the respect of these rights and freedoms, it is necessary that they be enshrined within the constitution itself. The law is not merely a tool for the functioning of the state; it also serves as the guarantee that ensures rights and freedoms are upheld against the state. If the constitution regulates the relationship between state authorities, it also guarantees the respect of individual rights and freedoms in relation to the state. In this description, the constitution is an effective tool and the primary guarantor of protecting these rights and freedoms against all, including the legislative authority. This principle is reflected in the Iraqi Constitution of 2005, which extensively covers principles related to human rights as articulated in international declarations and conventions, foremost among them political, economic, and social rights. However, like other constitutions, it is surrounded by some deficiencies and shortcomings, where certain texts are general or defer the regulation of specific issues related to individual rights to subsequent laws. This makes the organization of individual rights and freedoms subject to legislative authority. The Iraqi legislator has surrounded constitutional texts with a set of legal guarantees aimed at protecting them from encroachments or abuses by other state authorities. Therefore, it adopts a set of democratic principles that are fundamental pillars of the constitutional state. The wording of these principles ensures that the authorities in the state do not exceed these texts, considering them constitutional texts distinguished by their superiority and elevation over other laws. As for the separation of powers, Iraqi constitutions issued from 1925 until 1970 did not explicitly state the principle of separation of powers, possibly because these constitutions, except for the 1925 constitution, were temporary, concentrating power in a single body or individual like the head of state, as in the 1970 constitution. The Law of Administration for the Transitional Period of 2004 explicitly stated the principle of separation of powers in Article 4: "The system of governance in Iraq is republican, federal, democratic pluralist, and the federal system is based on the principle of separation of powers." Similarly, the Permanent Constitution of Iraq issued in 2005 explicitly stated in Article 45: "The federal authorities consist of the legislative, executive, and judicial authorities, which exercise their competencies and functions on the basis of the principle of separation of powers." To ensure that these authorities do not exceed their powers, the issue of oversight over the constitutionality of laws, which is a legal mechanism tasked with verifying the conformity of laws to the constitution, must be activated. The Federal Supreme Court is responsible for constitutional oversight over laws and effective regulations according to the provisions of Article 93 of the constitution.

The principle of rule of law is a universal principle that must be adhered to in every society, irrespective of its social philosophy or existing political organization. Its basis lies in the fact that law emerges naturally with the inception of life itself and resides in the collective conscience of society, embodying the concepts of justice and the public good. It evolves with societal progress to accommodate changes in the understanding of justice and the public good, always remaining supreme over public authority, unless it deviates into arbitrary actions and exploitation.

We support the view that the principle of rule of law transcends the boundaries of different states with their varying legal systems. This concept was embraced by the International Law Commission at the Delhi Conference in January 1959. The fundamental function of the rule of law is to ensure the supremacy of legal governance in relations between individuals and the state.

Legal relationships among individuals are between equals, whereas between the state and individuals, they are between unequal parties due to the state's inherent general authority. Hence, the pivotal role of the rule of law in protecting individuals' rights and freedoms from public authority becomes evident within a state.

The principle of rule of law is deeply rooted in international instruments of high standing, notably articulated in the Universal Declaration of Human Rights of 1948. It serves as the last refuge for humanity against injustice, tyranny, and oppression. Additionally, the treaties of the European Union stipulate that the Union is founded upon principles of freedom, democracy, respect for human rights, fundamental freedoms, and the rule of law, which are common principles among member states.

The United Nations defines the rule of law as the submission of all individuals, institutions, public and private entities, including state institutions, to laws publicly promulgated and applied equally, under an independent judiciary, and consistent with international human rights norms and standards.

Here is the English translation of your text:

International consensus affirms that the rule of law is inherently a commendable and necessary goal. Robust rule of law can bring numerous benefits that positively impact national, regional, and international levels. Assistance in the rule of law has begun from foreign entities that aim to strengthen robust legal sovereignty in countries characterized by weak or absent rule of law in the years following World War II. The approach of the international community and the evolving definition of the rule of law over the decades have shaped the desire to join the European Union as a strong impetus for many reforms related to the rule of law, adopted by Eastern European countries in the first decade of the twenty-first century in accordance with Copenhagen criteria, which state that aspiring member states must have stable institutions ensuring democratic accountability, the rule of law, human rights, minority protection, and at least forty specialized United Nations agencies engaging in rule of law activities at national and international levels. There are nine main agencies providing the majority of rule of law assistance in conflict-affected countries in addition to principal United Nations bodies, including the General Assembly and the Security Council, playing a role in providing more attention to the rule of law, as the Security Council has the power to authorize the use of force or deploy United Nations peace operations. United Nations entities include judicial mechanisms such as the International Court of Justice and dedicated criminal courts such as the International Criminal Court for the Former Yugoslavia and for Rwanda, hybrid courts, and non-judicial mechanisms such as transboundary commissions and investigative committees. Other United Nations global activities in rule of law include formulating national strategies for justice and security, formulating and implementing national development plans, enhancing legal reform, promoting transitional justice, strengthening police and other security institutions, supporting gender justice, providing justice for children, combating organized crime including human trafficking, drafting constitutions, promoting access to justice, enhancing awareness, and legal empowerment.

Examples in the subject of legal commitment that creates room for political commitment in the life of internal and international communities, it manifests in international law more than it does in constitutional and ordinary laws. The existence of a legal authority placing law within the internal community and enforcing it on constitutional and ordinary legal persons implies that they are in a state of submission, or real commitment, whereas the international community lacks such authority because the law originates from the state's will by virtue of the principle of sovereignty, indicating the nature of international commitment without a mask. This commitment restricts the behavior of states and is impossible to be considered natural, as it is only the result of this will,

which remains behind the state's regulated international behavior, free from any legal or moral constraint, capable at any moment of violating the commitment it concluded and removing the constraint it has imposed on itself or acting in contrary. Also, the lack of law that ensures harmony, where this lack of harmony appeared in a single document of modern international law, which is the Covenant of the League of Nations that respects one right over another, and it appeared in the Charter of the United Nations that respects equality in sovereignty and determines the destiny for one term and wastes it for another.

CONCLUSION

The principle of the rule of law represents the pinnacle of legal and philosophical-political thought in the pursuit of legal rule's sovereignty, particularly in its role in organizing the relationship between rulers and the ruled. For legal rule to truly prevail in the realm of individual-state relations, this principle must assert its presence not only against the governed but also against the state itself. The rule of law is the foundation of governance in modern states, preventing the dictatorship of power and achieving a balance between considerations of order, authority, and freedom within society.

Currently, the principle of the rule of law epitomizes civilized societies, creating a transparent process open to all and ensuring equality. This principle guarantees adherence to principles of liberation and protection for all. Government commitment to the rule of law inevitably leads to justice, equality, and fairness among members of the same society, fostering internal peace and promoting stability, prosperity, and growth. The principle of the rule of law signifies legitimacy by subjecting both rulers and the ruled to the law, ensuring that all actions by public authorities and citizens alike conform to legal provisions in the exercise of their functions and various activities.

Moreover, it serves as a significant and effective safeguard for human rights. Recognizing the effectiveness of this protection underscores the principle of the rule of law as a global legal heritage. Islamic law affirms the principle of the rule of law, underscoring its natural inclusion in contemporary comparative constitutions as the cornerstone of governance within a state.

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