

THE ROLE OF ADMINISTRATIVE GRIEVANCE IN REALIZING JUSTICE UNDER IRAQI ADMINISTRATIVE LAW

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Abstract

Administrative oversight is one of the core features of modern legal states, wherein public administration is subject to legal and procedural constraints that prevent arbitrariness and ensure the protection of individual rights. Given that administrative decisions are often unilateral acts issued without the consent of the affected party, this inherently creates an imbalance between the two sides of the administrative relationship: the authority of the administration and the legal interest of the individual.

In order to restore this balance, several mechanisms have been established to review administrative decisions, most notably **administrative grievance** (Tazallum), which is a non-judicial method allowing individuals to request a review of a decision that they believe to be unlawful or prejudicial, by either the issuing authority or its hierarchical superior.

Administrative grievance holds particular significance in Iraq due to the complexity of its administrative structure, the multiplicity of authorities, and the limitations of administrative judiciary in terms of capacity and accessibility. As recourse to the judiciary often entails financial and procedural burdens, grievance becomes a practical and sometimes necessary pathway to restore one's rights without immediate judicial involvement.

Despite this theoretical importance, the practical application of grievance in Iraq raises questions regarding its effectiveness, the extent of its legal regulation, the responsiveness of administrative bodies, and the presence (or lack thereof) of safeguards that ensure its credibility and impact.

INTRODUCTION:

Administrative law is one of the most crucial branches of public law, as it governs the relationship between the state and its citizens through various public bodies. It limits administrative authority within a legal framework that ensures justice and serves the public interest. Among the key elements enshrined in administrative law is the **principle of legality**, which mandates that administrative actions must comply with the law and be subject to legal scrutiny. In this context, administrative grievance emerged as a legal mechanism that predated modern administrative judiciary.

Administrative grievance is not merely a complaint procedure—it is a fully developed legal instrument that enables individuals to re-present their case to the administration, requesting a reconsideration of the contested decision. It serves multiple purposes: reducing the volume of cases brought before the courts, granting the administration an opportunity to rectify its errors internally, and providing a swift, efficient remedy for individuals harmed by administrative acts.

However, the current application of grievance in Iraq is fraught with practical deficiencies:

- The absence of a unified legislative framework governing grievance procedures.
- Weak responsiveness from administrative authorities.
- A lack of legal awareness among employees and the general public.
- Inconsistent application across ministries and government entities.

This underscores the need for a comprehensive study that analyzes the legal foundations of grievance in Iraq, evaluates its effectiveness in protecting rights, and compares it with regional and international experiences to identify best practices and actionable reforms.

CHAPTER ONE: THE THEORETICAL AND CONCEPTUAL FRAMEWORK OF ADMINISTRATIVE GRIEVANCE:

Section One: Definition and Historical Evolution of Administrative Grievance

1. Definition of Administrative Grievance

Administrative grievance is defined in the simplest legal terms as:

—A request submitted by a person adversely affected by an administrative decision to the issuing authority or to its superior, asking for a reconsideration of the decision believed to be unlawful or unjust.

Grievance distinguishes itself from other forms of administrative remedies by several key features:

- It is directed to the administration itself or its higher authority.
- It does not require a lawyer or complex procedural steps.
- It provides a low-cost, rapid means for individuals to protect their rights.
- It may precede or, in certain cases, substitute for judicial proceedings.

Distinguishing Grievance from Complaint

Though the terms may appear similar, it is essential to distinguish between an administrative grievance and a complaint:

Criteria	Administrative Grievance	Complaint
Submitted to	Issuing authority or its superior	Oversight or supervisory entities
Purpose	Challenge a specific administrative decision	Report misconduct or wrongdoing
Legal Nature	Legal remedy mechanism	Administrative or supervisory process
Legal Effect	May suspend or reset judicial timeframes	No legal obligation on the administration

2. Historical Evolution of Grievance

Historically, grievance emerged as a form of internal administrative control long before the evolution of modern administrative judiciary. In older governance systems, rulers or governors retained the prerogative to reconsider decisions issued by subordinates in response to citizen petitions. This mechanism evolved in post-revolutionary France into a more structured legal remedy.

In Iraq, administrative grievance has developed gradually, beginning with Ottoman regulations, continuing through the monarchy-era legislations, and culminating in modern statutes such as the Law of the State Shura Council and the Civil Service and Disciplinary laws. These legislative texts have provided legal grounding for grievance procedures, especially in matters related to public employment and disciplinary actions.

Section Two: Types of Administrative Grievance and Their Legal Characteristics

1. Types of Administrative Grievance

Administrative grievance may be classified into the following types:

a. Hierarchical Grievance:

Submitted to the higher administrative authority than the one which issued the decision.

b. Self (Voluntary) Grievance:

Filed with the same authority that issued the decision, requesting it to reconsider its own action.

c. Mandatory Grievance:

Required by law before proceeding to court. If not submitted, any subsequent lawsuit may be dismissed for procedural reasons.

d. Optional Grievance:

Left to the discretion of the affected party, who may either submit a grievance or proceed directly to the judiciary.

2. Legal Characteristics of Administrative Grievance

Among its core legal features:

- **Non-judicial Nature:** It is carried out outside the court system.
- **Simple Procedure:** Typically requires a written, reasoned request.
- **Impact on Judicial Deadlines:** In some cases, it halts or resets the statutory period for filing a lawsuit.
- **Non-binding for the Administration:** The administrative body is not legally required to respond, unless mandated by law.
- **Strict Standing Requirements:** Only those with direct and personal interest may submit a

grievance.

3. Conditions for Accepting a Grievance

To be legally valid, a grievance must meet the following criteria:

1. **Filed by a person with legal standing and interest.**
2. **Submitted within the legal timeframe** (usually 30 days from notification).
3. **Targeting a final administrative decision**, not a preliminary measure or factual action.
4. **Directed to the correct authority**, as determined by administrative hierarchy.

4. Legal Effects of Administrative Grievance

- **Suspension or Interruption of Judicial Deadlines:** Particularly in cases where grievance is a procedural prerequisite.
- **Re-evaluation of the decision by the administration**, which may result in amendment, withdrawal, or confirmation.
- **Creation of a new legal situation:** The grievance outcome may generate a new administrative act.
- **Evidence of Serious Legal Intent:** May support the claimant's case in court by showing prior effort to resolve the dispute administratively.

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Shura Council and the Civil Service and Disciplinary laws. These legislative texts have provided legal grounding for grievance procedures, especially in matters related to public employment and disciplinary actions.

SECTION TWO: TYPES OF ADMINISTRATIVE GRIEVANCE AND THEIR LEGAL CHARACTERISTICS

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CHAPTER TWO (PART 1): LEGAL REGULATION OF ADMINISTRATIVE GRIEVANCE IN IRAQI LEGISLATION

□ Section One: Legislative Sources Governing Administrative Grievance in Iraq

Despite the importance of administrative grievance as a tool for protecting rights and achieving legality in administrative actions, the Iraqi legal system does not provide a **comprehensive or unified law** specifically devoted to grievance procedures. Instead, regulations are dispersed across various laws and statutes, each dealing with grievance in limited or context-specific ways, often resulting in legal ambiguity and inconsistent application.

1. Law of the State Shura Council No. 65 of 1979 (Amended)

This law is considered the primary legislative framework for Iraq's administrative judiciary. It includes several provisions indirectly related to grievance procedures:

- **Article 7:** States that it is not permissible to file an annulment lawsuit unless a grievance has first been submitted to the administrative authority in certain cases.
- It requires the aggrieved party to submit a grievance within **30 days** from the date of notification.
- The administrative body has **30 days to respond**; silence beyond this period is considered an **implicit rejection**.
-

Legal Commentary:

- The law treats grievance as a **procedural condition** for some administrative lawsuits.
- It demonstrates the legislator's intention to **limit judicial involvement** by encouraging administrative self-correction.

2. Civil Service Discipline Law No. 14 of 1991

This law plays a central role in regulating the relationship between public servants and the administrative authority, particularly regarding disciplinary measures.

- **Article 15:** Grants the employee the right to submit a grievance against disciplinary actions within **30 days** of notification.
- The grievance is addressed either to the issuing authority or its superior.
- The administrative body must respond **within 30 days**.

Legal Commentary:

- Provides a **clear procedural framework**.
- Reinforces the principle of **administrative accountability** in employee-related disputes.

3. Civil Service Law No. 24 of 1960

This older law governs various aspects of employment in the public sector, including promotion, transfer, and retirement.

- It refers generally to grievance rights but **lacks procedural detail**.
- It gives wide discretion to administrative bodies in responding—or choosing not to respond.

Legal Commentary:

- Lacks **procedural safeguards**.
- Reflects a **traditional, discretionary model** of administrative authority, with minimal enforceability.

4. Other Sectoral Laws (Education, Health, Municipalities, etc.)

Many Iraqi ministries and institutions operate under sector-specific legislation, some of which mention grievance procedures briefly, while others ignore the concept entirely.

- Some allow grievances as informal requests.
- Others rely on **internal administrative circulars**, not publicly accessible or standardized.

Legal Commentary:

- The absence of **uniform rules** causes confusion and legal uncertainty.
- Citizens and employees are often unaware of their grievance rights or the correct process.

Section Two: General Evaluation of Iraq's Legislative Framework

A critical review of the above legal instruments highlights several key issues:

1. **Lack of a unified legal code** regulating all aspects of administrative grievance.
2. **Variation in legal timeframes** across different laws, ranging from 15 to 60 days.
3. **Ambiguous or outdated wording** in some laws, opening the door to conflicting interpretations.
4. **Unclear jurisdiction** regarding which administrative level is competent to receive and decide the grievance.
5. **No express sanction** for failure of the administration to respond, weakening the enforceability of the process.

SECTION THREE: THE NEED FOR A UNIFIED ADMINISTRATIVE GRIEVANCE LAW

Given the fragmented nature of Iraq's legal regulation of grievance, there is a pressing need for comprehensive legislative reform. A **Unified Law on Administrative Grievance** should:

- Establish **clear procedures** for submission, review, and response.
- **Standardize deadlines** across ministries and agencies.
- Define the **jurisdiction and authority** responsible for receiving grievances.
- Mandate a **reasoned written response** by the administration.
- Provide **legal consequences for administrative silence or bad faith**.

Such a law would enhance transparency, promote accountability, and strengthen the legitimacy of administrative action.

Section One: The Position of the State Shura Council on Administrative Grievances

The **State Shura Council** is Iraq's highest administrative judicial authority, responsible for adjudicating administrative disputes, including those involving annulment, compensation, and public employment. Through its decisions, the Council provides insight into how administrative grievance is understood, interpreted, and applied in practice.

Selected Judicial Decisions:

1. Decision No. 142/1999

- **Facts:** An employee was issued a disciplinary warning without a formal investigation.
- **Ruling:** The Council rejected the lawsuit on procedural grounds, noting that the plaintiff failed to submit a grievance within the legal timeframe.
- **Commentary:** Demonstrates the Council's strict adherence to procedural formality, even in cases where the administrative decision is evidently flawed.

2. Decision No. 78/2004

- **Facts:** An employee's grade was reduced without justification. He submitted a grievance, but the administration remained silent.
- **Ruling:** The Council held that the silence constituted an implicit rejection, thereby allowing the lawsuit to proceed.
- **Commentary:** Reinforces the principle that administrative silence—beyond the statutory period—is treated as a de facto denial.

3. Decision No. 215/2011

- **Facts:** A grievance was submitted 40 days after the decision was issued.
- **Ruling:** The lawsuit was dismissed for failure to respect the 30-day deadline.
- **Commentary:** Illustrates the rigid procedural approach of the judiciary, prioritizing form over substance in many instances.

Judicial Patterns Identified:

- The **30-day deadline** is applied strictly.
- Administrative silence is interpreted as **rejection**, but no remedy is provided for failure to respond with reasoning.
- The Council does **not compel the administration** to respond to grievances in a reasoned or timely manner.
- **Jurisdictional errors** (submitting to the wrong body) can result in inadmissibility.

SECTION TWO: REAL-WORLD IMPLEMENTATION CHALLENGES

Despite legal recognition, the actual practice of administrative grievance in Iraq is beset by multiple challenges:

1. Administrative Inaction and Disregard

- Many administrative bodies **fail to acknowledge or respond** to grievances.
- There is **no effective oversight** mechanism to ensure compliance with response timelines.
- Silence by the administration, though legally deemed refusal, often leads to procedural ambiguity and delays.

Example:

An employee in the Ministry of Health submitted a grievance regarding unfair relocation. Three months passed with no response. When he filed a lawsuit, the administration denied receiving the grievance, and the court demanded proof of timely submission—which he could not provide due to the lack of formal tracking systems.

2. Lack of Clarity on the Competent Authority

- In multi-tiered administrative structures, it is often unclear whether the grievance should be submitted to the department head, general directorate, or minister.
- Misfiling the grievance with the wrong administrative level can render it **procedurally invalid**.

Example:

A teacher submitted a grievance to the school principal, but the applicable law required it to be filed with the Directorate of Education. His subsequent lawsuit was dismissed for failure to exhaust the grievance process properly.

3. Weak Public Awareness and Legal Education

- Many public employees and citizens are unaware of their grievance rights, deadlines, and procedures.
- There is no consistent administrative training or public outreach to inform people about grievance mechanisms.

4. Lack of Documentation and Digital Infrastructure

- Many grievances are submitted **verbally or informally**, without written receipts or tracking numbers.
- This creates significant problems in proving submission or establishing the timeline for judicial recourse.

Impact:

Weak administrative documentation undermines the legal reliability of the grievance and limits access to effective judicial review.

SECTION THREE: ABSENCE OF OVERSIGHT AND ACCOUNTABILITY

There is **no dedicated oversight body** responsible for ensuring that ministries and departments comply with grievance obligations. The result:

- No system to **track or publish grievance statistics**.
- No administrative or disciplinary consequences for non-response.
- No regular **audits or public reporting** on administrative accountability.

SECTION FOUR: COMPARATIVE INSIGHTS FROM THE EGYPTIAN JUDICIARY

Egypt offers a more structured approach to administrative grievance:

- Certain categories of cases (e.g., promotions, transfers) **require grievance submission** before litigation.
- Administrative silence beyond 60 days is legally treated as **rejection**.
- The judiciary can **invalidate administrative decisions** made without considering grievance submissions.
- Courts expect **reasoned responses**, not blanket denials.

This model is more advanced in terms of:

- Legal clarity.
- Procedural enforceability.
- Protection of administrative justice.

SECTION FIVE: LEGISLATIVE REFORM PROPOSALS

In light of these findings, the following reforms are proposed:

1. **Draft and enact a Unified Administrative Grievance Law**, consolidating rules and procedures

across all sectors.

2. **Establish independent grievance units** within each ministry, with specialized staff.
3. **Mandate a written, reasoned response within 30 days**, with clear legal effects for silence or bad faith.
4. **Create an online grievance portal** for submission, tracking, and archiving.
5. **Publish annual statistics** showing the number, nature, and outcomes of grievances.
6. **Include grievance handling** as part of public service training and performance evaluation.

CHAPTER THREE: ADMINISTRATIVE GRIEVANCE AS A TOOL FOR ACHIEVING JUSTICE AND LEGAL BALANCE

□ Section One: Grievance as a Means of Restoring Rights Outside the Judiciary

1. Concept of “Upholding the Right” in Administrative Law

In administrative law, —upholding the right refers to **restoring legal balance after a right has been compromised by an administrative act**, particularly one issued unilaterally and without due process. Unlike judicial intervention, grievance allows for internal correction—**without adversarial confrontation**, cost, or delay.

In this sense, grievance embodies **a corrective administrative function**: it enables individuals to address their concerns directly with the authority that wronged them, providing a direct pathway to redress.

2. Advantages of Administrative Grievance

1. **Speed and Accessibility**: Compared to court proceedings, grievance is quicker and less procedurally burdensome.
2. **Low Cost**: No court fees or attorney representation is typically required.
3. **Internal Correction**: Allows the administration to rectify mistakes without external embarrassment or legal liability.
4. **Preserves Institutional Relationships**: Especially relevant in employment or service-related disputes, where ongoing interaction is expected.

3. Practical Examples of Successful Grievance Outcomes Example 1:

An employee was transferred from one province to another arbitrarily. He submitted a grievance to the Ministry of Education, which reviewed the situation and reversed the transfer decision—no lawsuit required.

Example 2:

A university student was denied access to an exam due to a clerical error in enrollment. Upon submitting a grievance, the university administration verified the mistake and granted him a special exam.

Example 3:

An employee’s salary was suspended due to an erroneous payroll entry. After submitting a grievance, the Human Resources department corrected the issue and issued back pay.

These cases demonstrate that grievance mechanisms—when respected—can serve as **effective alternatives to litigation**, benefiting both citizens and public institutions.

4. LIMITATIONS OF GRIEVANCE AS A JUSTICE TOOL

Despite its potential, administrative grievance cannot be considered a fully adequate justice tool due to:

- **Lack of binding force** on administrative authorities to respond or reverse decisions.
 - **Absence of impartiality**, as the same body that issued the decision reviews the grievance.
 - **Deficient procedural safeguards**, such as the right to a hearing or requirement of reasoned decisions.
 - **Low legal literacy**, which impairs citizens’ ability to formulate and pursue grievances effectively.
- Therefore, grievance should not replace judicial review but act as a **preliminary or complementary mechanism**.

Section Two: Administrative Grievance Through the Lens of Procedural Justice

1. Concept of Procedural Justice in Administrative Context

Procedural justice entails **fair and transparent administrative processes**, ensuring that decisions are made in a way that respects the rights of affected individuals.

Key components include:

- Timely and sufficient notification.
- Right to object or challenge decisions.
- Impartiality in decision-making.
- Reasoned responses to objections.
- Respect for legal deadlines and access to review.

A **well-designed grievance system** must adhere to these principles.

2. Evaluation of Iraq's Grievance System Based on Procedural Justice Standards

Criterion	Status in Iraq	Commentary
Notification of decisions	Generally available via written notices	Satisfactory
Clarity of grievance authority	Often unclear	Major weakness
Reasoned response by authorities	Rare or absent	Serious procedural gap
Compliance with	Inconsistent	Requires better
Criterion	Status in Iraq	Commentary
deadlines		enforcement
Neutrality in grievance review	Same authority involved	Violates principle of impartiality

□ Conclusion: Iraq's current grievance structure **fails to meet core standards of procedural justice**, undermining its effectiveness and credibility.

3. Comparative Overview: The French Model

France provides a structured and principled grievance model:

- Grievance is **mandatory** in specific disputes, particularly in public employment.
- A distinction is made between **gracious grievance** (to the issuing authority) and **hierarchical grievance** (to the superior).
- Administrative silence after two months is treated as an **implied rejection**, triggering the right to judicial appeal.
- Independent administrative tribunals may review the grievance process.

□ Result: A grievance in France is **not a passive step**, but a recognized **procedural stage** backed by rights and obligations.

4. Grievance as a Tool to Reduce Judicial Caseload

Effective grievance systems offer several systemic benefits:

- **Reduces case load on administrative courts.**
- **Promotes settlement of disputes at early stages.**
- **Encourages administrative self-regulation** and improvement.
- **Builds public trust** in government institutions.

However, this only happens when:

- Grievance procedures are clear and respected.
- Authorities are legally required to respond.
- Independent oversight is available.
- Data and outcomes are made transparent.

CHAPTER FOUR: COMPARATIVE MODELS OF ADMINISTRATIVE GRIEVANCE – EGYPT AND FRANCE

Section One: Administrative Grievance in the Egyptian Legal System

Egypt is regarded as a leading model in the Arab world for the development of administrative law and

grievance mechanisms, particularly due to its long-standing **Council of State**, which serves as an independent administrative judiciary and legal advisory body.

1. Legislative Framework in Egypt

a. Law No. 47 of 1972 (Council of State Law):

- Requires administrative grievance as a **precondition** for filing lawsuits in certain cases (e.g., disciplinary actions, employment disputes).
- Sets a **60-day deadline** for submitting grievances.
- Administrative silence beyond this period is interpreted as an **implicit rejection**, allowing the case to proceed to court.

b. Civil Service Law No. 81 of 2016:

- Guarantees the **right of civil servants** to challenge administrative decisions through grievance.
- Imposes a **15-day period** for the administration to respond.
- If no response is issued, the silence is treated as a **rejection**, and judicial recourse becomes available.

This framework offers **clarity and enforceability**, ensuring both access and accountability.

2.

3. Judicial Approach of the Egyptian State Council

The Egyptian judiciary, through its extensive jurisprudence, has created a coherent theory of grievance, with the following features:

- **Strict adherence to deadlines**, but a balanced approach to ensure substantive justice.
- **Requirement for reasoned responses**, treating vague or evasive replies as administrative failures.
- **Acceptance of lawsuits in cases of implied rejection** after the lapse of the legal response period.
- **Flexibility in form**: accepting grievances submitted to either the same or superior authority.

Example:

In Appeal No. 3716/58 (Administrative Supreme Court), the court ruled that **administrative silence for 60 days** after a valid grievance constitutes **legal refusal**, giving the plaintiff standing to litigate.

4. Comparative Evaluation

Legal Element	Iraq	Egypt
Unified grievance law	<input type="checkbox"/> Absent	<input type="checkbox"/> Present
Response deadline	30 days (variable)	15–60 days
Silence as rejection	<input type="checkbox"/> Yes, but inconsistently	<input type="checkbox"/> Yes, clearly enforced
Precondition for lawsuits	<input type="checkbox"/> Rare	<input type="checkbox"/> Required in some cases
Judicial interpretation	Rigid and formalistic	Balanced and protective

☐ Egypt demonstrates a **more structured and citizen-centered grievance system**.

Section Two: Administrative Grievance in the French Legal System

France, as the origin of modern administrative law, offers a comprehensive model for administrative grievance, known as "**recours administratif préalable**" (preliminary administrative appeal), which functions as both a **mandatory** and **optional** process depending on the type of dispute.

1. Types of Grievance in French Law

• **Recours gracieux (Gracious Appeal):**

Submitted to the **same authority** that issued the decision, requesting reconsideration.

- **Recours hiérarchique (Hierarchical Appeal):**
Directed to the **superior authority**, seeking oversight or reversal.
Both are governed by **clear procedural rules**, and may be used **separately or together**.

2. Legal Framework and Procedure

- Grievance must be submitted **within two months** of notification.
- The administration has **two months** to respond.
- If no response is received, silence constitutes an **implicit rejection**.
- Filing a grievance **suspends or resets** the deadline for judicial appeal.
- Grievances may be **renewed or supplemented** if new facts arise.

3. Judicial Oversight

French administrative courts recognize grievance as a **legally significant step** and provide judicial review of:

- The **procedural regularity** of the grievance.
- The **reasoning or lack thereof** in the response.
- The **legitimacy of the decision** resulting from the grievance process.

Moreover, courts consider **administrative silence** as a legally binding act, allowing claimants to sue without a formal rejection.

4. Comparative Table: France vs. Iraq

Criteria	France	Iraq
Distinction of grievance types	<input type="checkbox"/> Gracious vs. Hierarchical	<input type="checkbox"/> Absent
Legal deadlines	<input type="checkbox"/> 2 months standard	<input type="checkbox"/> Variable
Implicit rejection by silence	<input type="checkbox"/> Enforced	<input type="checkbox"/> Not always respected
Digital systems for grievance	<input type="checkbox"/> Available in most sectors	<input type="checkbox"/> Lacking
Legal and procedural clarity	<input type="checkbox"/> High	<input type="checkbox"/> Low and fragmented

- ☐ The French model exemplifies a **mature administrative grievance system**, grounded in legality, procedural justice, and transparency.

GENERAL CONCLUSIONS FROM COMPARATIVE ANALYSIS:

- Both Egypt and France offer **more robust** grievance mechanisms than Iraq, especially in terms of:
 - Procedural safeguards.
 - Timeframes.
 - Judicial enforceability.
 - Administrative accountability.
- Iraq's system remains **underdeveloped**, lacking:
 - A unified grievance code.
 - Mandated response protocols.
 - Oversight mechanisms.

CONCLUSION

After an extensive analytical review of the topic:

"The Role of Administrative Grievance in Upholding Rights within the Scope of Iraqi Administrative Law",

and by exploring its theoretical basis, legislative structure, judicial applications, and comparative models (notably Egypt and France), the following conclusions and recommendations can be drawn:

KEY FINDINGS

1. Fragmented Legal Framework

The legal provisions regulating grievance in Iraq are scattered across multiple laws and regulations, lacking a unified legislative instrument. This disorganization weakens legal certainty and creates inconsistency in implementation.

2. Weak Administrative Commitment to Grievance Procedures

Iraqi administrative bodies often neglect or ignore submitted grievances. The absence of a binding obligation to respond or justify decisions undermines the credibility of grievance as a legal remedy.

3. Insufficient Procedural Safeguards

The current system lacks essential safeguards, including impartiality in reviewing grievances, reasoned responses, and defined timeframes in some contexts.

4. Restrictive Judicial Approach

The Iraqi State Shura Council tends to interpret grievance requirements narrowly, emphasizing procedural compliance over substantive justice. This results in the rejection of many cases on technical grounds.

5. Superior Comparative Practices

Both Egypt and France demonstrate significantly more effective grievance systems, marked by legal clarity, binding administrative obligations, judicial oversight, and public accessibility.

RECOMMENDATIONS

1. Enact a Unified Administrative Grievance Law

A comprehensive legislative framework should be introduced to regulate grievance procedures across all sectors and levels of government.

2. Establish Independent Grievance Units

Each ministry or administrative body should host a dedicated grievance unit, staffed with trained personnel and separate from the decision-making authority.

3. Mandate Reasoned Responses

Administrative bodies should be legally required to respond to grievances within a specific timeframe and provide reasoned justifications for their decisions.

4. Digitize the Grievance Process

Develop a centralized online platform where individuals can submit, track, and receive responses to grievances transparently and efficiently.

5. Monitor and Publish Grievance Statistics

Annual reports should be published showing the volume of grievances, response rates, and outcomes, enhancing transparency and accountability.

6. Train Public Officials

Include grievance handling as a core competency in administrative training programs and evaluate officials based on responsiveness to public grievances

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