

MODERN JUDICIAL METHODS FOR COMPELLING THE ADMINISTRATION TO IMPLEMENT ADMINISTRATIVE DECISIONS IN IRAQ, EGYPT, AND IRAN

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Abstract:

This research aims to reveal the effectiveness of modern judicial means in compelling the administration to implement administrative decisions in Iraq, Egypt, and Iran, as a fundamental guarantee for protecting the principle of legality and safeguarding the acquired rights of individuals. Its central question is the extent to which the administrative judiciary in these countries is capable of addressing the phenomenon of administrative refusal or delay in implementing its rulings and decisions, and whether newly introduced tools such as coercive fines and binding judicial orders are capable of achieving actual implementation. The research employs a comparative and descriptive-analytical approach to analyze constitutional and legislative texts and administrative court rulings in the three countries, focusing on similarities and differences. The findings revealed that Egypt is making legislative and judicial progress in adopting effective tools such as coercive fines and the possibility of holding non-compliant officials personally liable. Iraq, on the other hand, is experiencing slower development due to the absence of clear legal texts and the lack of sufficient deterrent mechanisms for enforcement decisions. Iran has achieved relative progress through the adoption of binding judicial orders, but its efforts remain limited in terms of specific enforcement and direct administrative accountability. It is noteworthy that Iraqi legal scholarship tends to broaden the recognition of the administrative judge's authority to issue orders as an extension of ensuring the rule of law, while Egyptian scholarship tends to restrict this authority for fear of overlapping jurisdictions. Iranian jurisprudence, however, is based on Sharia principles, which allows it to balance respect for the administration with the judiciary's duty to prevent injustice. This has resulted in a hybrid system that combines legal and Sharia standards in defining the scope of the administrative judge's authority.

Keywords: Judicial means, administrative enforcement, administrative decision, Iraqi law, Egyptian law, Iranian law.

Introduction

The topic of modern judicial means to compel the administration to implement administrative decisions and rulings is witnessing increasing interest in contemporary legal systems, particularly in countries experiencing varying levels of judicial oversight of the administration, such as Iraq, Egypt, and Iran. The implementation of administrative rulings is a cornerstone of ensuring the rule of law and protecting individual rights, as an unenforced ruling fails to achieve its purpose and does not reflect the state's power to enforce the law. In recent years, modern judicial and legislative trends have emerged, seeking to develop effective means to ensure the administration's compliance with rulings issued against it. This makes studying these means a scientific and practical necessity for understanding the current state and future of administrative enforcement.

The research problem lies in the continued difficulty of implementing administrative rulings in these three countries, despite legislative and judicial developments. Courts and individuals face recurring challenges related to the administration's refusal to implement rulings, its delays, or its circumvention of their content. This raises profound questions concerning the effectiveness of current tools and their ability to guarantee implementation. Hence arises the main question that the research seeks to answer: To what extent are the modern judicial means adopted in Iraq, Egypt and Iran capable of obligating the administration to implement administrative decisions and rulings, and what are the differences and similarities between them in this field?

This research aims to analyze the most significant new judicial measures adopted by these countries to ensure enforcement, whether through developing the powers of administrative courts, expanding the scope of penalties for non-compliance, or empowering individuals with effective mechanisms to counter administrative intransigence. It also seeks to identify the strengths and weaknesses of the three experiences, assess the practical applicability of these measures, and propose developmental pathways that contribute to raising the level of administrative compliance with judicial rulings.

The importance of this research lies in its focus on an issue that touches the very core of the legal system, as the effectiveness of implementation is the true measure of the administration's respect for the principle of legality. Furthermore, its findings may have a direct impact on legislators, judges, public administrations, and researchers.

The research employs a comparative approach, examining constitutional texts, administrative laws, and judicial rulings in Iraq, Egypt, and Iran, while analyzing the similarities and differences in the judicial means used to compel the administration to implement decisions. It also adopts a descriptive-analytical methodology to understand practical realities and interpret judicial trends, aiming to arrive at a comprehensive scientific vision that contributes to strengthening the judiciary and developing administrative implementation mechanisms in a manner consistent with the requirements of a modern state governed by the rule of law.

Section One: Issuing Orders from the Administrative Judge to the Administration

A judicial order is a request directed to the administration to perform a specific action or refrain from performing such an action. An order cannot be considered an administrative decision in the absolute sense; rather, it is a preparatory procedure and is limited to cases where the administrative judge requests the administration to adopt a specific stance. It does not extend beyond this to the extent that the administrative judge can replace the administration and make the decision on its behalfⁱ ..

First requirement: Conditions for issuing administrative orders

A judicial order is characterized by several features, which we summarize below:ⁱⁱ .

1. A judicial order is not an administrative decision because it is related to the subject matter of the dispute concerning which the judgment was issued, and which the administration has refused to implement or has delayed implementing.
2. An order is a request coupled with a penalty; that is, it is not merely a simple consultation or a request made to the parties in dispute, but rather an obligation imposed by the judge upon them, accompanied by the necessary penalties. This does not mean that when a judge issues a judgment, he also assumes responsibility for its implementation, as this is not acceptable within the scope of civil or administrative law. Rather, when the judge exercises this authority, he creates an obligation upon the administration and mandates its implementation of the order, under penalty of the sanctions resulting from non-compliance.
3. The form of a judicial order is fixed and does not change regardless of the subject matter of the dispute or the type of task it performs. The order may be separate from the judicial judgment and unrelated to it, such as orders issued during proceedings or for the presentation of evidence. It may also be attached to the judgment without affecting the merits of the case, such as an order to stay execution, or it may be attached to a final judgment on the merits of the case.
4. An order is not the same as a judgment awarding compensation, as a judgment awarding compensation is not an order directed at the administration. Rather, an order remains a judicial tool used by the party in whose favor the judgment was issued to enforce their rights against the administration.

5. An order is an obligation to perform a specific action or refrain from it. This distinguishes it from a sanction, which is imposed after a breach of this obligation. In reality, judicial orders directed at the administration do not only pertain to the execution of judgments, but also to any request issued by the administrative judge to the administration to take specific actions, whether by performing a particular act or refraining from one, at various stages of administrative proceedings. However, in practice, their effectiveness and importance are most evident in the execution of administrative judgmentsⁱⁱⁱ.

It becomes clear that the administrative judge has the authority to issue orders to administrative bodies and apply the method of financial threat against them, and the use of this authority requires the availability of certain conditions, which are:^{iv}

1. Existence of a court ruling issued by an administrative court: For an administrative court to issue an order to an administrative body or to use financial pressure against it, the purpose must be to compel the body to implement a court ruling issued by an administrative court. This condition presupposes the existence of a court ruling, and that this ruling must have been issued by an administrative court.
2. The necessity for the execution of the judgment to require the administration to issue a specific decision or take a specific action: The administrative judge does not accept the use of his authority to issue orders and impose coercive fines unless the judgment he issues requires the administration to take a specific action, namely, taking a specific decision or taking a specific action. Based on this, in the context of administrative liability cases, he does not impose a coercive fine on the administration, nor does he order it to pay the compensation he has awarded, unless his judgment has specified the amount of compensation that the administration must pay, whether this specification is stated in the operative part of the judgment or the operative part includes a clear basis upon which the amount of compensation can be determined (373.)
3. The enforceability of the judgment: This condition is self-evident. It is inconceivable that an administrative judge would order an administrative body to implement a judgment or use financial threats against it to compel it to implement it unless that judgment is enforceable.
4. The necessity of orders or coercive fines for the execution of the judgment: The administrative judge does not issue an order or coercive fine to an administrative body unless such order or fine is necessary for the execution of the judgment. A practical application of this is that the administrative judiciary refuses to issue an order to an administrative body or use financial threats against it if it has ruled to dismiss the case brought before it^v.
5. There must be an explicit request from the plaintiff or the party in whose favor the judgment is issued to direct an order to the administration and to use financial pressure against it. The administrative judge does not have the authority to issue orders or use financial pressure against the administration on his own initiative. Rather, there must be an explicit request from the plaintiff regarding orders issued in the original judgment, or from the party in whose favor the judgment is issued regarding orders issued after the judgment is rendered.
6. The administration's failure to implement the judgment or begin its implementation: The purpose of a judicial order is to compel the administration to take the necessary measures to implement administrative judgments.

Therefore, it must be issued in the event of the administration's refusal to implement.

7. According to the last part of Article 63, Paragraph 4 of the Administrative Court of Justice Law, if a branch of the court determines that a decision issued by quasi-judicial authorities has an effective formal or substantive objection and annuls the decision, it must return the matter to the council or committee that issued the contested decision for its first consideration .^{vi}.

If the aforementioned committee fails to comply with the Administrative Court of Justice's decision and attempts to issue another urgent ruling, and the plaintiff again objects to the decision issued by the same branch of the Administrative Court of Justice, the committee must overturn the decision and, if necessary, seek the opinion of an advisor or expert and conduct its own substantive examination. Thus, the Administrative Court of Justice's jurisdiction has expanded in terms of the type of examination it can conduct. In addition to examining the ruling, which only had the power to overturn the decision of the quasi-judicial authorities, the substantive examination is also stipulated in accordance with Article 63 for those decisions issued by the quasi-judicial authorities that were examined and overturned once in a branch of the Administrative Court, and for the second time the examination committee insisted on its previous opinion and the plaintiff objected to the new decision, "The unanimous decision No. 811 dated 23/8/1396 of the General Assembly of the Administrative Court in this regard declares, in accordance with the ruling stipulated in Article 63 of the Law on the Organization and Procedures of the Administrative Court adopted in 1392, that after overturning the decisions and rulings of the bodies mentioned in paragraph 2 of Article 10 of this law and retrial in the relevant bodies, if an objection is made to the decision and ruling of these bodies and the branch of the court finds the complaint to be valid, it issues a substantive decision after taking the opinion of the advisors concerned with the article of the aforementioned law, with its overturning; Therefore, the decision of the 40th branch of the Administrative Court in Case No. 9309970904002397 - 4/8/1393, which issued a substantive decision imposing a fine after overturning the decision of the Committee under Article 100 of the Municipalities Law, is considered valid and in accordance with regulations. This decision is binding on all branches of the Administrative Court and other relevant administrative bodies in similar cases, pursuant to Article 89 of the Law Regulating the Procedures of the Administrative Court.

The second requirement: Types of orders issued by the administrative judge

The orders issued by the administrative judge to the administration to ensure the implementation of his rulings may precede or follow the issuance of his judgment:

1. Orders issued prior to the issuance of the judgment and orders included with the operative part of the judgment: In this case, the plaintiff submits a request to enforce the orders, either attached to the original claim in the lawsuit or separate from it. It is immaterial whether he submits it in the same statement of claim along with the request initiating the proceedings, or submits it as a separate request during the course of the proceedings. When a judgment issued by administrative courts or administrative appeals courts requires a public legal entity or a private entity entrusted with managing a public utility to take a specific decision or action, the court that issued the judgment may, upon a specific request from the party concerned with taking this decision or action, order it to be taken in the same judgment. However, if the implementation of the judgment requires the public or private entity entrusted with managing a public utility to take another decision after conducting a new investigation for this purpose, the court that issued the judgment may, if explicitly requested to do so, order this action to be taken within a specified period. It is clear from these rulings that the administrative judge accompanies his judgment with an order directed to the

administration, obligating it to take the necessary measures to implement the judgment. These orders can be divided into two types:

A - The case where the administrative courts or administrative appeals courts deem that implementing the judgment they issue necessarily requires taking enforcement measures. This possibility is stipulated in the first paragraph of Article (2/8). In this case, the court that issued the judgment must, upon the request of the concerned party, direct an order within the judgment itself to the competent authority to take this measure in order to implement the judgment. This enforcement measure must necessarily stem from the requirements of the judicial ruling. For example, if the judge rules to annul the decision to dismiss the employee, and then orders the administration to reinstate this employee to his position, the reinstatement in this case is a logical consequence of the ruling to annul the dismissal decision.^{vii}

B- If the execution of the judgment necessitates that the public or private entity responsible for managing a public facility make another decision after conducting a new investigation into the application, the court, upon the request of the concerned party, orders the administration to conduct the necessary investigation and issue the required decision. In other words, the administrative judge in this case does not order the administration to perform or refrain from performing an action within a specific timeframe, but rather returns the file to it for re-examination within a defined timeframe. Accordingly, the State Council ruled that overturning the refusal to grant the appellant a residence permit does not mean that the governor must issue the requested permit. Rather, it requires the governor to re-examine the applicant's valid application and determine, in light of the new circumstances, the applicant's eligibility. Therefore, executing this judgment does not require ordering the governor to issue the applicant a residence permit. There is no difference in the procedures followed in either of the aforementioned types, while the substantive conditions differ. In the second type, the administration makes the decision after conducting a new investigation and has the freedom to make its own decisions. The judge's only recourse is to order the administration to make the decision within a specified period ^{viii}.

2. Orders issued after the judgment: In this case, an order may only be directed to the administration after the court has issued its judgment and the administration has refused or neglected to implement it. This applies whether the non-implementation is due to explicit administrative refusal or obstruction by placing obstacles in the way of its completion, or if the judgment was issued without including orders necessary for its implementation, because the party in whose favor the judgment was issued did not request the court, during the proceedings, to order measures to ensure such implementation. Furthermore, administrative courts and administrative appeals courts, in the event of non-implementation of a final judgment issued by them, may, upon the request of the concerned party, order in the same judgment the necessary measures to be taken for its implementation. If the judgment to be enforced does not specify the enforcement procedures, the competent court must specify them and determine the period within which enforcement is to be carried out, in addition to imposing a coercive fine to guarantee this enforcement. In the event of non-implementation of the judgment appealed, the request for enforcement is submitted to the same appeals court^{ix}.

According to this provision, the court that issued the ruling has the authority to issue subsequent orders to the administrative body if it fails to fulfill its obligations to implement the judgment.

In cases where non-compliance with the judgment is established, the judge has the discretion to determine the appropriate measure for its enforcement, based on the specific circumstances of each case. The judge also has the discretion to impose a coercive fine; he may choose to do so or refrain from doing so, even if the grounds for its imposition are met ^x.

Regarding the extent to which administrative actions and decisions conform to legal standards in Iranian administrative law, it should be noted that, according to Article 1 of the Law on the Organization and Procedures of the Administrative Court of Justice issued in 1392 (2013), the subject of this type of absolute oversight is administrative acts. Unlike administrative acts in the specific sense, which are reviewed by judges of the Administrative Court of Justice, certain types of administrative acts, such as administrative regulations, are subject to the oversight of specialized and general bodies affiliated with the Administrative Court of Justice.^{xi} In addition, a specific mechanism also regulates this type of oversight, the most important of which is the opinion of the General Assembly of the Administrative Court of Justice, comprised of jurists from the Guardian Council, regarding the decision under appeal. This mechanism, which is stipulated in most laws pertaining to the Administrative Court of Justice, is now further emphasized by Note 2 of Article 84 of the Law on the Organization and Procedures of the Administrative Court of Justice, adopted in 1392 (2013). The necessity for the Guardian Council to express its opinion on decisions is also mentioned in Article 87 of the same law. Meanwhile, as some legal experts have rightly pointed out, it should be understood that the General Assembly of the Court plays a role in the judicial review of the administrative aspects of the dispute, while the jurists of the Guardian Council play a role in the judicial review of its legal aspects. Furthermore, there are two principal judges in cases concerning the legal aspects of government regulations. Moreover, the oversight exercised by the jurists of the Guardian Council in this matter has specific characteristics that distinguish it from the oversight exercised by this institution over decisions of the Islamic Consultative Assembly (Parliament). Among the most important of these factors are the absence of publicity and retroactive effect of the oversight, the different impact of annulling regulations, and the certainty of the oversight due to the lack of any element of expediency in the matter. Furthermore, considering some of the interpretive theories of the Guardian Council and the opinions of the General Assembly of the Administrative Court of Justice, the jurisprudential opinions of the Supreme Leader and the fatwas of the majority of the Guardian Council's jurists should be considered the main criteria for determining whether government regulations conflict with Islamic principles^{xii}.

Third requirement: The position of the legislator and the administrative judiciary in Iraq, Egypt, and Iran regarding issuing orders to the administration

Since its inception in 1946, the administrative judiciary in Egypt has been influenced by the traditional approach adopted by the French Council of State since 1872 regarding the prohibition of subordination to the administrative authority and the prohibition of issuing orders to it. This is despite the fact that only the principle of prohibiting the administrative judge from subordinating to the administration is based on the legal foundation of the separation of powers. The prohibition of the administrative judge issuing orders to the administration, however, according to the prevailing opinion in jurisprudence, is not^{xiii}. On what basis of the constitution or the law.?

In one of the Egyptian judicial applications, the Administrative Court ruled in its judgment dated September 15, 1948, that it lacked jurisdiction to order the Ministry of Public Education to recognize the academic certificate submitted by the plaintiff, as this fell outside its judicial purview, which was limited to annulling administrative decisions that violated the law, without issuing administrative orders to administrative bodies operating within their jurisdiction. The Administrative Court also ruled on January 5, 1949, that it lacked jurisdiction to order the Ministry of the Interior to reinstate an employee, because the law regulating the State Council limited the court's jurisdiction to annulling administrative decisions that violated the law, without granting it the authority to order the administration to perform a specific action. Ruling issued on March 29, 1992, The Supreme Administrative Court in Egypt, in a^{xiv}.. decided that the issuance of orders by an administrative judge to the administration exceeds his

jurisdiction as defined by both the Constitution and the State Council Law, and contradicts the principle of the independence of the executive authority from the judicial and legislative authorities, according to the provisions of the Constitution^{xv}. Thus, it becomes clear that the Supreme Administrative Court has grounded the rule prohibiting administrative judges from issuing orders to the administration in the constitution itself. This restricts the administrative judiciary's attempts to circumvent this principle. The Egyptian administrative judiciary has remained within the traditional limits of its powers regarding issuing orders to the administration, while the powers of the French administrative judge have expanded considerably.

To clarify the positions of both the Iraqi legislature and the Iraqi administrative judiciary, we will address the following :

First: The position of the Iraqi legislator in directing orders to the administration: Although Iraqi legislation lacks any provision authorizing the administrative judiciary to direct orders to the administration when it refuses to implement an administrative ruling, the legislator has generally permitted the judiciary to direct orders to the administration in several cases.

1. The Iraqi legislator, in the Evidence Law No. (107) of 1979 and its amendments, granted the court the authority to issue orders to any of the litigants to submit any document necessary to clarify the facts related to the dispute^{xvi}.
2. Article (7/Second/T) of the State Council Law No. (65) of 1979, as amended, stipulates that "the court shall rule on the appeal submitted to it and may decide to dismiss the appeal, annul the order, or amend the appealed decision, while also awarding compensation if warranted, upon the plaintiff's request." From the aforementioned text, it is evident that the Administrative Court, in addition to its authority to dismiss the case and annul the appealed decision, can also amend the administrative decision if necessary.

Secondly, the authority of the Iraqi administrative judiciary to issue orders to the administration: Although there is no explicit legal provision in Iraqi legislation granting the administrative judge the authority to issue orders to the administration to implement the judgment he issues, the Iraqi administrative judiciary, since its establishment under Law No. (106) of 1989, has adopted a different stance from that of the administrative judiciaries in both Egypt and Iran regarding its authority to adjudicate annulment cases. This judiciary, represented by the Administrative Court and the General Disciplinary Council, has become accustomed to including orders in its judgments. It does not merely annul the administrative decision that is proven to be illegal, but rather goes further by issuing orders to the administration to issue the administrative decision or refrain from issuing it in a manner that it deems consistent with the rule of law. An example of the administrative judiciary's application in this regard is the decision of the Administrative Court issued on (January 14, 2004), in which the court annulled the administrative order issued by the Governor of Baghdad/Municipalities based on the ministerial order issued by the Ministry of Interior/General Directorate of Municipalities, which included referring the plaintiff to retirement. The court obligated the defendant, the Director of Baghdad Municipalities, in addition to his official position, and the third party, the Minister of Municipalities and Public Works, in addition to his official position, to accept the plaintiff's return to his position. In a second ruling, when the Minister of the Interior refused to grant Iraqi citizenship to the plaintiff in one of the cases based on his mother's Iraqi citizenship, the Administrative Court ruled to obligate the defendant, the Minister of the Interior, in addition to his official capacity, to grant the plaintiff Iraqi citizenship^{xvii}.

A decision was issued on 31/3/2004 in which the court overturned the decision of the General Directorate of Real Estate Registration, which included the refusal to register the

property purchased by the plaintiffs in their names, and obligated the Minister of Justice (in addition to his official duties) to register the property purchase transaction in the records of the competent Real Estate Registration Department in the plaintiffs' names^{xviii}..

One of the applications of the General Disciplinary Board – the Civil Service Court – was in a ruling where the General Authority for Training and Qualification referred an employee to a medical committee, but quickly considered him resigned without waiting for the committee's result. When the case was presented to the General Disciplinary Board, it decided to cancel the resignation decision, reinstate the employee to his position, and, moreover, obligated the administration to accept his resumption of work^{xix}..

Comparing Iraq and Egypt, the Iraqi judiciary has greater latitude in deviating from the traditional principle of separation of powers, unlike the Egyptian judiciary, which issues orders to the administration. In this context, it becomes clear that the Iraqi administrative judiciary could not issue orders to the administration if the administration refused to implement a ruling. It is worth noting that the Iraqi administrative judiciary's ability to do so is limited to cases where an administrative decision is requested for annulment by the plaintiff.

According to Article 64 of the Iranian Administrative Court Law, prior to the enactment of the Law Regulating the Procedures of the Administrative Court, the court's branches only examined the decisions and opinions of councils and committees that had made decisions on scientific, technical, and specialized matters, focusing on their compliance with official laws and regulations. They did not delve into the nature or content of the decision itself. For example, if a faculty member complained about a special review board's decision regarding the rejection or promotion of their application, the Administrative Court would examine the review process of the special review board in terms of its compliance with regulations during the board's formation and decision-making process^{xx}.

If a faculty member claims that their research should have been awarded four marks, but was only awarded two, this matter cannot be considered; or if someone complains about the medical board's decision regarding the diagnosis of the illness and the absence of disability, citing Decision No. 11 dated 22/3/1377, which deemed the review of technical and specialized decisions devoid of judicial opinion and therefore unacceptable, the matter would be inadmissible before the court^{xxi}. With the adoption of Article 64 of the Court's regulations, this decision was revoked, and the Court has the right to review and examine technical and specialized matters in consultation with an expert. The following section of Article 64 of the Law Regulating the Procedures of the Administrative Court stipulates that in cases where, by law or binding decree, the determination of matters such as academic, professional, security, and optional qualifications is entrusted to a committee or council, and in the event of a complaint from the plaintiff regarding the determination of the matter, the Investigation Branch is obligated, as appropriate, to draft a decision after referring the case to the relevant specialized expert committee designated by the branch and obtaining its opinion.

Section Two: The Coercive Fine

The coercive fine is one of the most important legal means introduced by administrative courts to ensure the enforcement of administrative rulings and compel the administration to respect the principle of legality and submit to judicial decisions. It is not compensation for damages, but rather a form of financial coercion aimed at compelling the refusing administrative body to comply without delay or procrastination. This is achieved by imposing a financial penalty that increases over time until the administration takes the initiative to implement the ruling issued against it.

First requirement: Procedures for imposing a coercive fine

If the executive orders issued by the administrative judge against the administration aim to clarify the obligations incumbent upon the administration as a result of the judicial ruling,

then the coercive fine or financial threat aims directly to compel the administration to implement these orders. The importance of the coercive fine becomes clearly evident in cases where other means are insufficient to obligate the administration to implement the administrative ruling^{xxii}..

In administrative law, a coercive fine is a consequential and potential financial penalty, generally set at a specific amount of money for each day of delay, aimed at preventing non-compliance or delay in the implementation of administrative court rulings issued against any public or private entity entrusted with managing a public utility^{xxiii}..

First: Characteristics of the coercive fine: The ruling imposing a coercive fine is characterized by several features:

1. It is arbitrary. This characteristic is evident in the judge's discretionary power in determining the value of the coercive fine, its commencement date, and its type. The judge does not consider the actual damage as much as the debtor's financial capacity and degree of obstruction, because its purpose is to encourage the debtor to comply, unlike compensation and interest, which are intended to redress the actual damage resulting from the delay or non-compliance with the judgment^{xxiv}..
2. Of a threatening nature: The threatening nature is the essence of the threatening fine system itself, and this characteristic is highlighted by the exaggeration in estimating the amount of the fine^{xxv}. The final rate of the penalty is only determined when the debtor complies, or when the judge authorizes the creditor to charge the debtor for expenses. The coercive penalty is not actually intended to punish past administrative conduct, but rather to encourage compliance; it is a means of compelling the administration to implement judgments issued against it^{xxvi}..
3. A coercive fine is temporary because its rate is subject to change, reduction, or cancellation. This distinguishes it from compensation and interest, which have a punitive nature. A fine, being temporary, has a prohibitive character and cannot constitute any penalty or sanction. A coercive fine may also take on a coercive character, as its purpose is to compel compliance^{xxvii}..
4. The coercive fine is linked to the administrative judge's authority to issue executive orders to the administration: In order for the administration to respect the orders issued by the administrative judge, the French legislator granted the administrative judge the authority to impose a coercive fine on the administration to urge it to implement the executive orders issued to it. The coercive fine primarily aims to ensure the administration's respect for the orders issued to it by the administrative judge regarding the implementation of its obligations in relation to the annulment ruling. While the legislator restricted the administrative judge's authority to issue executive orders to the administration by requiring an explicit request from the concerned party, it authorized the Council of State, the administrative courts, and the courts of appeal to^{xxviii}...

The fact that the court may impose a coercive fine on its own initiative does not mean that it is issued in such cases without the authority of the issuing authority. The phrase "even on its own initiative" does not imply that the State Council, administrative courts, and appellate courts may impose a coercive fine without a prior executive order addressed to the administration if it refuses to take measures to implement the judgment issued against it. The opposite is true^{xxix}..

A coercive fine can be applied as a penalty for non-compliance with any ruling issued by any administrative court, and not only for non-compliance with rulings that have acquired the force of *res judicata*. In other words, a coercive fine can be applied for non-compliance with any ruling issued by the administrative judiciary, whether it is subject to appeal or not^{xxx}..

Regarding the conditions for a coercive fine, as previously mentioned, it is inextricably linked to executive orders. A coercive fine cannot be imposed without these orders or

independently. Therefore, the conditions for a coercive fine must be the same as those for executive orders. If the required conditions are met, the party against whom the judgment was issued has the right to pursue the imposition of a coercive fine due to the administration's intransigence and refusal to implement the judgment or order issued in their favor. With the emergence of this right, a new litigation begins, the cause of which is the failure to implement the judgment, and the subject of which is the imposition of a coercive fine to compel the administration to implement it. It should be noted that the judge's objective here is to ensure respect for the binding nature of the judgment, while the objective of the party in whose favor the judgment was issued is to obtain the benefit conferred upon them by that judgment. The procedures for imposing a coercive fine proceed through two stages: the stage of imposing the coercive fine and the stage of liquidating the coercive fine. These will be discussed as follows:

1. The Stage of Imposing the Coercive Fine: The stage of imposing a coercive fine involves several legal procedures, including:

A- Submitting a request to the administrative judicial authority: The request is not required to have a specific form, other than being in writing. Given the written nature of administrative litigation procedures in general, the request for a coercive fine is subject to a specific time limit, which is a matter of public order. This time limit is a full time limit, not a partial one. Therefore, a request may not be submitted until it is complete and in accordance with the general rule. The starting date for submitting the request varies depending on whether the administration has issued an explicit decision to refuse or not implement the ruling. In the first case, the request is submitted within two months from the day following notification of the refusal decision or the day the administration becomes aware of it. In the second case, where the administration has not explicitly responded by stating whether or not it will implement the ruling, the request is submitted six months after the date the ruling was notified to the administrative body against which it was issued.

B- Jurisdiction to Adjudicate Requests for Coercive Fines: The legal system has granted the administrative judiciary the authority to issue coercive fines against the administration if it refuses to implement administrative rulings, regardless of their content. This is intended to ensure the effectiveness of judicial rulings and to compel administrative bodies to respect and implement them. The legislator has stipulated that the authority to impose a coercive fine extends to all levels of the administrative judiciary, whether at the level of administrative courts, courts of appeal, or the Council of State. The judicial body that issued the original ruling is competent to consider the request for a coercive fine if the ruling is final. However, if the ruling is under appeal, the request is submitted to the court hearing the appeal. If the request meets its procedural requirements and there are no impediments to its progress, the judge has the discretion to either accept it and impose the fine or reject it. The judge enjoys broad discretionary power in this regard, as they are not obligated to impose the fine even if the administration's refusal to comply is evident, unless they deem it necessary for justice to do so. In the event of accepting the request and imposing a coercive fine, the administrative judiciary distinguishes between two types of fines: the provisional fine, which is the norm, where the judge determines its amount based on a specific unit of time, such as a day, a month, or any other period; and the final fine, which the judge determines as a fixed total amount ^{xxxii}.

Regarding the effective date of the coercive fine, the judge has broad discretion in determining it according to the circumstances of each individual case. He may specify a particular period for the fine to remain in effect, after which liquidation procedures begin; he may leave it indefinite, in which case it remains in force until the administration's inability or persistent refusal to comply becomes evident; or he may explicitly state in his ruling that the fine remains in effect until the judgment subject to refusal is fully executed. The judge is not bound by this timeframe, even if he initially sets it, as he may modify it, increasing or

decreasing it, depending on the progress of implementation and the extent to which the fine compels the administration to respect the judgment^{xxxii}.

Regarding the determination of the point at which the fine takes effect, the law does not establish a rigid rule, but rather leaves the matter to the judge's discretion to make his decision based on the nature of the dispute, its circumstances, and the degree of administrative intransigence or cooperation in implementation, in a way that achieves a balance between respecting the judicial authority and protecting the public interest^{B. Estimating the xxxiii}.
Coercive Fine: The judge is not bound by a fixed monetary rate for the fine; rather, it is a variable rate that varies from case to case, and naturally depends on the circumstances of each lawsuit.

The threat of punishment is a real means of exerting pressure on the administration, because it is what leads to the conviction of a public person or a private legal entity tasked with managing a public utility for failing to implement a court order to pay a sum of money through the administrative judge. Thus, settling the coercive fine appears as a penalty for non-compliance with the court order, and this is the turning point of the coercive fine from a mere threatening measure that may or may not have a financial effect, to a deterrent penalty for non-compliance with the court order^{xxxiv}. The importance of the settlement lies in the fact that a fine cannot be enforced until it is completed, even if it pertains to a final fine^{xxxv}. The outcome of a coercive fine is one of two things: either the refusing administration complies with the court order or it persists in its position and refuses to comply. In both cases, the court may be asked to liquidate the coercive fine if it deems its continued existence pointless. However, the situation differs if the administration complies with the ruling. Once the administration complies with the ruling issued against it, or partially complies, the administrative judge cancels or reduces the coercive fine. There is nothing preventing its liquidation into compensation for the delay in implementation. In the case of refusal to comply, the administrative judge liquidates the fine and converts it into compensation^{xxxvi}.

The second requirement: The position of legislation and administrative judiciary on coercive fines

Regarding the position of Egyptian legislation on coercive fines, unlike the French legislator, the Egyptian legislator did not permit the imposition of coercive fines against the administration. However, the Egyptian civil legislator regulated coercive fines in Articles (213 and 214). Article (213) of the 1948 Civil Code stipulates that: "1- If specific performance of the obligation is impossible or inappropriate unless performed by the debtor himself, the creditor may obtain a judgment obligating the debtor to perform this obligation by paying a coercive fine if he refuses to do so. 2- If the judge deems the amount of the fine insufficient to compel the debtor refusing to perform, he may increase the fine whenever he sees a reason for such an increase^{The Egyptian judiciary's stance contradicts a significant portion of xxxvii}". Egyptian legal scholarship, which holds that the Egyptian judiciary legally possesses the authority to issue orders imposing coercive fines on the administration, given the absence of any legal provision prohibiting it. Furthermore, the principles of civil law that recognize the use of financial coercion are considered general rules applicable to all disputes, including administrative ones. However, the Egyptian administrative judiciary has refused to issue orders imposing coercive fines on the administration^{xxxviii}.

Regarding the Iraqi legal position on coercive fines, neither the Iraqi State Council Law No. (65) of 1979 and its amendments, nor the Regional Council Law No. (14) of 2008, contain any reference to coercive fines. However, the Iraqi Civil Code, in Articles (253 and 254) of Part Two – Effects of Obligation – Chapter One – Compulsory Execution – Section Two, under the title “Execution by Way of Coercive Fines,” regulates the provisions of coercive fines. Article (253) stipulates that “If specific performance of the obligation is impossible or

unsuitable unless performed by the debtor himself, and the debtor refuses to perform, the court may, at the creditor's request, issue a decision obligating the debtor to perform and to pay a coercive fine if he continues to refuse." Article (254) stipulates that "If specific performance is carried out, or if the debtor insists on refusing to perform, the court shall definitively determine the amount of compensation the debtor is obligated to pay, taking into account the damage suffered by the creditor and the intransigence initiated by the debtor." The judge's role is not limited to announcing The judge's role is not merely to issue a ruling on the facts of the case he is considering, but rather to complete it by taking the necessary steps to implement it. That is, his task is not limited to stating the ruling of the law, but extends to ordering what must be implemented. The jurist (Brut) explains this by saying, "The judge's function does not require only the pronouncement of the ruling of the law, but he also has the authority to order all the necessary procedures to be taken so that this ruling can take its way to practical application, and that is an authority that complements his authority to rule ^{xxxix}".

It is clear that specific performance is the primary objective of the legislator, who regulates its provisions and employs various means to achieve it. The judge only resorts to compensation when specific performance becomes impossible. One means of achieving specific performance within the framework of private law is the coercive fine. The Iraqi administrative judge's role extends beyond simply overseeing administrative actions to annulling unlawful administrative decisions. They determine the necessary procedures for implementing the annulment ruling and issue binding orders to the administration for its execution, even without an explicit legal provision. Therefore, the coercive fine can be used as a means of enforcing administrative rulings. Based on the foregoing justifications, we urge the Iraqi legislature and the legislature of the Kurdistan Region to regulate the coercive fine within the administrative judiciary, granting the administrative judge the authority to impose it on the administration for its refusal to implement administrative rulings. Furthermore, to provide greater guarantees for the implementation of administrative rulings and ensure justice, the administrative judge should also be granted the right to impose a financial penalty on the employee, as they are the primary reason for the administration's refusal to implement the rulings and the coercive fine.

The coercive fine is also imposed on the administration. In Iran, specifically in Article 729 of the Civil Procedure Code of 1318 (1999), which the legislator enacted with wisdom and foresight befitting its legislation, it was stipulated that if the subject of the obligation is an act that can only be performed by the obligor, the court may, at the request of the obligor in the judgment issued in the case or after its issuance, determine a period and an amount. If the defendant does not perform the final judgment within that period, the defendant is obligated to pay the specified amount to the obligor for each day of delay. It appears that what was stated in this article was a form of judicial penalty that compelled the defendant to perform the act in question to prevent further harm. Article 730 of the same law also stipulated that the court may, before or after the execution of the judgment, amend the previously determined amount and set another amount for delaying the execution of the judgment in the past or future ^{.xl}.

Although Articles 729 and 730 were the only articles considered regarding the enforcement of judgments related to a guarantor's obligations to the guarantor, they were removed from the text of the law in the 1380 amendments to the Code of Civil Procedure due to objections raised by the Guardian Council. The note on Article 47 of the 1356 Code of Civil Procedure also addressed the obligations of guardianship: if the action cannot be performed by another person, it will be carried out according to Article 729 of the Code of Civil Procedure. However, Article 529 of the new Code of Civil Procedure explicitly repeals the previous Code of Civil Procedure, and the note on Article 47 of the Enforcement Law is also considered an implicit repeal. Although some jurists believe that Article 47 of the Enforcement Law was not

repealed and that courts can impose fines for judgments related to a specific action that cannot be performed by another person, current judicial practice does not apply this theory^{xlii}.

Currently, in the Iranian judicial system, the direct obligation to perform acts that are the subject of contracts is silent due to the deletion of Article 729 of the Code of Civil Procedure. It can be argued that judgments regarding these obligations lack guarantees of enforcement. However, the majority opinion in the Tehran Regional Court session of July 4, 2002, stated that, based on Article 515 of the new Code of Civil Procedure, a convicted person can be granted the right to claim compensation for delay in fulfilling the obligation, relying on the jurisprudential principle of attribution^{xliii}.

Conclusion:

In conclusion, it is clear that modern judicial means of compelling the administration to implement administrative decisions and rulings in Iraq, Egypt, and Iran represent a pivotal pillar in strengthening the rule of law and ensuring the executive branch's accountability to judicial oversight. The study has shown that these countries have made varying degrees of progress in developing effective mechanisms to curb the phenomenon of refusal or delay in implementation, whether through expanding the powers of the administrative judiciary, enacting legal penalties, or adopting innovative measures such as coercive fines and the personal liability of the responsible official. Nevertheless, challenges remain, necessitating further legislative reforms, the development of judicial procedures, and the strengthening of a culture of respect for judicial rulings within the administration. Drawing on the comparative experiences of these three countries reveals that enhancing the effectiveness of implementation can only be achieved through the integration of legislation, the judiciary, and the administration, and through a political and legal will that makes the implementation of administrative rulings an unavoidable obligation. This will solidify the principle of the rule of law and realize the true impact of administrative justice.

First: Results:

1. It appears that the Iraqi judiciary is the most advanced in granting administrative judges the authority to issue orders to the administration, despite the absence of explicit legislation, based on the principle of the rule of law and ensuring the enforcement of judgments. The Egyptian judiciary, on the other hand, has remained committed to the traditional concept of separation of powers, almost absolutely refusing to issue direct orders to the administration and limiting its role to annulling decisions without interfering in their implementation. The Iranian judiciary, however, adopts a middle ground model based on the existence of legal texts regulating the judge's authority to compel the administration, but within a parallel oversight framework of religious and constitutional bodies.
2. The Iraqi judiciary has adopted coercive sanctions as a means of ensuring enforcement, with some courts permitting the imposition of fines on officials who refuse to implement judgments. In Egypt, the judicial system generally does not accept the use of coercive fines against the administration, arguing that they are not binding on public administrations. In Iran, however, coercive fines are accepted in principle, but within a narrow scope and under dual oversight by the administrative judiciary and religious institutions that assess the legitimacy of the penalty according to the principles of Islamic jurisprudence.
3. The Egyptian judiciary is based on constitutional texts that interpret the separation of powers strictly, preventing judges from replacing or directly directing the administration. In Iraq, however, the flexible nature of the constitutional system after 2005 allowed for greater judicial intervention to ensure enforcement as a guarantee of

rights, without this being considered a violation of the separation of powers. In Iran, judicial intervention is subject to specific limits, as decisions are monitored by two bodies: the administrative judiciary and the Guardian Council, which prevents any action that contradicts the rules of Islamic law.

4. It is evident that Iraq relies on various mechanisms, including judicial orders, coercive fines, and disciplinary action against officials who refuse to comply. In Egypt, enforcement mechanisms remain limited, as the effect of a ruling is often limited to annulment, with no effective means of compelling the administration to comply other than compensation claims. Iran, on the other hand, has developed specific mechanisms that enable the administrative judiciary to issue binding orders, with the possibility of referring those who refuse to comply to oversight or legal bodies to take the necessary measures.
5. The effectiveness of the Iraqi judiciary in addressing administrative obstruction is relatively high, thanks to the flexibility of the administrative judge and their adherence to the principles of justice and the guarantee of rights. In contrast, effectiveness is less pronounced in Egypt due to strict judicial constraints and weak enforcement mechanisms, which allow the administration ample room for procrastination or delay. In Iran, effectiveness is affected by the multiplicity of oversight bodies, which achieves a degree of enforcement but may simultaneously prolong procedures and slow down the resolution process.
6. It is observed that Iraqi legal scholarship tends to broaden the recognition of the administrative judge's authority to issue orders as an extension of ensuring the rule of law, while Egyptian scholarship tends to restrict it for fear of overlapping jurisdictions. Iranian scholarship, however, is based on Sharia principles, which allows it to balance respect for the administration with the judiciary's duty to prevent injustice. This has led to a hybrid system that combines legal and Sharia standards in defining the scope of the administrative judge's authority.

Second: Recommendations:

1. It is necessary to develop explicit legislation in Iraq, Egypt, and Iran that grants the administrative judiciary clear and binding authority to issue executive orders directed at the administration, including defining the scope, conditions, and limits of this authority. Adopting explicit legal texts is the best guarantee against judicial hesitation and the unification of legal interpretations, especially in Egypt, where the legislature remains hesitant to grant the administration direct binding judicial orders.
2. Strengthening enforcement mechanisms by enacting a system of coercive and disciplinary fines for officials who refuse to implement rulings in Egypt and Iran, and developing this system in Iraq to make it more effective, linking non-compliance to the personal responsibility of the administrative official and not just the responsibility of the administrative body.
3. Restructuring and activating the administrative and judicial oversight bodies that supervise the implementation of administrative rulings, ensuring coordination between the administrative judiciary and governmental and parliamentary oversight bodies to guarantee swift and effective implementation. In Iran, this includes coordination between the judiciary and Sharia oversight bodies; in Iraq, between the judiciary and integrity and inspection commissions; and in Egypt, between the State Council and the administrative apparatus.
4. Establishing specialized units for the implementation of administrative rulings within government departments in the three countries, tasked with monitoring the implementation of judicial rulings and submitting periodic reports to the judiciary and

oversight bodies.

References:

1. Abu Younis, Muhammad Bahi, 2012, *The Coercive Fine*, 3rd ed., Dar Al-Jami'a Al-Jadeeda.
2. Ahmed, Al-Shafi'i Mahmoud Saleh, 2013, *Mechanisms for Implementing Judgments Issued Against the Administration in the Field of Administrative Disputes*, PhD dissertation, Faculty of Law, Assiut University.
3. Ahmed, Diana Kamal Ali, 2022, *Guarantees for the Implementation of Administrative Judgments Against the Administration: A Comparative Analytical Study*, National Center for Legal Publications, Cairo, Egypt.
4. Ahmed, Mansour Muhammad, 2002, *The Coercive Fine as a Penalty for Non-Implementation of Administrative Court Judgments Issued Against the Administration*, no edition number, Dar Al-Jami'a Al-Jadeeda Publishing.
5. Al-Jazi, Jihad Dhaifallah Dhiab, 2018, "New Methods for Implementing Administrative Court Rulings: The French Experience as a Model," *Kuwait International Law School Journal*, Kuwait Law School, Kuwait, Year 6, Issue 3.
6. Al-Roubi, Osama Roubi Abdel Aziz, 2009, *Judgments, Orders, and Methods of Appealing Them*, Third Edition, Dar Al-Nahda Al-Arabiya, Cairo.
7. Al-Sanhouri, Abdel Razzaq, *The Intermediate Guide to Explaining the New Civil Law - The Theory of Obligation in General*, Volume 2, Dar Al-Nahda Al-Arabiya, Cairo.
8. Al-Azabi, Osama Suleiman, 2021, *The Authority of the Administrative Judge to Issue Orders to the Administration*, Modern University Office, Alexandria.
9. Al-Assar, Yousry Mohamed, 2011, *The Principle of Prohibiting the Issuance of Orders by the Administrative Judge and Prohibiting His Substitution for Them and Its Modern Developments*, Cairo, Dar Al-Nahda Al-Arabiya.
10. Al-Gharsha, Masoud Farag Mohamed, 2024, *The Role of the Administrative Judge in Implementing Administrative Rulings: A Comparative Study*, *Journal of Legal Research*, Volume 11, Issue 1.
11. Al-Laithi, Muhammad Saeed, 2009, *The Administration's Refusal to Implement Administrative Judgments*, 1st ed., Abu Al-Majd Printing House, Al-Haram.
12. Iraqi Evidence Law No. (107) of 1979 and its amendments.
13. Appeal No. 3569 of 1947, Supreme Administrative Court, State Cases Authority Collection of Supreme Administrative Court Judgments 2002-2004, Part One, 2005.
14. Al-Nuaimi, Abu Bakr Ahmad Othman, 2005, *The Limits of the Judge's Powers in Annulment Cases: A Comparative Study*, Master's Thesis submitted to the University of Mosul.
15. Bakhtar Seyed Ahmad and Raisi Masoud, 1385 (2006), *Procedures for the Implementation of Civil Judgments*, Volume One, Khat-e Soum Publications, Tehran.
16. Bassiouni, Abdelghani, 1983, *The Jurisdiction of the Administrative Court over Administrative Actions: The Judiciary of Annulment*, Dar Al-Maaref, Alexandria.
17. Tamam, Amal Yaiche, 2012, *The Powers of the Administrative Judge in Issuing Orders to the Administration*, PhD Thesis, Mohamed Khider University of Biskra, Algeria, Faculty of Law and Political Science, Department of Law.
18. Ruling of the General Disciplinary Board dated 26/12/1995, Case No. 257, Disciplinary 1995, unpublished.
19. Judgment of the Supreme Administrative Court in Appeal No. 397 of 1992, Technical Office 37, session of March 29, 1992.

20. Judgment of the Administrative Court, No. 57/2008, dated June 12, 2008, and the State Council's rulings and legal opinions for 2008.
21. Hallaq, Joseph, 1999, Administrative Execution, Dar Al-Nahda Press, Beirut, 1st ed.
22. Hammouda, Amani Fawzi El-Sayed, 2015, Guarantees for the Execution of Judgments Issued in Administrative Disputes, Alexandria, Egypt, Dar Al-Jami'a Al-Jadeeda Publishing.
23. Khasawneh, Manal Qassem, 2010, The Legal System of Coercive Fines: Financial Threats, Dar Al-Kutub Al-Qanouniyya.
24. Saeed, Hawraman Muhammad, 2011, Directing Judicial Orders to the Administration and Using Coercive Fines Against It as a Guarantee for the Implementation of Administrative Court Rulings and the Possibility of Applying This in Jordanian and Iraqi Law: A Comparative Analytical Study, Master's Thesis submitted to Mu'tah University.
25. Shaimaa Hatem Rashid, 2024, Means of Compelling the Administration to Implement Arbitration Decisions, Iraqi University Journal, Issue (58), Part (1.(
26. Shaimaa Lotfi Abdullah Muhammad Dakhil, 2024, Traditional and Modern Means of Compelling the Administration to Implement Judicial Rulings in Iraqi and Lebanese Law, Iraqi University Journal, Issue (67), Part (3.(
27. Adel Sheibani, Zahra Bidar, 1403 AH (2003 CE), "The Legal or Subjective Approach to Administrative Court Designs," Journal of Law, Research Article, Volume 88, Issue 137.
28. Abdel-Aleem, Mohamed Mustafa El-Sayed, 2018, "The Problem of Implementing Administrative Court Rulings and the Modern French Approach to Addressing Them," Dar Al-Jami'a Al-Jadeeda, Alexandria.
29. Abdullah, Zaid Ali, 2022, "Judicial Means and Their Role in Protecting Human Rights in Iraqi and Lebanese Law: A Comparative Study," Karbala University Journal of Legal Sciences, Volume 16, Issue 3.
30. Abdel-Wahid, Hosni Saad, 1984, "The Implementation of Administrative Rulings," Publisher not specified.
31. Ezzedine, Merdassi, 2008, The Coercive Fine in Algerian Law, Dar Houma Publishing, Algeria.
32. Opinion No. 78/21/6307 dated 5/12/1378 (Hijri calendar) by the jurists of the Guardian Council.
33. Administrative Court Decision No. 2004/11 issued on 31/3/2004 (unpublished.(
34. Administrative Court Decision No. 2004/4 issued on 14/1/2004 (unpublished.(
35. Qara Chahi Sedigheh, Thesis of the Thesis of Karshnas, 1390 (Hijri calendar), Master of the Thesis on the Nature of Effects and Rulings of Claims in Iranian Contracts with Applied Study in French Law, University of Isfahan, Professor Rahnama Manouchehr Motevassli.
36. . The Iranian Constitution
37. The Law on the Organization and Procedures of the Iranian Administrative Court, enacted in 2013.
38. Mohammad Razzaq Jabbar Al-Hamzawi, 2020, The Legal System of Coercive Fines in the Administrative Field, Master's Thesis, Faculty of Law, Mansoura University.
39. Mohammad Mahdi Moqdadi and Nasrin Nekouji, 2013, Effective Approaches to Enforcing Civil Judgments in Iran and France, Applied Law, Vol. 13, No. 2.
40. Mohammad Ibrahim Khurshid, 2010, The Administration's Liability for its Contractual Acts, Master's Thesis, Institute of Arab Research and Studies, Cairo.
41. Muhannad Noah, 2008, The Administrative Judge and Judicial Orders, Damascus

- University Journal of Economic and Legal Sciences, Vol. 20, No. 2.
42. Hadavand, Mehdi, 1389 (2000/2001), Applied Administrative Law, Tehran Samt.
43. Interpretive Opinion No. 2437 dated 11/10/1363 (October 11, 1984): This is a fatwa from the perspective of the jurists of the Guardian Council. Va'ez, Maj.

footnotes:

- ⁱ .Saeed, Hawraman Muhammad, 2011, Directing judicial orders to the administration and using the coercive fine against it as a guarantee for the implementation of administrative court rulings and the possibility of applying this in Jordanian and Iraqi law, a comparative analytical study, Master's thesis submitted to Mu'tah University, p. 57.
- ⁱⁱ .Al-Roubi, Osama Roubi Abdel Aziz, 2009, Judgments, Orders and Methods of Appealing Them, Third Edition, Dar Al-Nahda Al-Arabiya, Cairo, p. 17.
- ⁱⁱⁱ .Al-Azabi, Osama Suleiman, 2021, The Authority of the Administrative Judge to Issue Orders to the Administration, Modern University Office, Alexandria, p. 176
- ^{iv} Al-Nuaimi, Abu Bakr Ahmed Othman, 2005, The Limits of the Judge's Powers in Annulment Cases, A Comparative Study, Master's Thesis submitted to the University of Mosul, pp. 163-167.
- ^v .Abdel-Alim, Mohamed Mustafa El-Sayed, 2018, The Problem of Implementing Administrative Court Rulings and the Modern French Organization for Addressing Them, Dar Al-Jami'a Al-Jadeeda, Alexandria, p. 256.
- ^{vi} .Such as Article 170 of the Iranian Constitution and Articles 1 and 12 and paragraphs (b) and (t) of Article 80 of the Law on Organization and Procedures of the Iranian Administrative Court, which was approved in 2013.
- ^{vii} .Muhannad, Noah 2008, The Administrative Judge and Judicial Orders, Damascus University Journal of Economic and Legal Sciences, Volume 20, Issue 2, p. 216.
- ^{viii} .Al-Nuaimi, Abu Bakr Ahmed Othman, previous source, p. 162.
- ^{ix} .Hamouda, Amani Fawzi El-Sayed, 2015, Guarantees for the Implementation of Judgments Issued in Administrative Disputes, Alexandria, Egypt, Dar Al-Jami'a Al-Jadeeda Publishing House, p. 238.
- ^x .Al-Laithi, Muhammad Saeed, 2009, The Administration's Refusal to Implement Administrative Rulings, 1st ed., Abu Al-Majd Printing House in Al-Haram, p. 503.
- ^{xi} .This means that, according to Article 13 of the Law on the Organization and Procedures of the Administrative Court issued in 2013, in the event of a conflict between government regulations and legal provisions, unless the General Assembly specifies otherwise, the effect of invalidating decisions begins primarily from the date of their issuance. However, in the case of invalidating regulations for violating Sharia provisions, the effect of invalidation begins from the date of their issuance. Interpretive Opinion No. 2437 dated 11/10/1363: "The determination of the conflict of laws with Islamic standards is a fatwa from the perspective of the jurists of the Guardian Council".
- ^{xii} .Decision No. 206 of the General Assembly of the Administrative Court of Justice dated 22/12/1378 to cancel the decision of the Islamic Council in Tehran regarding changing the basic system of the Cultural and Artistic Organization of the Municipality of Tehran, as explained in Opinion No. 78/21/6307 dated 5/12/1378 of the jurists of the Guardian Council of the Constitution.
- ^{xiii} .Al-Assar, Yousry Muhammad, 2011, The Principle of Prohibiting the Issuance of Orders by the Administrative Judge and Prohibiting His Substitution for Them and Its Modern Developments, Cairo, Dar Al-Nahda Al-Arabiya, p. 54.

- ^{xiv} .Al-Assar, Yusri Muhammad, previous source, p. 55.
- ^{xv} .The ruling of the Supreme Administrative Court in Appeal No. 397 of 1992, Technical Office 37, session of March 29, 1992.
- ^{xvi} .Article (9) of the Iraqi Evidence Law No. (107) of 1979 and its amendments.
- ^{xvii} .Administrative Court ruling, No. 57/2008, dated 12/6/2008, State Council decision and fatwas for the year 2008, p. 536.
- ^{xviii} .Administrative Court Decision No. 11/2004 issued on 3/3/2004 (unpublished)
- ^{xix} .The ruling of the General Disciplinary Board on 26/12/1995, file number 257, Disciplinary 1995, unpublished.
- ^{xx} .Hadavand, Mahdi, 1389, Applied Administrative Law, Tehran Summit, p. 553.
- ^{xxi} . Adel Shaybani, Zahra Bidar, 1403, Judgmental or objective study with the designs of an administrative specialist reviewer, Law magazine, article in the 88th session, issue 137, p. 208.
- ^{xxii} .Al-Sanhuri, Abd al-Razzaq, The Mediator in Explaining the New Civil Law - The Theory of Obligation in General, Volume Two, Dar al-Nahda al-Arabiya, Cairo, p. 807.
- ^{xxiii} . Ahmed, Mansour Muhammad, 2002, The coercive fine as a penalty for non-implementation of administrative court rulings issued against the administration, no edition number, Dar Al-Jami'a Al-Jadeeda Publishing, p. 16.
- ^{xxiv} .Khasawneh, Manal Qasim, 2010, The Legal System of the Coercive Fine: Financial Threat, Dar Al-Kutub Al-Qanuniyya, pp. 60-61.
- ^{xxv} .Mohammed Razzaq Jabbar Al-Hamzawi, 2020, The Legal System of the Threatening Fine in the Administrative Field, Master's Thesis, Faculty of Law, Mansoura University, p. 8.
- ^{xxvi} .Ahmed, Al-Shafei Mahmoud Saleh, 2013, Mechanisms for implementing judgments issued against the administration in the field of administrative disputes, PhD thesis, Faculty of Law, Assiut University, p. 313.
- ^{xxvii} .Azzedine, Merdassi, 2008, The Threatening Fine in Algerian Law, Dar Houma Publishing, Algeria, p. 26.
- ^{xxviii} .Youssef, Louni, 2015, Enforcement of contractual obligations through coercive fines in light of Algerian legislation and judicial interpretation, Master's thesis, Faculty of Law and Political Science, Akli Mohand Oulhadj University, Algeria, p. 98.
- ^{xxix} .The Egyptian Supreme Administrative Court, on 4/22/2003, Appeal No. 3569 of 47 Q Supreme, State Cases Authority Collection of Supreme Administrative Court Judgments 2002 - 2004, Part One 2005, p. 183.
- ^{xxx} .Shaimaa Hatem Rashid, 2024, Means of compelling the administration to implement arbitration decisions, Journal of the Iraqi University, Issue (58) Part (1), p. 477.
- ^{xxxi} .Shaimaa Lotfi Abdullah Mohammed Dakhil, 2024, Traditional and Modern Means of Forcing the Administration to Implement Judicial Rulings in Iraqi and Lebanese Law, Journal of the Iraqi University, Issue (67), Vol. (3), p. 485.
- ^{xxxii} .Hallaq, Joseph, 1999, Administrative Implementation, Dar Al-Nahda Press, Beirut, 1st edition, p. 127.
- ^{xxxiii} .Abdullah, Zaid Ali, 2022, Judicial means and their role in protecting human rights in Iraqi and Lebanese law: A comparative study, Karbala University Journal of Legal Sciences, Volume 16, Issue 3, p. 12.
- ^{xxxiv} .Ahmed, Diana Kamal Ali, 2022 AD, Guarantees for the Implementation of Administrative Judgments in the Face of the Administration, A Comparative Analytical Study, National Center for Legal Publications, Cairo, Egypt, p. 160.
- ^{xxxv} .Al-Gharsha, Masoud Faraj Muhammad, 2024, The Role of the Administrative Judge in the Implementation of Administrative Judgments: A Comparative Study, Journal of Legal Research, Volume 11, Issue 1, p. 10.

-
- ^{xxxvi} .Abdul Wahid, Hosni Saad, 1984, Implementation of Administrative Judgments, no publisher, p. 504.
- ^{xxxvii} .One of the judicial applications is the ruling of the Court of Cassation in Civil Appeal No. 411 of 1993, session of 11/29/1993.
- ^{xxxviii} . Tamam, Amal Yaiche, 2012, The powers of the administrative judge in directing orders to the administration, PhD thesis submitted to Mohamed Khider University of Biskra in Algeria, Faculty of Law and Political Science, Department of Law, p. 343.
- ^{xxxix} . Abu Yunus, Muhammad Bahi, previous source, p. 26.
- ^{xl} . Qarashahi Siddiqa Bayan Nameh Karshanasi, 1390, guide the nature of the effects and provisions of claims in the rights of Iranian obligations with an application study in the rights of France Daneshgah Isfahan, Rahnama Master Manouchehr Motuseli, p. 11.
- ^{xli} .Bakhtar Sayyid Ahmad and Raisi Masoud, 1385, Bayisteh Ha Ijra' i Ahkam Madani, First Volume, Publications of Khat Sum, Tehran, p. 66.
- ^{xlii} .Muhammad Mahdi Miqdadi; Nasreen Nakojoy, 1396, Rahkarhay, influential civil court judge in Iran and France, Applied Rights, vol. 13, no. 2, p. 134.