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Challenges and Solutions for the Iraqi and Egyptian Governments in Preventing Abuse of Government Power

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This study examines the legal, constitutional, and institutional mechanisms designed to prevent abuse of governmental power in Iraq and Egypt from a comparative public law perspective. The analysis focuses on the relationship between formal legal safeguards and their practical effectiveness, particularly in the areas of parliamentary oversight, constitutional adjudication, administrative judicial review, independent supervisory institutions, anti-corruption mechanisms, transparency, and civil-service accountability. The study adopts a comparative descriptive-analytical approach to identify the principal similarities and differences between the two systems and to determine the political, legal, and institutional factors that weaken the control of executive and administrative power. The findings indicate that both Iraq and Egypt possess substantial formal mechanisms for limiting governmental authority, but the effectiveness of these mechanisms is constrained by different structural conditions. In Iraq, political fragmentation, partisan allocation, institutional instability, and politicization of oversight bodies reduce the consistency and independence of accountability mechanisms. In Egypt, the concentration of executive authority, limitations affecting parliamentary autonomy, and challenges related to the practical implementation of judicial decisions weaken the restraining capacity of existing legal institutions. The study further finds that judicial independence, effective administrative review, transparent governmental decision-making, access to information, professional civil-service structures, and autonomous anti-corruption institutions are essential to preventing abuse of power. It concludes that reform should not be limited to adopting additional constitutional or statutory provisions. Instead, both systems require stronger implementation mechanisms, clearer institutional competencies, enforceable judicial decisions, more effective parliamentary scrutiny, improved transparency, and greater insulation of supervisory institutions from political interference. Although the two countries share common rule-of-law challenges, reform strategies must respond to their distinct institutional and political contexts.

Keywords: *abuse of governmental power; public law; Iraq; Egypt; judicial review; parliamentary oversight; constitutional accountability; administrative law; anti-corruption; institutional reform*

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1. Introduction

The prevention of abuse of governmental power is one of the central concerns of contemporary public law because the existence of legally constituted governmental authority does not, by itself, guarantee that public power will be exercised within legitimate constitutional limits. Government performs indispensable functions in maintaining public order, implementing legislation, administering public services, allocating public resources, and pursuing collective policy objectives, yet the concentration of coercive,

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regulatory, financial, and administrative capacities in governmental institutions simultaneously creates the possibility that authority may be exercised arbitrarily, disproportionately, selectively, or for purposes different from those for which it was legally conferred. Public law therefore addresses not only the establishment and allocation of governmental competence but also the mechanisms through which such competence is limited, reviewed, and made accountable. Classical administrative-law doctrine has long recognized abuse or deviation of power as a distinctive form of illegality occurring when an apparently competent authority employs its statutory powers for an improper purpose or departs from the public interest that justifies those powers (Al-Tamawi, 1950). This doctrinal understanding has gradually become connected to a broader constitutional concern with the rule of law, separation of powers, judicial review, accountability, transparency, and protection of fundamental rights. Modern administrative law consequently treats control of discretion as an essential component of lawful government because discretion cannot mean an exemption from legality; rather, discretion exists within a framework of statutory purposes, procedural obligations, relevant considerations, proportionality, and judicially enforceable limits (Craig, 2021). The institutional problem is particularly important in political systems undergoing constitutional transformation, where formal guarantees may develop more rapidly than the institutional practices necessary to make them effective. Comparative examination of Iraq and Egypt is therefore valuable because both systems possess substantial constitutional and administrative-law structures intended to restrain governmental action, while their historical trajectories and institutional configurations reveal different difficulties in converting formal safeguards into effective accountability.

In Iraq, the legal and constitutional reconstruction that followed the political transformation beginning in 2003 placed constitutionalism, federal institutions, representative government, judicial review, and protection of rights at the center of a new institutional order. Nevertheless, the constitutional settlement emerged under difficult conditions involving political fragmentation, disputes over state structure, competing conceptions of constitutional identity, and bargaining among political and communal actors. The literature on Iraqi constitutional development demonstrates that the constitutional text cannot be understood independently from the political negotiations and institutional compromises through which it was produced (Hamoudi, 2013). The Iraqi Constitution created a complex distribution of governmental powers and established mechanisms for legislative supervision and constitutional adjudication, but scholars have questioned whether formal constitutional design has always been accompanied by the institutional culture and political practices required for constitutional government (Al-Istrabadi, 2009). Other scholarship has defended important aspects of the constitutional design while emphasizing that constitutional interpretation and institutional practice remain critical to the consolidation of the post-2003 system (Hamoudi, 2011). This tension between constitutional structure and political practice is directly relevant to the prevention of governmental abuse because a constitutional provision restraining the executive is effective only where institutions possess sufficient autonomy, resources, authority, and willingness to enforce it. The Federal Supreme Court is particularly significant within this system because constitutional adjudication provides a mechanism for reviewing legislation, resolving constitutional disputes, and defining institutional competence, although its legal status, composition, and powers have remained subjects of continuing constitutional debate (Talib, 2019). Recent analysis of amendments affecting the Court likewise demonstrates that questions concerning its institutional framework have direct consequences for the constitutional balance of powers (Abdul-Kadhim & Jadia, 2025). The contemporary literature therefore places the Federal Supreme Court at the center of the Iraqi constitutional accountability structure while also identifying legal and institutional challenges surrounding its position and authority (Mulla & Hassan, 2026).

Egypt represents a different but equally instructive model. The Egyptian public-law tradition possesses a long and sophisticated body of administrative jurisprudence centered on the State Council and the judicial review of administrative action. The theory of misuse or deviation of power occupies an established place in Egyptian administrative law, particularly within annulment proceedings against unlawful administrative decisions (Al-Tamawi, 1996). Egyptian administrative-

law scholarship has developed extensive principles concerning jurisdiction, legality, administrative discretion, public purpose, procedural regularity, and the judicial remedies available against administrative action (Al-Hilu, 2010). Yet the Egyptian experience also illustrates the complex relationship between courts and political authority. Studies of Egyptian constitutionalism show that judicial institutions can simultaneously provide meaningful legal constraints and operate within a political environment in which executive power remains institutionally influential (Moustafa, 2007). The judicialization of political conflict in Egypt demonstrates that courts may become important sites of negotiation and resistance without necessarily eliminating broader structural inequalities in political power (Moustafa, 2008). Research on judges and political reform similarly emphasizes that judicial independence, institutional structure, and the implementation of judgments are inseparable from wider questions of constitutional accountability (Bernard-Maugiron, 2009). A particularly important difficulty is that formal judicial victory does not always guarantee effective protection if administrative authorities fail to implement judicial decisions, because the rule of law requires both the availability of adjudication and compliance with binding judgments (El-Borai, 2009). The Egyptian case consequently shows why analysis of governmental abuse cannot be limited to the existence of legal rules; attention must also be paid to implementation, institutional relationships, and the capacity of oversight bodies to transform legal principles into practical restraints.

The comparative value of Iraq and Egypt therefore lies not in treating the two systems as institutionally identical but in examining how different constitutional arrangements confront a common public-law problem. Both recognize principles associated with legality, judicial supervision, legislative accountability, and administrative control, yet the mechanisms through which these principles operate differ because of variations in constitutional structure, political history, institutional development, and the organization of administrative justice. Iraq's post-2003 constitutional framework has had to operate amid problems of political fragmentation, institutional contestation, federal relations, and partisan competition. Analyses of Iraqi governance have emphasized the damaging effects that corruption, patronage, political bargaining, and sectarian allocation can have on institutional effectiveness and democratic accountability (Al-Ali, 2014). Egypt, by contrast, possesses a longer-established centralized administrative apparatus and judicial tradition, but its public-law development has repeatedly confronted tensions between judicial control and a powerful executive-centered state. The historical development of Egyptian law demonstrates that its contemporary administrative and constitutional institutions reflect a layered interaction among legislation, judicial doctrine, and state-building practices (Bernard-Maugiron & Dupret, 2002). These different contexts make comparison analytically useful: the Iraqi case demonstrates how fragmentation and institutional instability may weaken accountability, whereas the Egyptian case demonstrates how administrative centralization and executive influence may produce different limitations on oversight. The comparison must therefore focus on functional effectiveness rather than simply counting formal institutions or constitutional provisions.

Abuse of governmental power in this study is understood broadly enough to include the unlawful, arbitrary, improperly motivated, disproportionate, or institutionally unaccountable exercise of executive and administrative authority, but narrowly enough to remain a public-law inquiry rather than a general study of political misconduct. This approach encompasses misuse of administrative discretion, disregard of statutory purposes, infringement of constitutional rights, executive interference with oversight institutions, noncompliance with judicial decisions, and institutional arrangements that systematically weaken accountability. Administrative discretion is indispensable to government because legislation cannot specify in advance the precise administrative response to every factual circumstance; nevertheless, discretion remains compatible with legality only when it is exercised for authorized purposes and within reviewable legal boundaries (Nehme, 2025). Iraqi research on judicial control over administrative discretion similarly emphasizes that judicial supervision is necessary to prevent discretionary competence from becoming arbitrary authority (Ali et al., 2022). Comparable Egyptian scholarship has treated deviation of power as a significant defect in administrative decision-making and as a basis upon which courts may

scrutinize the purpose underlying governmental action (Diab, 2017). The central problem is therefore not governmental power itself but the absence, weakness, or circumvention of mechanisms capable of ensuring that power remains connected to legal competence, legitimate public purposes, procedural fairness, and constitutional accountability.

The existing literature provides substantial analysis of particular institutions but leaves room for a more integrated comparative assessment. Iraqi scholarship has examined the Federal Supreme Court, administrative courts, the State Council, public-service institutions, anti-corruption measures, and constitutional reform separately. Research on the Iraqi State Council, for example, has identified concerns regarding the independence of the administrative judiciary (Alkhozaie, 2021), while other work has identified legislative shortcomings in the legal framework governing that institution (Alysi, 2023). Recent scholarship on judicial review of administrative decisions likewise stresses the importance of strengthening administrative adjudication if governmental legality is to be effectively protected (Meften, 2026). Research on Iraqi anti-corruption law has additionally examined the compatibility of national mechanisms with international anti-corruption standards and has identified the need for effective preventive as well as punitive measures (Al-Karaawi & Al-Jayashi, 2020). In Egypt, scholarship has examined constitutional courts, administrative adjudication, civil-service reform, governmental administration, and implementation of judicial decisions. Administrative reform measures under the Civil Service Law illustrate attempts to modernize and rationalize public administration (Zakaria, 2022), while research concerning performance evaluation within the civil service highlights the importance of objective administrative criteria and legal safeguards in public employment (Khedr, 2021). These bodies of literature are valuable but often focus on specific institutions or doctrinal questions. A comparative analysis centered explicitly on prevention of governmental abuse permits these separate mechanisms to be evaluated as components of a single accountability system.

The significance of this inquiry extends beyond doctrinal classification. Effective restraint of governmental authority affects the protection of individual rights, public trust in institutions, administrative effectiveness, anti-corruption policy, and the legitimacy of the constitutional order. Corruption scholarship demonstrates that abuse of public office is sustained not merely by individual wrongdoing but also by institutional incentives, weak monitoring, opacity, ineffective sanctions, and political structures that permit public authority to be converted into private or partisan advantage (Rose-Ackerman & Palifka, 2016). The rule of law consequently requires a combination of ex ante restraints and ex post remedies: powers should be clearly defined before they are exercised, decision-making should be transparent and procedurally regular, independent institutions should be capable of reviewing governmental conduct, and meaningful remedies should exist when public authorities exceed their powers. Access to governmental information is similarly relevant because accountability becomes substantially weaker where citizens, journalists, legislators, and oversight bodies cannot obtain the information necessary to evaluate official decisions (Alkhalidy & Abdul Halim, 2021). The study therefore treats prevention as an institutional process involving law, courts, parliament, independent oversight, transparency, and societal scrutiny rather than as a matter reducible to criminal punishment after abuse has already occurred.

Against this background, the objective of this article is to comparatively analyze the public-law mechanisms through which Iraq and Egypt seek to prevent abuse of governmental power, identify the principal political, legal, and institutional obstacles that reduce their effectiveness, and formulate reform options responsive to the distinct characteristics of each system. The analysis employs a comparative and descriptive-analytical method, concentrating on constitutional organization, parliamentary accountability, constitutional and administrative adjudication, supervisory institutions, transparency, and the relationship between formal guarantees and implementation. The central proposition developed throughout the article is that preventing governmental abuse requires more than the existence of constitutional rules: it requires an institutional environment in which oversight bodies possess genuine independence, governmental discretion remains legally reviewable, judicial decisions are implemented, parliamentary accountability can operate meaningfully, and

information and societal scrutiny make the exercise of public authority visible.

2. Public-Law Framework for Preventing Abuse of Governmental Power

The public-law framework for preventing abuse of governmental power begins with the principle of legality. Governmental institutions differ fundamentally from private persons because public authorities do not possess an unrestricted sphere of action; their powers are conferred by constitutional or statutory rules and must therefore be exercised within the competence, purposes, procedures, and substantive limitations established by law. Administrative law has traditionally expressed this principle through judicial doctrines permitting courts to annul decisions issued without jurisdiction, in violation of procedural requirements, contrary to law, or for an improper purpose. Egyptian administrative-law theory has long recognized misuse of authority as an autonomous ground of illegality, particularly where an administrative body formally acts within its jurisdiction but uses its competence to pursue a purpose other than the legally authorized public interest (Al-Tamawi, 1950). This distinction is important because governmental abuse is frequently more subtle than an explicit violation of a statutory prohibition. Authorities may possess a lawful competence yet employ it selectively, strategically, or for collateral objectives. The theory of deviation of power therefore directs judicial attention to the relationship between the legal purpose for which authority was granted and the actual purpose for which it is used (Diab, 2017). Administrative legality consequently requires more than formal competence; it requires fidelity to public purpose, relevant considerations, equality, procedural fairness, and rational decision-making.

The modern understanding of legality must nevertheless accommodate administrative discretion. Contemporary government operates in policy environments characterized by technical complexity, changing social conditions, emergencies, economic regulation, public services, and individualized administrative decisions. Legislatures therefore necessarily confer discretionary powers on administrative authorities. The existence of discretion does not negate the rule of law, but it creates a distinctive risk: broadly worded statutory powers may permit public officials to choose among several legally available courses of action, thereby increasing the possibility of arbitrariness or improper influence. General administrative-law theory responds by distinguishing discretion from unrestricted power. Discretion remains subject to statutory purpose, procedural requirements, rationality, equality, proportionality, relevant considerations, and judicial supervision (Craig, 2021). The compatibility of discretionary authority with legality accordingly depends upon the existence of reviewable boundaries and reasons that connect administrative choice to lawful objectives (Nehme, 2025). Iraqi administrative-law scholarship similarly treats judicial review of discretion as a fundamental guarantee against arbitrariness, particularly where broad administrative competence affects rights or legal interests (Ali et al., 2022). Preventing abuse thus requires an institutional design that leaves government sufficient flexibility to govern while ensuring that discretion cannot be transformed into personal, partisan, or arbitrary authority.

The separation of powers provides the constitutional counterpart to administrative legality. Its essential function is not to create absolute institutional isolation but to prevent the accumulation of unchecked governmental authority by distributing law-making, executive, and adjudicative functions and establishing mechanisms of mutual supervision. In parliamentary and mixed constitutional systems, separation commonly coexists with institutional interaction: governments participate in legislative processes, parliaments supervise executives, and courts interpret legal limits affecting both. The relevant question is therefore whether institutional interdependence is accompanied by sufficient checks to prevent one branch from neutralizing the others. Iraqi constitutionalism illustrates this difficulty because the post-2003 constitutional settlement distributed powers among multiple institutions but emerged from bargaining under conditions of political fragmentation and contested conceptions of state authority (Hamoudi, 2013). The existence of formally distinct institutions does not itself produce effective separation if political parties or coalition arrangements create informal channels through which oversight bodies are subordinated to the same interests they are expected to supervise. Critiques of Iraqi constitutional development have therefore distinguished between the existence of a written

constitution and the broader condition of constitutionalism, understood as effective limitation of political power through institutions, practices, and enforceable norms (Al-Istrabadi, 2009). This distinction is equally relevant beyond Iraq: separation of powers becomes an anti-abuse mechanism only when institutional actors can exercise their constitutional functions with meaningful autonomy.

Parliamentary accountability forms an important part of this system because executive government must remain politically answerable to elected representatives. Parliamentary questions, requests for information, committee investigations, interpellations, debates, budgetary scrutiny, and confidence mechanisms can reveal governmental conduct before it reaches the threshold of judicial illegality. Such instruments differ from judicial review because their focus is not confined to legal validity; parliament may scrutinize effectiveness, policy justification, expenditure, administrative conduct, and political responsibility. In Iraq, the constitutional framework assigns the legislature a supervisory function over the executive and provides mechanisms through which government members may be questioned and held politically responsible. This structure forms part of the constitutional effort to prevent concentration of executive authority, although its effectiveness is affected by the wider organization of party politics and government formation. The post-2003 political order has often been analyzed as one in which coalition bargaining, patronage, and communal allocation influence the operation of formal institutions (Al-Ali, 2014). Where parliamentary blocs participate simultaneously in distributing executive offices and supervising those who occupy them, oversight can become politically selective or weakened by negotiated interests. Parliamentary control must therefore be evaluated not simply by constitutional availability but by whether representatives possess adequate information, institutional support, political independence, and practical capacity to use their powers.

Judicial review adds a legal form of accountability that differs from political supervision in both method and consequence. Administrative courts review the legality of executive and administrative action, while constitutional courts review the compatibility of legislation and governmental norms with constitutional requirements. Judicial supervision is particularly important because individuals affected by governmental action require an institution capable of providing reasoned and binding remedies based on law rather than political bargaining. In Iraq, administrative-law doctrine provides a basis for reviewing governmental decisions and protecting legality (Ahmed & Kadhim, 2014). The institutional independence of the administrative judiciary, however, is itself a precondition for effective review, and scholarship concerning the Iraqi State Council has identified independence as an important area of continuing legal concern (Alkhozaie, 2021). Legislative gaps in the State Council framework can likewise affect jurisdiction, organizational autonomy, and the ability of administrative judges to restrain executive action (Alysi, 2023). Recent assessments continue to describe administrative judicial review as central to ensuring that governmental decisions remain within legal boundaries (Meften, 2026). Judicial control therefore functions simultaneously as a remedy for particular unlawful acts and as a structural incentive encouraging administrators to anticipate legal scrutiny before making decisions.

Constitutional review performs a related but broader function. Whereas administrative adjudication generally examines executive or administrative acts, constitutional adjudication protects the hierarchy of norms and resolves disputes concerning constitutional powers and guarantees. In Iraq, the Federal Supreme Court occupies a pivotal position because questions about constitutional interpretation, institutional competence, federal relations, and the constitutionality of legislation can directly affect the distribution of governmental power. Scholarship on constitutional reform has emphasized that the effectiveness of the Federal Supreme Court depends upon a coherent institutional framework capable of supporting judicial independence and authoritative constitutional interpretation (Talib, 2019). Debates concerning legislative amendments to the Court's framework demonstrate that questions of composition and organization are not merely technical matters; they affect the credibility and independence of constitutional adjudication (Abdul-Kadhim & Jadia, 2025). More recent analysis continues to identify the Court's position and powers as central to the operation of constitutional restraints in Iraq (Mulla & Hassan, 2026). The broader lesson is that constitutional courts can prevent abuse only if their appointment structures,

jurisdiction, procedures, and enforcement environment protect them from becoming instruments of the political actors whose conduct they are expected to review.

Egypt's public-law framework demonstrates both the strength and the limitations of judicial mechanisms. The Egyptian State Council has developed a substantial administrative jurisprudence, and administrative courts have historically played an important role in reviewing governmental decisions and elaborating doctrines concerning administrative legality (Al-Hilu, 2010). The annulment jurisdiction is especially important because it permits unlawful administrative decisions to be removed from the legal order, including decisions tainted by misuse of power (Al-Tamawi, 1996). Egyptian constitutional adjudication has likewise played a significant role in the relationship between law and political power. Moustafa's study of constitutional politics shows how judicial institutions acquired a substantial role in economic and political disputes while simultaneously operating within a state structure in which executive authorities retained powerful mechanisms of influence (Moustafa, 2007). Judicialization could create opportunities for legal contestation and resistance, but courts remained embedded within broader political structures (Moustafa, 2008). Studies of Egyptian judges and political reform similarly demonstrate that judicial independence must be examined institutionally rather than assumed from formal constitutional language alone (Bernard-Maugiron, 2009). The existence of a court with jurisdiction to issue binding judgments is a necessary safeguard, but it becomes insufficient where administrative actors can delay or avoid implementation. The problem of non-execution of judicial decisions accordingly illustrates one of the clearest distinctions between formal legality and effective legality (El-Borai, 2009).

Independent supervisory and integrity institutions constitute another layer of public-law control. Judicial review is normally reactive and depends on litigation, whereas audit, integrity, civil-service, inspection, and anti-corruption institutions can monitor administrative systems more continuously. Their effectiveness depends on institutional independence, investigative competence, access to documents, professional staffing, budgetary autonomy, and the availability of sanctions or referral mechanisms. Anti-corruption theory emphasizes that corruption should not be treated exclusively as a problem of individual morality because institutional arrangements shape both incentives and opportunities for abuse (Rose-Ackerman & Palifka, 2016). Preventive systems therefore need transparent procurement, financial disclosure, conflict-of-interest regulation, audit mechanisms, merit-based public employment, and credible enforcement. Iraqi scholarship examining implementation of the United Nations Convention against Corruption has highlighted the importance of aligning domestic legislation and institutions with comprehensive preventive and enforcement standards (Al-Karaawi & Al-Jayashi, 2020). The institutional regulation of public service is likewise relevant because politicized appointment practices can convert administrative institutions into instruments of party patronage; the legal framework of bodies such as Iraq's Federal Public Service Council is therefore part of the broader architecture intended to professionalize administration (Ali, 2021). In Egypt, administrative reform under the civil-service framework similarly seeks to institutionalize performance, professionalization, and modern management within the state apparatus (Zakaria, 2022). Objective and legally structured performance evaluation can contribute to administrative accountability by reducing opportunities for arbitrary personnel decisions (Khedr, 2021).

Transparency provides the informational foundation upon which these formal mechanisms depend. Parliament cannot supervise executive activity without access to accurate governmental information; courts cannot review administrative legality where records are concealed or reasons are unavailable; oversight bodies cannot investigate without documentation; and citizens cannot evaluate public institutions when governmental decision-making remains opaque. The right of access to information therefore has a direct relationship with prevention of abuse because secrecy can conceal conflicts of interest, discriminatory practices, improper expenditure, arbitrary administrative decisions, and noncompliance with statutory duties. Comparative analysis of access-to-information regulation in Arab states indicates that formal recognition of information rights must be accompanied by clear procedures, limited exceptions, independent review, and an administrative culture supportive of disclosure (Alkhalidy & Abdul Halim, 2021). Transparency should consequently be

understood not merely as an ethical aspiration but as a legal infrastructure connecting different accountability institutions.

Civil society, professional associations, political parties, academics, journalists, and other societal actors supplement institutional oversight by generating information and public scrutiny. Their role is not identical to that of courts or legislatures because societal accountability does not itself determine the legal validity of governmental conduct, yet it can expose patterns of abuse that formal institutions overlook, provide information to legislators and litigants, and create incentives for governmental explanation. The significance of this function is particularly evident where formal oversight mechanisms are weakened by political alignment. Nevertheless, societal scrutiny depends on legal guarantees of expression, association, access to information, and procedural opportunities to challenge public decisions. Public-law systems therefore prevent abuse most effectively when the different forms of accountability reinforce one another: transparency makes information available; civil society and media disseminate it; parliament converts it into political scrutiny; oversight bodies investigate it; courts evaluate legal violations; and constitutional institutions protect the framework within which all these actors operate.

The prevention of governmental abuse should thus be conceptualized as an integrated accountability chain rather than as a single legal remedy. The chain begins with constitutional allocation of competence and legislative definition of powers, continues through transparent and procedurally fair administration, and is reinforced by parliamentary control, independent supervision, administrative adjudication, constitutional review, and societal scrutiny. Weakness at one stage places greater pressure on the others. If parliament does not effectively supervise the executive, courts and integrity bodies must confront more disputes after harm occurs. If courts issue judgments that are not implemented, litigation loses preventive force. If public information remains inaccessible, neither political nor judicial accountability can function effectively. If appointments and budgets of oversight institutions are controlled by those being supervised, formal independence becomes largely symbolic. A comparative examination of Iraq and Egypt must therefore assess the interaction of institutions rather than merely establish whether each country formally possesses them.

3. Mechanisms for Controlling Governmental Power in Iraq and Egypt: A Comparative Analysis

The Iraqi system contains a multilayered set of constitutional, legislative, judicial, and administrative mechanisms intended to restrain governmental power. The constitutional settlement established representative institutions, an executive branch whose authority is legally defined, a federal judiciary, a Federal Supreme Court, and a range of independent or supervisory bodies. In formal terms, this architecture reflects the proposition that executive authority should remain subject to parliamentary, judicial, and institutional accountability. Yet the operation of these mechanisms must be understood in the political context in which the Constitution was negotiated and subsequently implemented. Iraq's post-2003 constitutional order emerged through bargaining among actors with competing conceptions of federalism, identity, political representation, and institutional authority (Hamoudi, 2013). The resulting Constitution contains important safeguards, but commentators have questioned the degree to which the political process surrounding constitutional construction created a durable culture of constitutional restraint (Al-Istrabadi, 2009). At the same time, the constitutional framework should not be reduced to its difficulties, because it also created legal mechanisms through which governmental power can be contested and subjected to institutional review (Hamoudi, 2011). The Iraqi case therefore requires a distinction between constitutional capacity and practical institutional effectiveness.

Parliamentary supervision is one of the first lines of control. The Council of Representatives possesses constitutional authority to monitor executive performance and may employ instruments such as questions, interpellations, discussion, investigations, and confidence-related procedures. These devices are designed to create political responsibility and reduce the possibility that ministers or executive institutions can act without explanation. Parliamentary scrutiny can also reveal administrative failures before they become justiciable disputes. Its effectiveness, however, depends substantially on the structure of political competition. Where the executive is formed through broad bargaining

among parliamentary blocs, the same parties participating in government may also control significant portions of the legislature. The resulting relationship may transform oversight from an institutionally independent process into an instrument influenced by coalition negotiations. Al-Ali's analysis of post-2003 Iraqi governance emphasizes how corruption, sectarian competition, institutional weakness, and political bargaining have undermined the effectiveness of democratic institutions (Al-Ali, 2014). These problems do not eliminate parliamentary control as a legal mechanism, but they help explain why formal powers may be exercised inconsistently. Effective parliamentary oversight therefore depends on committee capacity, access to government information, protection of opposition rights, regular reporting obligations, and procedures that reduce opportunities for oversight to be blocked by partisan bargains.

The Federal Supreme Court constitutes a second major mechanism. Constitutional review limits governmental power at a higher normative level by ensuring that legislation, governmental regulations, and institutional actions remain consistent with constitutional requirements. The Court also plays an important role in resolving disputes over constitutional competence and interpreting provisions that determine the relationship among federal institutions. Iraqi scholarship has repeatedly treated the Court as a central component of constitutional reform because ambiguous institutional arrangements concerning composition, jurisdiction, and appointment can affect both independence and legitimacy (Talib, 2019). The constitutionality of later amendments to the Federal Supreme Court's statutory framework has itself become an important subject of legal analysis, demonstrating that the body responsible for constitutional control must also rest on a constitutionally sound institutional foundation (Abdul-Kadhim & Jadia, 2025). Recent scholarship examining the Court's position and powers identifies continuing constitutional and legal challenges while reaffirming its importance in maintaining institutional balance (Mulla & Hassan, 2026). A strong constitutional court does not replace parliament or ordinary courts, but it can prevent governmental abuse where executive-supported legislation, regulations, or institutional practices exceed constitutional limits.

Administrative judicial review provides a more direct remedy against governmental decisions affecting individuals and organizations. Iraqi administrative law recognizes that administrative authorities must act within legal competence and that unlawful decisions may be challenged before judicial bodies (Ahmed & Kadhim, 2014). The judicial control of administrative discretion is particularly important because governmental abuse often occurs not through complete absence of authority but through manipulation of broadly framed discretion. Judicial scrutiny can examine whether decision-makers relied on legally relevant considerations, pursued authorized purposes, respected procedural requirements, and avoided arbitrary distinctions (Ali et al., 2022). The practical effectiveness of this safeguard depends upon the independence and institutional design of the administrative judiciary. Analysis of the Iraqi State Council Law has questioned whether the administrative judiciary enjoys the degree of structural independence necessary for robust supervision of executive action (Alkhozaie, 2021). Other scholarship has identified legislative deficiencies that can limit the effectiveness of the State Council framework (Alysi, 2023). Recent analysis of administrative judicial control likewise argues that the role of Iraqi administrative courts remains crucial to controlling executive decision-making and requires continuing institutional strengthening (Meften, 2026). The central challenge is therefore to ensure that administrative adjudication is not merely available in theory but is accessible, sufficiently independent, procedurally effective, and capable of providing meaningful remedies.

Independent and specialized institutions add further layers of control. Integrity and anti-corruption bodies address conduct that may not immediately appear in ordinary administrative litigation, including misuse of office, improper financial advantage, conflicts of interest, and systematic corruption. Iraqi anti-corruption legislation has been evaluated against the standards of the United Nations Convention against Corruption, with scholarship emphasizing both the importance of legislative alignment and the need for effective implementation (Al-Karaawi & Al-Jayashi, 2020). The problem is institutional as much as legislative. Anti-corruption bodies require sufficient investigative authority and insulation from political retaliation, while

their work must connect effectively with prosecutorial and judicial institutions. Public-service institutions are similarly relevant because merit-based recruitment and professional civil-service management reduce opportunities for political actors to use public employment as a form of patronage. The Federal Public Service Council's legal framework represents an attempt to institutionalize such principles, although its capacity depends on the scope and clarity of its legal authority (Ali, 2021). Transparency and access to information are essential across all these mechanisms because effective oversight becomes difficult where officials and institutions can withhold records necessary for parliamentary, judicial, or public scrutiny (Alkhalidy & Abdul Halim, 2021).

The Egyptian framework is institutionally different but functionally comparable in several respects. Egypt possesses a long-established administrative-law tradition in which the State Council plays a central role in adjudicating disputes between individuals and public administration. This tradition gives judicial control of executive and administrative action a substantial doctrinal foundation. Egyptian administrative jurisprudence developed detailed rules concerning administrative decisions, jurisdiction, legality, misuse of authority, and annulment (Al-Tamawi, 1996). The State Council's importance lies partly in its capacity to distinguish governmental discretion from arbitrariness: an authority may possess discretion, but a decision remains vulnerable if it is issued for an improper purpose, ignores legal limitations, or violates procedural requirements. Egyptian scholarship has long analyzed administrative adjudication as a mechanism protecting individuals against unlawful exercises of public power (Al-Hilu, 2010). The concept of deviation of power is especially significant in this context because it allows courts to scrutinize the purpose underlying administrative action rather than limiting review to formal competence (Diab, 2017).

Egypt's constitutional system also assigns a supervisory role to representative institutions and provides constitutional mechanisms for parliamentary accountability of government. Parliamentary questions, requests for information, interpellations, committees, and other instruments can theoretically expose executive conduct to political scrutiny. The effectiveness of these mechanisms, however, depends upon whether parliament operates with sufficient independence, information, and political pluralism to challenge governmental action where necessary. The Egyptian experience demonstrates that formal institutional authority may coexist with a political structure in which the executive retains substantial influence over the wider state apparatus. Moustafa's analysis of Egyptian constitutional politics demonstrates that legal institutions can acquire genuine authority while continuing to operate within a political environment characterized by powerful executive institutions (Moustafa, 2007). Courts and other legal institutions may therefore constrain particular governmental acts without necessarily transforming the broader distribution of political power. This observation is important for parliamentary control as well: constitutional competence is a necessary condition of oversight, but effective accountability also requires political and institutional autonomy.

The Supreme Constitutional Court has historically occupied a particularly important position in Egyptian constitutional law. Its review of legislation provides a mechanism through which constitutional principles can restrain the political branches and protect legal rights. Research on the judicialization of Egyptian politics shows that constitutional adjudication became an arena in which political and legal disputes could be reframed as constitutional claims (Moustafa, 2008). This judicial role sometimes created meaningful limitations on governmental action, although the broader political system retained mechanisms capable of shaping the environment in which courts operated. Studies of judges and political reform similarly emphasize that judicial independence cannot be evaluated solely through constitutional declarations; appointment structures, institutional autonomy, professional organization, and political responses to judgments are also relevant (Bernard-Maugiron, 2009). The Egyptian case demonstrates particularly clearly that successful judicial review depends upon governmental compliance. Where public authorities refuse or delay implementation of binding judicial decisions, the constitutional promise of judicial protection is weakened because the effectiveness of law shifts from adjudication to executive willingness to comply (El-Borai, 2009).

Administrative modernization and civil-service regulation also form part of Egypt's preventive

framework. Abuse of governmental power can emerge not only from high-level constitutional conflicts but also from routine administrative processes involving public employment, licensing, public services, disciplinary measures, and resource allocation. Modern administrative reform therefore seeks to create standardized procedures, professional evaluation, clearer responsibility, and more predictable decision-making. Research on administrative modernization under the Civil Service Law No. 81 of 2016 has examined efforts to introduce contemporary management techniques and rationalize state administration (Zakaria, 2022). The regulation of employee performance reports is relevant because objective and reviewable performance criteria can reduce arbitrary personnel decisions and strengthen professional administration (Khedr, 2021). Nevertheless, managerial modernization alone cannot prevent abuse unless administrative procedures remain legally reviewable and decision-makers are accountable for improper motives, discriminatory practices, or deviation from statutory purposes.

The Iraqi and Egyptian systems therefore share several structural characteristics. Both recognize that executive authority must be limited by law, both possess institutions of constitutional adjudication, both provide forms of administrative judicial control, and both formally recognize parliamentary supervision as a means of governmental accountability. Both also contain supervisory institutions intended to address corruption, administrative misconduct, and public-sector integrity. From the perspective of formal public-law architecture, neither system can accurately be described as lacking mechanisms for preventing governmental abuse. The more difficult question concerns the interaction among those mechanisms. In both countries, effective control can be weakened when judicial independence is contested, parliamentary scrutiny is politically constrained, administrative institutions lack transparency, or supervisory bodies depend upon the political authorities whose conduct they monitor. The comparative problem is consequently one of institutional effectiveness rather than mere institutional existence.

Important differences nevertheless shape the type of reform required. The Iraqi system developed within a relatively recent constitutional order characterized by federalism, fragmented party structures, coalition-based government formation, and strong informal political arrangements. Its accountability difficulties are therefore frequently associated with institutional fragmentation, competition among political blocs, patronage networks, and uncertainty concerning the practical boundaries among constitutional institutions. The critique that constitutionalism requires more than constitutional text is especially salient in this environment (Al-Istrabadi, 2009). Egypt possesses greater administrative centralization and a longer tradition of state bureaucracy and administrative justice. Its challenge is less the absence of established state institutions than the possibility that a strongly centralized executive structure may limit the practical autonomy of institutions formally empowered to exercise oversight. The historical relationship between law, courts, and political power in Egypt shows that legal institutions can be both significant and constrained at the same time (Moustafa, 2007). Comparative analysis should therefore avoid assuming that a uniform reform model can address both situations.

The differences also affect judicial control. In Iraq, strengthening administrative adjudication requires attention to the organizational independence and legislative framework of the State Council and administrative courts (Alkhozaie, 2021). In Egypt, the State Council benefits from a deeper doctrinal history, but effective judicial protection may still be undermined if executive authorities resist the practical consequences of judgments (El-Borai, 2009). Similarly, constitutional adjudication in Iraq requires continuing clarification and stabilization of the Federal Supreme Court's institutional position (Mulla & Hassan, 2026), whereas Egyptian constitutional review must be evaluated in light of a longer history of judicial involvement in politically sensitive disputes (Moustafa, 2008). In both systems, judicial independence is essential, but the institutional pathway to strengthening it differs.

The comparison ultimately reveals that formal constitutional similarity can conceal substantial differences in practical vulnerability. Parliamentary powers may exist in both systems, but coalition fragmentation may weaken oversight in one context while executive dominance may constrain it in another. Judicial review may be constitutionally guaranteed, but one system may face structural questions concerning the

organization of courts while another confronts difficulties associated with compliance and political environment. Anti-corruption bodies may exist, yet their effectiveness depends upon independence, information, enforcement, and coordination. Transparency may be legally recognized, but practical access to information can remain limited. The appropriate analytical standard is therefore whether institutions can generate real consequences when governmental power is exercised unlawfully or improperly. A mechanism prevents abuse only when officials reasonably anticipate that improper action may be detected, reviewed, invalidated, exposed, sanctioned, or politically challenged.

4. Challenges and Reform Options

The principal challenge confronting both Iraq and Egypt is the persistent gap between formal legal design and practical institutional effectiveness. Constitutional texts, administrative-law doctrines, parliamentary procedures, courts, and supervisory bodies establish an extensive architecture of accountability, but their capacity to prevent governmental abuse depends on the political environment in which they operate. Law can define jurisdiction and provide remedies, yet it cannot independently guarantee that oversight bodies will exercise their powers, that governments will disclose necessary information, that legislative majorities will scrutinize politically allied executives, or that judicial decisions will be implemented. Public-law reform must therefore distinguish between defects in legal rules and defects in institutional practice. Where a power is excessively broad or a court's jurisdiction is uncertain, legislative amendment may provide an appropriate remedy. Where the legal framework is adequate but appointments, budgets, political pressures, or informal bargaining prevent institutions from functioning independently, institutional and political reforms become necessary. The attached thesis identifies precisely this implementation gap as a central common problem, while also showing that its causes differ between Iraq and Egypt.

In Iraq, political fragmentation presents a significant obstacle to coherent accountability. The post-2003 political system developed through coalition-building among parties and groups representing different political, communal, and regional constituencies. Although pluralism can provide a safeguard against monopolization of state power, fragmentation can also weaken responsibility when governmental offices are distributed through political bargaining and multiple parties simultaneously participate in executive institutions. In such conditions, political responsibility becomes difficult to attribute because governmental failure may be dispersed among coalition partners, while parliamentary blocs may have incentives to protect ministries or institutions associated with their own political networks. Analyses of Iraqi politics have described how sectarian allocation, corruption, patronage, and institutional weakness can undermine democratic accountability and public administration (Al-Ali, 2014). The constitutional order itself emerged from a bargaining process in which major institutional questions were shaped by imperfect political compromise (Hamoudi, 2013). Consequently, parliamentary oversight may become selective: opposition to one ministry may reflect inter-party competition rather than consistent application of accountability standards, while institutions controlled through coalition arrangements may resist scrutiny from bodies influenced by competing groups.

This political environment also affects administrative professionalization. If public appointments are influenced by partisan or factional considerations, the civil service risks becoming an extension of political competition rather than a professional structure implementing law impartially. The creation and regulation of the Federal Public Service Council reflects recognition of the need for a more institutionalized public-employment system (Ali, 2021). Effective reform should therefore strengthen merit-based recruitment, transparent appointment criteria, competitive procedures, protection against politically motivated dismissal, and clear conflict-of-interest rules. These measures are not merely managerial. A professional civil service reduces the capacity of political leaders to use administrative institutions for partisan purposes and increases continuity in the application of law. Anti-corruption institutions similarly require insulation from political bargaining. Iraqi legislation has incorporated important anti-corruption measures, including provisions connected with international standards, but compatibility of legal texts with anti-corruption norms must be accompanied by implementation capacity (Al-Karaawi & Al-Jayashi, 2020). Reform should therefore

focus on institutional independence, access to financial and administrative records, coordination among investigative bodies, transparent case-processing procedures, and protection for officials or individuals who lawfully report misconduct.

The judiciary presents another reform priority in Iraq. Administrative judicial review can restrain executive action only where courts are structurally independent and sufficiently empowered to examine contested governmental decisions. Concerns regarding the independence of the administrative judiciary under the Iraqi State Council framework suggest that organizational design remains significant (Alkhozaie, 2021). Legislative shortcomings identified in the State Council Law further indicate that reform should clarify jurisdictional boundaries, institutional autonomy, procedures, and the relationship between administrative adjudication and executive institutions (Alysi, 2023). Recent assessment of judicial control over administrative decisions reinforces the continuing importance of strengthening administrative courts and ensuring effective judicial remedies (Meften, 2026). Reform should therefore seek to guarantee security of judicial tenure, transparent judicial appointments, adequate resources, clear jurisdiction, simplified access to administrative justice, reasonable adjudication periods, and effective enforcement of judgments. Judicial review becomes preventive when administrative officials know that unlawful decisions are likely to be challenged and that judicial rulings will produce practical consequences.

The Federal Supreme Court requires parallel attention because constitutional review is indispensable to maintaining boundaries among institutions. The Court must possess an institutional framework that protects its independence while maintaining constitutional legitimacy. Iraqi scholarship on constitutional reform has long identified the Court as a central institutional issue (Talib, 2019). Questions raised by amendments to the Federal Supreme Court Law illustrate how statutory design can affect the constitutionality and credibility of the Court itself (Abdul-Kadhim & Jadia, 2025). More recent examination of its powers and position continues to identify constitutional and legal challenges requiring clarification (Mulla & Hassan, 2026). Reform should accordingly prioritize transparent appointment procedures, clearly defined qualifications, stable rules governing composition, institutional budgetary autonomy, accessible constitutional procedures, and clear implementation obligations for governmental bodies affected by its judgments. The goal should not be to transform the Court into a substitute for political decision-making but to ensure that constitutional boundaries remain enforceable when political institutions exceed their authority.

Transparency should be treated as a cross-cutting Iraqi reform rather than as a secondary administrative policy. A government can formally accept parliamentary, judicial, and anti-corruption supervision while making these mechanisms ineffective by restricting access to records. Effective information-access legislation should identify a presumption of disclosure, define exceptions narrowly, establish deadlines for governmental responses, provide an independent appeal mechanism, and impose duties concerning proactive publication of budgets, contracts, administrative regulations, and institutional decisions. Comparative research concerning information-access regulation in Arab jurisdictions indicates that legal recognition of the right must be supported by operational procedures if it is to produce meaningful transparency (Alkhalidy & Abdul Halim, 2021). Greater transparency would strengthen parliament, courts, integrity bodies, journalists, researchers, and citizens simultaneously, thereby multiplying the preventive impact of a single reform.

Egypt faces a different configuration of challenges. The centralization of administrative authority can produce consistency and organizational capacity, but it also creates the risk that oversight institutions will find it difficult to constrain executive decision-making where political and administrative power is concentrated. Egyptian public law possesses a developed administrative judiciary and a strong doctrinal basis for review of misuse of authority (Al-Tamawi, 1996). The challenge is therefore not primarily one of inventing judicial review but of preserving institutional independence and ensuring that judicial control has practical consequences. Historical analysis of the Supreme Constitutional Court and the relationship between courts and political authorities shows that judicial institutions have at times exercised substantial influence while remaining embedded in a political system capable of shaping the wider environment of adjudication (Moustafa, 2007). The judicialization of

political questions can expand the importance of courts but can also expose them to institutional pressures precisely because their judgments affect politically consequential matters (Moustafa, 2008). Reform should therefore strengthen objective judicial appointment and promotion processes, institutional budgetary guarantees, procedural independence, and protections against forms of influence that may compromise adjudicative autonomy.

Execution of judicial decisions constitutes a particularly important Egyptian concern. A legal order in which citizens can obtain judgments against the administration but encounter obstacles in securing implementation provides only incomplete protection. Research on governmental non-execution of judicial decisions in Egypt illustrates how noncompliance can undermine the effectiveness of judicial supervision (El-Borai, 2009). Reform should therefore establish clear institutional responsibility for execution of judgments, defined time limits for administrative compliance, transparent monitoring, and effective consequences for unjustified refusal or delay. This is not a technical enforcement matter alone. When administrative officials know that adverse judgments can be disregarded without meaningful consequences, judicial review loses deterrent value. Conversely, consistent execution encourages administrators to incorporate legality into decision-making before disputes arise.

Parliamentary accountability in Egypt likewise requires institutional conditions that make formal powers usable. The purpose of parliamentary oversight is not constant confrontation between legislature and executive but structured political responsibility. Members require reliable access to governmental information, sufficient research and committee support, meaningful opportunities to question ministers, and procedures that prevent oversight requests from becoming purely symbolic. Strengthening parliamentary committees, requiring regular governmental reporting, ensuring timely responses to questions, and increasing transparency of hearings could improve the preventive function of legislative scrutiny. The comparative lesson from Iraq is important here: parliamentary oversight is weakened both when political fragmentation disperses responsibility and when executive influence restricts legislative autonomy. The reform objective in each system is therefore not identical institutional design but an effective relationship in which parliament can demand explanations and consequences without assuming executive functions.

Egyptian administrative reform should also connect managerial modernization with legality and accountability. Civil-service modernization under Law No. 81 of 2016 reflects attempts to rationalize administration, introduce modern practices, and improve institutional performance (Zakaria, 2022). Performance appraisal systems can promote administrative effectiveness, yet they must be governed by objective criteria and procedural safeguards to prevent evaluation mechanisms themselves from becoming instruments of favoritism or retaliation (Khedr, 2021). Administrative modernization should therefore incorporate reason-giving duties, standardized procedures, electronic documentation, transparent recruitment and promotion, accessible complaint mechanisms, and reviewable performance criteria. Digital administration can strengthen accountability when it creates auditable records and reduces discretionary face-to-face transactions, but digitalization without transparency can simply reproduce existing power structures in electronic form.

The control of administrative discretion is a shared reform priority in both countries. Discretion cannot be eliminated because modern government requires flexibility, but legal systems can reduce the risk of abuse by clarifying statutory purposes, requiring reasons for significant decisions, regulating conflicts of interest, and strengthening judicial standards of review. General administrative-law doctrine demonstrates that review of discretion is compatible with effective administration when courts evaluate legality without substituting themselves for authorized decision-makers (Craig, 2021). Theoretical analysis likewise confirms that discretionary authority can coexist with legality where the law establishes meaningful boundaries and review mechanisms (Nehme, 2025). Iraqi experience demonstrates the importance of judicial supervision of discretion (Ali et al., 2022), while Egyptian doctrine concerning deviation of authority illustrates the value of examining improper purpose (Diab, 2017). Reform in both jurisdictions should therefore require written reasons for decisions that significantly affect rights or legal interests, clearer legislative criteria for high-risk discretionary powers, and judicial access capable of

examining whether statutory purposes have been respected.

Anti-corruption reform should similarly move beyond an exclusively punitive model. Criminal prosecution remains necessary for serious misconduct, but prevention depends on institutional design. Corruption research emphasizes the importance of reducing opportunities for discretionary rent-seeking, increasing the probability of detection, strengthening transparency, and restructuring incentives within public administration (Rose-Ackerman & Palifka, 2016). In both Iraq and Egypt, procurement, public employment, licensing, allocation of public resources, and state contracting are areas in which transparency and procedural regularity can reduce opportunities for abuse. Reform should therefore integrate financial disclosure, conflict-of-interest regulation, transparent procurement procedures, independent audit, public reporting, and accessible complaints systems. Independent anti-corruption bodies should possess clear statutory mandates and professional investigative capacity but should themselves remain subject to legal accountability so that anti-corruption powers do not become new sources of arbitrary authority.

Civil society and media oversight should be understood as complementary rather than antagonistic to governmental institutions. Public authorities possess information advantages that make external scrutiny difficult unless journalists, professional associations, academic institutions, and civil-society organizations can investigate and discuss governmental performance. Access to information is therefore essential (Alkhalidy & Abdul Halim, 2021). At the same time, societal oversight should operate within a legal framework protecting accuracy, due process, privacy, and legitimate state interests. The objective is not to replace institutional accountability with public controversy but to enable non-state actors to supply information and scrutiny that activate parliamentary, judicial, and administrative accountability. Where institutional actors know that governmental decisions can be examined publicly, the preventive effect of transparency extends beyond individual cases.

Reforms should also address the relationship between rights protection and governmental accountability. Abuse of power frequently becomes visible through its effects on individuals: arbitrary administrative decisions, unequal treatment, restrictions unsupported by lawful purposes, denial of procedural guarantees, or selective enforcement. Administrative justice should therefore be accessible not only to economically powerful litigants but to ordinary citizens whose rights are affected by government. Filing procedures, legal standing, costs, availability of legal assistance, and the speed of adjudication all influence whether judicial review functions as a practical remedy. The traditional Iraqi doctrine of administrative justice provides a foundation for such protection (Ahmed & Kadhim, 2014), while Egypt's extensive administrative-law tradition offers developed concepts of annulment and judicial supervision (Al-Tamawi, 1996). Strengthening these mechanisms does not require abandoning existing legal traditions; it requires improving the institutional conditions under which their established principles are applied.

A further comparative priority concerns institutional coordination. Accountability systems often fail not because every institution is individually weak but because responsibilities are fragmented and information does not move effectively among them. Audit institutions may identify financial irregularities without prompt referral; parliamentary committees may obtain information that does not reach integrity bodies; administrative courts may identify recurring unlawful practices without mechanisms for systemic correction; and anti-corruption investigations may proceed independently from civil-service disciplinary structures. Reform should therefore establish legally defined channels for inter-institutional cooperation while preserving each institution's independence. Regular public reporting can make such coordination visible and reduce opportunities for cases to disappear within bureaucratic processes.

Country-specific reform must remain sensitive to the distinct sources of institutional weakness. In Iraq, priority should be given to reducing politicization of supervisory institutions, professionalizing the civil service, strengthening the independence and jurisdictional clarity of administrative justice, stabilizing the institutional framework of the Federal Supreme Court, improving parliamentary oversight in a coalition environment, and strengthening anti-corruption enforcement. In Egypt, priority should be given to preserving judicial and administrative-judicial

autonomy within a centralized state, guaranteeing execution of judicial decisions, strengthening the practical independence of parliamentary scrutiny, integrating legality into civil-service modernization, and enhancing transparency around executive and administrative decision-making. These priorities converge around rule-of-law principles but differ in institutional emphasis.

The broader reform strategy should proceed from the proposition that no single institution can prevent governmental abuse. Courts intervene only in disputes brought before them. Parliaments are influenced by political incentives. Integrity institutions require access to information and cooperation from other agencies. Civil society cannot compel legal compliance without institutional channels. Transparency reveals abuse but does not itself invalidate unlawful decisions. Prevention therefore depends on redundancy: multiple institutions should possess partially overlapping capacities to detect, expose, review, and correct misuse of power. Such redundancy should not become jurisdictional chaos; rather, it should ensure that the failure of one accountability mechanism does not leave governmental authority entirely unchecked. A resilient public-law order is one in which unlawful power encounters several independent points of resistance.

5. Conclusion

Preventing abuse of governmental power requires an institutional conception of the rule of law in which governmental authority is simultaneously empowered to perform public functions and restrained by enforceable legal boundaries. The comparative examination of Iraq and Egypt demonstrates that the fundamental challenge is not the complete absence of constitutional, legislative, judicial, or supervisory mechanisms. Both systems contain extensive legal structures directed toward governmental accountability, including parliamentary oversight, constitutional adjudication, administrative judicial review, supervisory institutions, anti-corruption mechanisms, and legal protections connected with transparency and public administration. The central problem lies instead in the distance that can develop between the formal existence of these mechanisms and their capacity to operate independently, consistently, and effectively in practice.

The analysis demonstrates that legality must remain the foundational principle governing the exercise of public power. Governmental authorities may possess substantial discretion, but discretionary authority cannot be treated as freedom from legal control. Public powers are conferred for particular purposes and must be exercised consistently with constitutional rights, statutory objectives, procedural requirements, equality, rationality, and the public interest. Abuse therefore occurs not only where an official acts without legal authority but also where an existing authority is manipulated for an improper purpose, used selectively, or exercised without meaningful accountability. Judicial review of discretion is consequently indispensable because it ensures that administrative flexibility does not become arbitrary government.

The comparative analysis also establishes that separation of powers should be understood as a functional system of checks rather than a rigid separation of institutions. Parliaments, courts, executives, supervisory bodies, and independent institutions inevitably interact. The relevant question is whether these interactions preserve sufficient autonomy to allow one institution to scrutinize another. Parliamentary oversight is effective only when legislators possess access to information, procedural tools, institutional support, and sufficient independence from the executive. Constitutional adjudication is meaningful only where courts can interpret and enforce constitutional boundaries without improper interference. Administrative justice protects legality only when citizens can realistically challenge governmental decisions and obtain enforceable remedies. Supervisory and integrity institutions can prevent abuse only when their mandates, appointments, resources, and investigative powers permit them to operate independently.

The Iraqi experience illustrates how political fragmentation can weaken the operation of otherwise substantial constitutional safeguards. Coalition government, partisan bargaining, patronage structures, and the distribution of institutional positions among political actors can blur lines of responsibility and weaken consistent oversight. When actors participating in government simultaneously influence the institutions intended to supervise that government, accountability may become selective or dependent on political

competition. The reform challenge in Iraq is therefore partly institutional and partly political. Strengthening formal powers without addressing politicization may produce only limited improvement. Effective reform requires professionalization of administration, greater independence of judicial and supervisory institutions, transparent appointments, stronger parliamentary procedures, more reliable anti-corruption enforcement, and clearer institutional responsibilities.

The position of the Iraqi administrative judiciary is particularly important because ordinary citizens encounter governmental authority primarily through administrative decisions rather than through major constitutional conflicts. An independent, accessible, and effective system of administrative justice can correct individual abuses while simultaneously shaping broader administrative behavior. Clear jurisdiction, transparent judicial appointments, sufficient resources, procedural accessibility, and effective execution of decisions should therefore be regarded as essential rather than technical matters. The Federal Supreme Court performs a complementary function at the constitutional level. Its institutional stability, independence, legitimacy, and clarity of jurisdiction directly affect the capacity of the constitutional order to resolve conflicts among state institutions and preserve constitutional limitations on governmental power.

Egypt presents a different institutional pattern. Its long-established administrative judiciary and developed doctrines of administrative legality provide substantial legal resources for controlling executive and administrative action. The challenge lies in ensuring that these legal capacities retain practical effectiveness within a centralized governmental structure. Judicial independence must therefore be protected not merely in formal constitutional language but through institutional safeguards that permit courts to decide disputes without inappropriate influence. Equally important is the implementation of judicial decisions. A judgment that identifies unlawful governmental conduct but remains unenforced does not provide complete legal protection. Effective systems for monitoring and compelling administrative compliance are therefore integral to the rule of law.

Parliamentary reform is important in both jurisdictions but must respond to different institutional conditions. In Iraq, stronger oversight must function within a fragmented coalition environment and reduce the capacity of party bargains to neutralize legislative accountability. In Egypt, effective parliamentary scrutiny requires conditions allowing the legislature to obtain information, examine governmental conduct, and demand explanations independently of executive influence. In both cases, stronger committees, professional research capacity, regular governmental reporting, transparent proceedings, and enforceable duties to respond to parliamentary inquiries would increase the preventive value of legislative supervision.

The study further demonstrates that administrative reform and governmental accountability should not be separated. Professional civil-service institutions, transparent recruitment, objective promotion systems, documented decision-making, standardized procedures, and conflict-of-interest rules reduce the opportunities through which political or personal considerations can distort public administration. Digitalization and modern management can contribute to accountability where they generate traceable decisions and accessible records, but administrative modernization must remain connected to legal review. Efficiency cannot substitute for legality. A rapidly issued administrative decision is not good administration if it is arbitrary, discriminatory, improperly motivated, or legally unreviewable.

Transparency is one of the few reforms capable of strengthening almost every other accountability mechanism simultaneously. Parliamentary supervision, judicial review, anti-corruption investigation, public auditing, media scrutiny, academic research, and citizen participation all depend on reliable access to governmental information. Effective information-access regimes should therefore be treated as structural components of the public-law system. A presumption of disclosure, narrowly defined exceptions, clear response periods, independent review, and proactive publication of major governmental information can significantly reduce the informational imbalance between public authorities and those seeking to hold them accountable.

Anti-corruption reform should likewise combine prevention, detection, and enforcement. Criminal sanctions remain necessary, but they operate too late if the institutional system continuously generates opportunities for abuse. Preventive reform should reduce excessive discretionary opportunities, regulate conflicts of interest, make procurement and public

expenditure more transparent, strengthen financial disclosure, protect professional public administration, and guarantee the independence of investigative and supervisory institutions. At the same time, anti-corruption powers themselves require legal limits and judicial supervision. An accountability institution that exercises unchecked authority can reproduce the same problem it was created to address.

Civil society, media, professional associations, academic institutions, and citizens also have an important role because governmental accountability cannot be sustained entirely within the state apparatus. Independent societal scrutiny can identify patterns of misconduct, provide information to formal institutions, and generate incentives for governmental explanation. This role depends on access to information and legal space for legitimate public scrutiny. Societal oversight should not replace courts, parliament, or formal control agencies; rather, it should operate alongside them as part of a broader accountability environment.

The central comparative finding is therefore that Iraq and Egypt face a common problem through different institutional pathways. In Iraq, the effectiveness of legal safeguards is particularly vulnerable to fragmentation, partisan allocation, politicization, and institutional instability. In Egypt, the effectiveness of safeguards is particularly affected by centralization, the practical strength of executive institutions, and the need to maintain effective autonomy of judicial and supervisory mechanisms. This distinction is important because reform cannot be reduced to transferring a legal institution from one country to the other. Comparative public law is most useful when it identifies common principles while respecting differences in institutional context.

The appropriate reform model for both systems is an integrated architecture of accountability. Constitutional provisions must clearly allocate and limit powers. Legislatures must define governmental competence with sufficient precision. Administrative authorities must provide reasons and maintain accessible records. Independent courts must be able to review governmental action. Constitutional adjudication must preserve institutional boundaries. Parliamentary bodies must possess practical tools for oversight. Integrity and audit bodies must operate independently. Judicial decisions must be implemented. Governmental information must be accessible. Civil society and media must be capable of contributing to lawful public scrutiny. None of these elements is sufficient in isolation, but their interaction can create a system in which abuse becomes more difficult to conceal, more likely to be detected, and more capable of being corrected.

Ultimately, the prevention of governmental abuse cannot be secured through constitutional drafting alone. Constitutional and statutory provisions provide the necessary legal framework, but effective limitation of power requires institutions that internalize legality as a governing principle. The durability of public-law safeguards depends upon political actors accepting that governmental authority is temporary, legally bounded, and subject to scrutiny; upon judges and oversight officials possessing the independence necessary to perform their functions; upon administrative bodies accepting that compliance with judicial decisions is a legal obligation rather than a discretionary choice; and upon citizens possessing meaningful avenues through which governmental action can be questioned. Reform in Iraq and Egypt should therefore be directed not simply toward adding new legal mechanisms but toward making existing and future mechanisms genuinely operative. The most effective protection against abuse of governmental power is a constitutional environment in which authority is distributed, information is accessible, discretion is reviewable, institutions are independent, decisions are reasoned, violations produce consequences, and every exercise of public power remains ultimately accountable to law.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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