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Suitable Solutions for the Success of the Administrative Decentralization Experience

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Abstract

Overcoming legal obstacles and improving the regulation of the relationship between the federal and local governments is based on the priorities for improvement and development in the management of public affairs, this challenge requires employing solid strategies to ensure that legal systems respond to today's requirements and ensure compatibility with constitutional and legal foundations, as well as updating and developing existing legal systems and regulations. This procedure allows compatibility with modern requirements and provides the appropriate legal basis for effective cooperation between the federal and local governments. The powers and responsibilities of both the federal and local governments must be clarified. This reduces legal ambiguities and potential clashes and promotes cooperation and harmony.

Keywords: Legal Impediments, Federal Government, Local Government, Regulations.

Introduction

The experience of administrative decentralization is a pivotal concept in the world of modern management, governments and institutions seek to improve the efficiency of operations and enhance communication between different departments. This experience reflects the principle of transforming powers and decision-making to lower levels of organization, with the aim of achieving speed and flexibility in administrative processes. This research aims to explore appropriate solutions for the success of the administrative decentralization experience. In this context, we will address several solid proposals, including strategic vision guidance, human capacity-building, effective use of technology and a supportive environment for innovation and experimentation. Through this exploration, we aspire to clarify how to achieve effectiveness and efficiency in the administrative decentralized experience and achieve the objectives sought in the modern administrative environment.

Constitutional and Legal Vision

After addressing the constitutional articles on decentralization in Iraq, having examined the amended Provincial Irregular Governorates Act No. 21 of 2008, through its application of the system of administrative decentralization in Iraq, the many powers, whether administrative or financial, enjoyed by the governorates in Iraq and granted by the legislator. It is therefore a vision of the future whether constitutional or legal:

The Executive Branch's Oversight Role over Local Bodies

To ensure the proper functioning of public utilities and the effective management of their role without

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the supervision of the executive branch, such censorship cannot be dispensed with; it gives the system of decentralization independence at its highest level and enables it to prepare cadres in local government capable of discharging its responsibilities in the fullest management of the country's affairs.

It is also able to build a grassroots base that has the right to monitor persons who have been elected objectively and away from political or social considerations and who are currently being elected on their own basis despite the fact that the Iraqi legislature has made censorship of Parliament abbreviated. However, it is ineffective control, due to political interference and other considerations, in accordance with article 4 of the Irregular Provinces Act No. 15 of 2010 amending article 4 of the Irregular Governorates Act, according to the House of Representatives, if it is contrary to the Constitution or the laws in force, and in the event of the violation, the House of Representatives shall remove the violation by a simple majority of its members.

Although the law does not specify the nature and functioning of such oversight, it also aims to ensure that councils respect legality and the limits of their competence, however, such oversight must not amount to an infringement of local bodies' independence and, in some cases, their abolition. Although there are several controls, including that prior control of the work of provincial councils can only be imposed if a specific exception is provided for in the laws in force, The House of Representatives has the power to ratify or not ratify the decisions and actions of the provincial councils and may amend them. The Board of Governors may reverse the decision until it is ratified by the House of Representatives if the Board considers that the public interest requires that the decision be reversed as governorate councils have the right to appeal against decisions issued by the House of Representatives in accordance with the law. In the event that it exceeds the limits on local councils' control, the guarantee of independence is represented by the provincial councils. Therefore, the House of Representatives must enact special legislation stating the nature and nature of such oversight and its limits, which are budgeted in the provincial councils in several respects, whether they do not derogate from their powers as defined by the Constitution or by laws. In order to avoid fragmentation of the political and administrative unity of the state between the center and local bodies, on the other hand, local bodies must not be constrained to act, stop their movement and hinder their activity, so that local bodies can achieve development at all levels of the province (Al Yasri, 2011, p. 54).

That the introduction of legislative power in this midst by granting it the right to oversee local councils, even if such censorship is realistic for political control, it is not for administrative control, because all States have introduced administrative decentralization in terms of their qualities based on the administrative guardianship of the central authority over the governorates, article V/122 of the Constitution of Iraq of 2005, article V/122 of the Constitution of Iraq of 2005, The recent amendment to the Provincial Irregular Act No. 10 of 2018, as amended by the third amendment to the Provincial Act (III/45), adheres to the general policy established by the Council of Ministers and the specialized ministries. The author may appeal the decision to the competent court within 15 days of the notification of the decision. What we see is that the provision in the governorates' law is contrary to the provisions of the Constitution in article (122) which rejects or associates with any form of ministerial control, but the article (45) of the Provincial Law (article 45/III) of the irregular provincial law) Contrary to this article, every citizen has the right to appeal before the competent court, within a maximum period of time. (15) Days in case the governorate breaches the duties it must perform in accordance with the general policy established by the Council of Ministers or the relevant ministries (Ammar, 2023, p. 64).

Supervisory Action Directive

In order to study and investigate all issues and issues relating to administrative and financial misconduct

and misconduct, several committees have been formed, with the task of monitoring the Council of Representatives, in coordination with federal supervisory bodies in the governorate, including the Financial Oversight Office (Mehdi, 2009, 54). The Public Integrity Authority, which is permanent through the holding of a number of periodic meetings, makes local surveillance transparent in the examination of reports issued by local councils and the results of their work. This contributes to the development of the competence of the bodies under their control on the one hand. On the other hand, it preserves the State's funds from negligence and negligence (David, 2022, p. 134).

Administrative and Financial Vision.

Management vision of the local bodies is to reform management and create highly competent leadership commensurate with the tasks and responsibilities entrusted to them. The financial vision is that financial resources are the cornerstone of life in local governments where they can do a lot of work, so we will address the vision through the following:

A. Management Vision

To support the development and reform of local governance, there is a need to reduce the manifestations of corruption by relying on highly competent local administrative leadership commensurate with their mandated functions, their capacity to absorb development and its challenges, it is the leadership's responsibility to resolve the contradictions that arise between the different parties, it must also have the ability to break down alliances that hinder the success of administrative work in local bodies and must have the capacity to clearly define substantive or procedural objectives and policies, it was well studied, based on analysis and comparison, so that local bodies' objectives could be achieved without having to deplete local capacities or capacities in useless directions. Local bodies must have authority to cope with organizational, technological and human attitudes and other crises, whether economic, social or financial, faced by the province during a given period (Al-Zu 'bi, 1993, p. 87). In order to reform local administration, the leadership must consistently reflect management reform and actions, improve recruitment procedures and apply merit and entitlement rules in order to reward opportunities among all citizens of the governorate away from patronage and attribution in administrative work (Saddam, Shaima, 2022, p. 87).

Security aspect of the local government is also an important aspect, as emphasized by the irregular provincial law in No. 21/For the year 2008, as amended, directly from the competence of the provincial councils to control public or private administration, by granting them the authority to approve local security plans prepared by the security institutions in the governorate through the Governor in coordination with the Federal Security Services, taking into account the security plans formulated by the Federal Government (Hassan, 2022, p. 92).

The Second Amendment Act No. 19 of 2013 to the Irregular Provinces Act No. 21/In 2008, the Governor was given direct authority over all organs responsible for protecting and maintaining security and public order in the governorate, and it is the Governor's prerogative if he considers that the organs responsible for maintaining security and order are unable to fulfil their duties. (Al-Zu 'bi, 1993, p. 66), the Governor presents the matter immediately to the Commander-in-Chief of the Armed Forces, indicating the amount of force sufficient to fulfil those duties (Article 10 of the Third Amendment Act No. 19 of 2013).

The Federal Authority coordinates with the Governor in advance when carrying out security tasks within the governorate. The Governor must take the necessary action against all riots, vandalism, explosions, assassinations, civil unrest and insurgency, and the spectre of civil war taking place in the vicinity of the local government where such enforcement leads to widespread administrative corruption and widespread poverty, the governorate's low cultural level, which is characterized by a stable security

situation, is one of the prosperous and stable governorates leading to higher levels of education and the end of administrative corruption in the administrative work of the governorate. In addition, the Iraqi Constitution of 2005 affirmed that all Iraqis have the right to work. However, the Iraqi Government has failed to provide employment opportunities for those capable of doing so. It must therefore be acknowledged that the majority of perpetrators of crimes, whether within or outside the province's territory, are unemployed, and that these are the most important sectors of terrorism and organized gangs and their attention to join them. Nevertheless, jobs are still not available in such a way that the level of governance is at the required level. Therefore, citizens' rights and interests should not be compromised; In other words, the absence of a national political constant, whether intentional or unintentional, leads to a fragmentation of power and a weakening of status, which requires a high symbolism of the political capital and a high symbol of a centre that manages the country and addresses citizens' problems. (Mason c., 2014, p.12).

B. Financial Vision

After the introduction of the irregular provincial law No. 21 of 2008, as amended. See the text of article 44 of the Act (Article 44 of the irregular governorates' law). financial allocations granted to irregular governorates in a territory through the Federal General Budget, is the most important resource of local administration, it is the only financial resource actually realized, The central government also relied on the distribution of financial allocations on the basic criterion of counting the local population in the province However, this criterion has led to a weakness in the level of services provided in governorates requiring additional burdens, The local government drains the sums allocated to it in the federal general budget annually. s needs for development, including religious and other governorates, In view of this import discrepancy granted to irregular governorates in a territory where the article must be applied (106) of the Iraqi Constitution of 2005, which stipulates (Art 106 of the Iraqi Constitution of 2005): It is established by law as a general body to monitor the allocation of federal imports. The body is composed of experts of the federal government and irregular territories and governorates in a territory. Its responsibility is to investigate the fair distribution of international grants, assistance and loans that are benefits of irregular provinces in a territory. Transparency and fairness must be ensured when allocating funds to irregular provincial governments in a territory (Hetty, 2011, p. 120).

These steps do not eliminate the central Government's role in monitoring domestic public finance policies to ensure that macroeconomic objectives are met and that budget deficits or inflation are not expanded, nor do they eliminate the core functions of audit bodies and the fight against corruption at the local level. There is therefore an urgent need to distribute equitably the joint revenues between the governorates (Al-Fadli, 2022, p. 14).

Conclusion

First: Results

1. The experience of administrative decentralization is a vital model for improving government performance and enhancing effectiveness in the delivery of services to citizens.
2. Constitutional and legal perspectives form the legal basis for ensuring that decentralized experience is directed and organized in line with legal and constitutional frameworks.
3. Administrative and financial insights play a crucial role in guiding resource allocation and ensuring the sustainability of decentralized experience.
4. A balance must be struck between the federal and local governments' powers and responsibilities to ensure harmony in administrative processes.

5. Enhancing transparency and community participation contributes to building trust between governments and citizens and supports sustainability in government processes.
6. The establishment of national directives and principles that contribute to achieving proper guidance and promoting harmonization in administrative processes.
7. Effective conflict resolution mechanisms can reduce tensions and improve relations between the two Governments.

Second: Recommendations

1. Enhanced communication and coordination among Governments. Enhanced communication and coordination between federal and local governments is preferred through the use of technology and periodic meetings to ensure information exchange and effective coordination.
2. Development of training and skills development programmes: Ongoing training programmes must be provided to federal and local government officials to improve their skills in the areas of administrative decentralization and constitutional and legal directives.
3. Review and improve legal regulations: Existing laws and regulations must be reviewed to ensure compatibility with the requirements of the decentralized experiment and provide the necessary amendments.
4. Effective application of ICT: Technology must be used to improve management processes and provide data in a transparent and accessible manner.
5. Promoting a culture of transparency and community participation: Community participation in decision-making processes must be encouraged and transparency of government processes ensured.
6. Improved conflict resolution mechanisms: Effective dispute resolution mechanisms must be put in place between the two Governments to avoid tensions and improve relations.
7. Assessment of the role of managerial leaders: Management leaders' performance in implementing and achieving the objectives of the decentralized experiment must be assessed and directed towards constitutional and legal foundations.
8. To ensure the continuity of administrative and financial visions: administrative and financial perspectives must be updated and reviewed periodically to ensure the continued direction of resources and the achievement of objectives.

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