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The Service Reality of the Civil Status Department and Its Impact on the Citizen "challenges and Solutions"

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Abstract

The relationship between the security institution and its provision of services to citizens within the framework of Iraqi society entails numerous paradoxes. When considering the security institution's roles in security, social welfare, and service delivery to citizens, a complex dynamic emerges. In essence, the dissemination of security and the delivery of institutional services to citizens are integral components of the responsibilities undertaken by security authorities. These responsibilities are rooted in principles such as understanding, satisfaction, and adherence to the rule of law. The challenge lies in elucidating the nature of the disparity between the service-oriented tasks of the security institution and the citizen's needs in civil affairs.

Keywords: Civil Status, Nationality, Services, Registration, Institution.

1. Introduction

The dispersion of security and the delivery of institutional services to citizens are integral aspects of the responsibilities undertaken by existing security authorities. In other words, there exists a reciprocal relationship between citizens and the security institution.

Despite certain prevailing perceptions regarding contradictory behaviors exhibited by security institution employees toward citizens, the stability of security in society, the fight against corruption, and the eradication of crime are closely tied to the nature of the institution's work.

The Directorate of Civil Status and Nationality serves as a governmental body entrusted with the management and organization of civil and nationality affairs in the country. The directorate's diverse responsibilities encompass the issuance and management of official documents such as national ID cards, passports, and marriage and death certificates. Furthermore, it oversees the registration and updating of citizens' personal information, including events such as birth, marriage, and death. Additionally, the directorate processes requests for granting citizenship to eligible individuals in accordance with local laws and regulations. To further enhance administrative processes for citizens, the directorate provides online services aimed at facilitating and expediting various transactions.

2. Challenges Facing Civil Registration Systems in the Arab World

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Humanitarian crises and wars have a significant impact, including the forced displacement that occurred in various cities of Iraq in areas directly as a result of the political conflict on the ground, which is translated into violence and forced displacement that occurred after the occupation in 2003 (Aubed, 2016), on the registration of civil status where it affects The disintegration and disruption of work affects all state facilities, which makes many residents, especially children, lose the right to register in the civil status systems, which may prevent them from obtaining identity documents after that..

Many displaced people and refugees are also exposed to the loss of documents proving their identity, or are unable to register some births or deaths that occur after leaving their places of residence. In most cases, it is difficult to prove individual identities. In addition to this, terrorism is considered one of the serious problems that many societies suffer from at the present time. The methods of carrying out terrorist operations have varied, resulting in the phenomenon of human displacement that Iraq witnessed in mid-2014, with its demographic, political and social dimensions (Abbas, 2019).

Various factors contribute to the difficulty in obtaining alternative identity documents, such as the destruction of archives, high procedural costs, and security conditions preventing access to civil registry facilities in their original places of residence, as highlighted in the United Nations Children's Fund report on registering deaths in war situations.

The loss of parental identity in certain cases disrupts the registration of children, perpetuating the problem of identity acquisition across generations. Studies, including a qualitative study by the Norwegian Refugee Council, shed light on the challenges faced by refugees in birth registration.

The requirement to obtain documents proving the marriage of the newborn's parents is one of the obstacles to registering refugees, and this study attributes the reason for the lack of registration to several factors. Marriage outside the court is a manifestation of the oppression to which women are subjected in Iraq, and its danger comes from the seriousness of the consequences resulting from it, as it often leads to Ignoring the girl's age, marrying her off at a young age, or forcing her to marry also leads to the ease of neglecting the marital relationship as long as this marriage does not entail any legal or material consequences (Rashid, 2017). Or the lack of sufficient information for refugees, the destruction of identification documents, the inappropriateness of laws to the conditions of some groups, and the lack of flexibility in dealing with these cases. It is the biggest problem that has long troubled human consciences in the Arab region after the conflicts that have erupted there over the past years (Al-Rahim 2022)

To restore and fortify civil registration and vital statistics systems, peace and reconciliation agreements could be leveraged to incorporate these issues. This would involve assigning responsibility for rebuilding and repairing these systems to authorities overseeing reforms.

Strengthening registration systems should be integral to post-conflict institutional rebuilding programs. This involves enacting robust laws if necessary, guaranteeing the right to registration, and implementing decentralization to facilitate access for all citizens.

An effective civil registration system is essential in establishing robust reconstruction programs during natural disasters, crises, and conflicts. Leveraging modern technology over paper-based systems enhances data accuracy and retrieval capabilities.

Despite the numerous challenges faced by civil registration systems in conflict-ridden countries, preserving, reforming, and strengthening these systems remains crucial for the continuity of the

state and its institutions. It is a fundamental guarantee of human rights, particularly the rights of women and children. From the above, we can conclude that rebuilding civil registration systems in the period after crises and wars requires interventions at more than one level and requires the involvement of many actors and stakeholders, including the following:

- ❖ Components of civil society, including non-governmental organizations, local leaders, youth and women's groups, charities, and civic bodies that enjoy the trust of the population. These associations are a great asset in humanitarian work during crises, and their work falls within the framework of efforts aimed at establishing peace.
- ❖ The private sector, because of its social and political weight, such as business owners' associations, lawyers, private sector doctors, midwives, and other bodies and individuals who have a necessary relationship with all actors in the peace and reconstruction process.
- ❖ Parliamentarians and elected members of municipal or village councils who have a role in enacting or activating laws (Economic and Social Commission for Western Asia, 2021: pp. 11-12).
- ❖ International governmental and non-governmental organizations that are usually parties to humanitarian programs and peace operations and have the field capacity and technical competence to raise problems related to identity and civil registry issues from a human rights and development perspective.
- ❖ Local leaders and religious leaders who live with the community and share its religious practice and ceremonies related to civil registration such as marriage and welfare.

Specialized studies indicate that one of the challenges that countries face in estimating deaths is the presence of differences in registration between males and females, and between rural and urban areas, and the same is true for some age groups, especially women of advanced ages, in addition to the presence of a gap related to the estimation of newborn deaths. Birth, which is often not reported as births or deaths (Economic and Social Commission for Western Asia, 2021: p. 12).

Registering marriages and divorces is of utmost importance given the absence of civil marriage in many Arab countries, especially in countries with multiple religious sects.

This importance is reinforced by the observation that Arab countries allow the marriage of minors between the ages of 15 and 18, despite the fact that the law requires that they reach the age of 18 as a minimum for marriage.

Among other related issues, the phenomenon of polygamy emerges, which exists in all Arab countries, except Tunisia, in addition to the issue of multiple types of marriage. Islamic law and personal status laws in Islamic and Arab countries agree on the legality and necessity of documenting the marriage contract with the competent authorities, and this is done by testimony, writing, or both.

However, the documentation of marriage according to Sharia law may be a social documentation that existed in Islamic countries, whether written or unwritten, and this is the case that can be encountered in the desert, as well as among nomadic Bedouins.

In these cases, we can assume that a significant percentage of marriage contracts are not documented in writing, including some that are not registered in civil status. Referring to the data published in Arab countries, we find that all Arab countries (except Somalia) publish data on marriage and divorce, that is, an adequate assessment to know the rate of

documentation of marriage contracts. However, by reviewing some laws, we notice that many Arab Islamic countries refuse to document marriage contracts.

Marriage contracts for a Muslim woman who marries a non-Muslim man. He may even refuse to document the marriage if the woman marries a husband whose nationality is different from her nationality.

3. The Concept of Directorate of Civil Status and Nationality

It is one of the departments of the Ministry of Interior in Iraq. It is responsible for registering the civil and nationality statuses of citizens. It was established in 1926, when it was known at the time as the Civil Registry Office. Its mission is to register births, deaths, and marriages and issue birth, death, and marriage certificates. With the development of administrative work in Iraq, The Directorate of Civil Status and Nationality was established in 1934, during the British colonial period. It was modernized in 1948, and its working methods were developed to meet the growing needs of citizens and governmental and private institutions. In 1957, the Iraqi Nationality Law was issued, which led to giving priority to Iraqi citizens. Regarding nationality, after Iraqi nationality was granted to foreigners in an easier way in the past, and in 1980, the Iraqi nationality law was amended again, whereby the role of the directorate in issuing and renewing passports and managing information about Iraqi citizens was strengthened (Nouri, 2011: p. 247).

In the period from 1990 to 2000, the Directorate of Civil and Nationality Status in Iraq was under excessive pressure because of the Iran-Iraq wars and the first Gulf War that followed. These wars caused a deterioration in the social and economic conditions in Iraq, which led to an increase in demand for the directorate's services. The Directorate witnessed an important technological modernization in this period through the use of computers to facilitate the management of civil and national records and facilitate the issuance of official documents.

The services provided by the Directorate were also enhanced, including issuing Iraqi passports, and verifying the authenticity of official documents (Ibrahim, 2014: p. 115).

After 2003, the Directorate of Civil Status and Nationality in Iraq witnessed several challenges and difficulties, including the major political and security transformations that occurred in the country. The Directorate was destroyed and looted during periods of armed conflict in Iraq, which led to the loss of many official records and documents. However, The Directorate began cooperating with international and governmental organizations to improve its services and repair the damage sustained during the conflicts.

The technology used to manage civil and nationality records has been improved, including the use of computers and digital records data entry.

The administrative and procedural processes related to issuing official documents and updating civil and nationality records were also developed, as well as the directorate's laws and regulations were updated, including Law No. 54 of 2004 regulating nationality in Iraq, which established the procedures and conditions necessary to obtain Iraqi nationality, including amending Provisions that prevented changing nationality in Iraq.

In 2007, the Iraqi government approved Law No. 52 on Civil Status (Nouri, 2011: p. 256).

Since then, the Directorate's services have been modernized, developed and improved over

the years, and a modern civil and nationality registration system has been implemented that uses modern and advanced technologies to ensure the accuracy and speed of services. At present, it is affiliated with the Directorate of Civil Status and the Directorate issues passports, identity cards, birth, marriage and divorce certificates.

Death and other official documents necessary for citizens. The Directorate of Civil and National Status is considered an essential part of the structure of the Iraqi state, as it plays a significant role in documenting and proving Iraqi identity, and providing official documents related to the civil and national status of citizens. The Directorate works to document the civil and national status of Iraqi citizens, such as certificates issued by personal status courts and certificates issued by maternity hospitals, criminal and civil courts, civil status and passports.

There are branches of the Directorate of Civil Status and Nationality in all Iraqi governorates whose mission is to submit applications and update official documents. These branches help register the civil and nationality status of new children, register deaths and issue certificates. Death, registration of marriages and divorces, and issuance of marriage and divorce certificates. The directorate also provides services for searching and inquiring about official documents for Iraqi citizens (Abdul Rasoul, 2008: p. 210).

a. Components of the Directorate of Civil Status and Nationality

The Office of the Civil Status Directorate in Iraq consists of several directorates, departments, and divisions, which will be summarized as follows:

1. Directorate of Inspection and Audit - Its work is carried out by a director and a sufficient number of employees. Its duties are to inspect civil status directorates and departments, audit the work of civil registry secretaries, and submit special reports to it, including the behavior and actions of the employees necessary to ensure the proper working therein. It also undertakes the task of investigating the charges against them and everything related to that. From interrogation and accountability, it prepares special intelligence for referral to the courts and disciplinary committees. This directorate consists of the following bodies: including the first inspection body, the second inspection body, and the third inspection body.

2. Directorate of Administration and Personality - a director and enough employees undertake its work. It supervises the administration in the office of the General Directorate, and its duties are to carry out personal and disciplinary matters for employees and employees (Al-Amir, 2017: p. 167).

3. Basic Records Directorate - Its work is undertaken by a director and a sufficient number of employees. It completes civil status transactions and records their facts in the first copy of the civil registry. It consists of the following divisions: (Records Division, Identity Office, Statistics Division, Maintenance and Posting Division).

4. Directorate of Registration and Events - Its work is carried out by a director and a sufficient number of employees. Its duties are to address issues related to the subject of civil status incidents for Iraqis and foreigners residing in Iraq and to issue the necessary administrative decisions to amend, add, delete, or carry over the clarifications contained in the records. It consists of the following divisions- :

a. Incidents Division - addresses the issue of civil status incidents for Iraqis and issues

administrative orders and decisions on how to implement these incidents in the civil registry.

b. **Foreigners Division** - It is responsible for registering foreigners residing in Iraq and registered in the records and drafts of the general census who also reside in Iraq. It also undertakes the task of registering foreigners for the years 1947 and 1957.

c. **The Iraqi Communities Division** - carries out the tasks of transferring the records of Iraqi communities abroad to civil status records at home and processing all requests from the aforementioned communities regarding their records that are received through Iraqi representations abroad.

d. **The Old Qayyum Directorate** - its work is conducted by a director and enough employees, and its duties are to check all old registrations for the years 1934 and 1947, as they are the original records of those registrations. It also carries out all the procedures and intelligence related to them, and it is responsible for providing the official authorities with copies of the entries from the aforementioned records (Civil Status Law in Iraq No. 1 of 1972).

b. Characteristics of the Directorate of Civil Status and Nationality

The Directorate of Civil Status and Nationality in Iraq is considered one of the important government agencies responsible for issuing and managing official documents related to the civil status of Iraqi citizens. Some of the distinctive characteristics and characteristics of this directorate can be mentioned as follows:

1. **Craftsmanship:** The Civil Status Directorate in Iraq relies on craftsmanship in performing its duties, by applying strict rules and procedures to ensure the accuracy and authenticity of the official documents it issues.
2. **Accuracy and attention to detail:** The work at the Civil Status Directorate is characterized by accuracy and diligence, as all details of official documents and information that are recorded are reviewed very carefully, and it works to ensure that all data and information contained in them are accurate and reliable.
3. **Transparency:** The Directorate of Civil Status in Iraq enjoys transparency in its dealings with citizens, as all information and procedures necessary to register civil status and obtain official documents are provided (Directorate of Civil Status in Baghdad, published evidence).
4. **Efficiency:** The employees of the Civil Status Directorate in Iraq have the necessary competence and experience in organizing and managing civil status and issuing official documents, which ensures the quality of services provided by the Directorate to citizens, and these employees are carefully selected to ensure efficiency and professionalism at work.
5. **Speed:** The Civil Status Directorate in Iraq works to speed up the procedures for registering civil status and issuing official documents to citizens, through developing procedures and using modern technologies.
6. **Respect and Empathy:** The employees of the Civil Status Directorate in Iraq are characterized by respect and compassion for citizens, as they strive to provide all necessary services and meet their needs in a professional and friendly manner.
7. **Privacy:** The Civil Status Directorate maintains the confidentiality and privacy of the personal information of individuals registered with it and does not disclose it except in cases required by legal necessity (Al-Adel, 2018: p. 99).

The Directorate follows a literal and systematic method in registering and processing official documents, in order to ensure the validity and accuracy of the data provided to citizens. The Directorate of Civil Status in Iraq seeks to improve its services and provide them in a quick

and effective manner to citizens, through modernizing and developing procedures and using modern technologies. The Directorate is keen to provide the necessary information and guidance for citizens and facilitating the necessary procedures for obtaining official documents (Khairallah, 2014: p. 15).

The Civil Status Directorate in Iraq is distinguished by its commitment to implementing applicable laws, rules, and regulations, and constantly seeks to improve the quality of services it provides to citizens. The Directorate relies on modern technology in the processes of registering civil events and issuing official documents, and this helps facilitate procedures and reduce waiting time and bureaucratic procedures.

The employees of the Civil Status Directorate in Iraq have the competence and experience necessary to organize and manage civil status, and they seek to meet the needs of citizens in a professional and friendly manner, and to treat them with respect and compassion. The Directorate seeks to provide a suitable work environment for employees and provide them with continuous training and development, so that they can improve the quality of the services it provides. (Iraqi Civil Status Law No. 188 of 1959).

According to Civil Status Law No. 65 of 1972, the Tasks of the Civil Status Directorate in Iraq Vary as Follows

1. The Civil Status Directorate is responsible for everything related to registering the civil status of Iraqis inside and outside Iraq and maintaining the records of foreigners registered during the general registration of 1957. It is the one that organizes these transactions in the form of clear and detailed records recorded in special records, and its departments may request from any party whatever it needs for the purpose Controlling information related to its records, records, and statistics, one or more departments shall be established at the center of each administrative unit for registering the civil status of its residents in accordance with the provisions of this law.
2. The Director General may specify the forms of official records, forms and documents related to the work of the General Directorate and specify how they will be used. He may add to these forms what he deems necessary.
3. The Minister may decide to conduct a sub-registration process when necessary, and its procedures shall be determined by the system (Civil Status Law in Iraq, Articles 2, 3 and 4)

C. Services Provided by the Directorate of Civil Status and Nationality to Citizens

The Civil Status Directorate is considered one of the important government institutions in Iraq, as it directly assumes its duties over citizens and foreign residents in Iraq. These tasks are considered extremely important, as they help in proving the identity of individuals and registering births, deaths, marriages and divorces, and they also help in issuing the official documents that individuals need to obtain services and other rights. The Civil Status Directorate in Iraq is responsible for managing and organizing the civil records and personal status of Iraqi citizens (Iraqi Ministry of Interior, published evidence), and its tasks include:

1. Issuing official documents related to civil status, such as birth certificates, death certificates, marriage certificates, divorce certificates, and others, as many personal rights and duties of Iraqi citizens are determined through official documents issued by the Civil Status Directorate.
2. Updating the civil records of Iraqi citizens and managing their databases.

3. Documenting marriages, divorces, deaths, registering births, registering wills and other life events.
4. Issuing and updating the national ID card for Iraqi citizens.
5. Providing the necessary information to parties concerned with civil status, such as government agencies, private institutions, and individuals.
6. Providing the necessary consultations to Iraqi citizens about civil status and providing them with the necessary instructions on how to obtain official documents and the necessary procedures for that (Saif, 2015: p. 26).

The role of the Civil Status Directorate in Iraq is considered very vital in organizing the lives of Iraqi citizens, as it deals with many official documents related to civil status, which represent the main guide to determining the personal and civil rights of individuals. The services of the Civil Status Directorate in Iraq are available to all Iraqi citizens regardless of their nationality or place of residence. The Directorate is keen to provide its services equally to all and to constantly improve the quality of the services it provides (Al-Araji, 2005: p. 32).

4. Challenges Facing the Civil Status Directorate in Iraq

The Civil Status Directorate in Iraq faces many challenges that constitute an obstacle to its tasks, including the following:

- Wars and conflicts taking place in the country: The wars and conflicts taking place in Iraq pose a major challenge to the Civil Status Directorate, as they affect the ability to provide services effectively, and lead to the destruction of some of the directorate's buildings and equipment. Many areas of Iraq suffer from security instability, which makes it difficult for the Directorate to fully complete its tasks, especially in areas witnessing violence and bombings, as this may lead to the disruption of civil status registration and issuance of official documents.
- Excessive pressure on employees: The Civil Status Directorate in Iraq suffers from intense pressure on employees, as a result of the large number of clients who need the services provided by the Directorate. The Directorate suffers from a shortage of human resources and material and technical resources, and this affects the quality of the services provided and increases the pressure. On employees, it leads to a delay in completing transactions, and this leads to a delay in completing work and providing services.
- Corruption: Corruption also poses a major challenge to the Civil Status Directorate in Iraq, as it affects the quality of services provided and leads to delays in completing work, in addition to exacerbating administrative and financial problems in the Directorate.
- Bureaucratic administrative procedures: The Civil Status Directorate in Iraq suffers from some bureaucratic administrative procedures, which leads to the complexity of service provision procedures. The bureaucratic procedures followed by the Directorate are another reason for delaying the completion of transactions and services provided, as some procedures require a lot of time and effort, which leads to confusion and delay in operations.
- Technology challenges: Employees at the Civil Status Directorate in Iraq face difficulty in taking advantage of advanced technology to facilitate management and registration processes, in addition to the lack of use of technology and computing in providing

- services, which leads to delays in providing services and increased burdens on employees.
- Ability to modernize: Civil Affairs in Iraq faces difficulty in modernizing and developing systems and procedures, which affects the quality of the services they provide and hinders meeting the needs of citizens (Hamid, 2017: p. 59).
 - Weak infrastructure: Iraq suffers from infrastructure problems, which affects the ability of the Civil Status Directorate to provide services in an effective manner.
 - Employment issues: The Civil Status Directorate in Iraq suffers from employment issues, as there is political interference in recruitment and many employees are appointed without respecting the necessary conditions and standards.
 - Weak Funding: The Civil Status Directorate in Iraq faces weak funding, which affects its ability to effectively provide services, modernize infrastructure, and train staff.
 - Legal Challenges: The Civil Status Directorate in Iraq faces legal challenges regarding laws and regulations related to the provision of services, and non-compliance with legislation and regulations can disrupt the work of the Directorate.
 - Challenges of religious and ethnic diversity: The Civil Status Directorate in Iraq faces the challenges of religious and ethnic diversity, as this can lead to difficulty in providing services equally and fairly to all.
 - Immigration and Refugee Challenges: Iraq suffers from significant challenges regarding immigration and refugees, and the Civil Status Directorate faces challenges in providing services to people who live outside Iraq or who have complex legal situations.
 - Challenges of crimes and fraud: The Civil Status Directorate in Iraq faces challenges regarding crimes and fraud that are carried out in diverse ways, and this can lead to disruption of the work of the Directorate and harm to citizens (United Nations Report, 2021: p. 67).

4. Results

Based on the above, it is responsible for registering the civil status and nationality of citizens, and it consists of several directorates, sections, and divisions, including the Directorate of Inspection and Audit - whose work is undertaken by a director and a sufficient number of employees. Its duties are to inspect directorates and departments of civil status and audit the work of civil registry secretaries, and the Directorate of Administration and Personality - is responsible for Its work is a director and enough employees. The Directorate of Basic Records - its work is managed by a director and a sufficient number of employees. It completes civil status transactions and marks their facts in the first copy of the civil registry. The Directorate of Registration and Events - its work is managed by a director and enough employees, and its duties are to address issues related to the subject of facts. Civil status for Iraqis and foreigners residing in Iraq, and the Old Qayyum Directorate - its work is handled by a director and enough employees, and its duties are to control all old registrations for the years 1934 and 1947, as they are the original entries for those registrations. It also carries out all related procedures and intelligence and is responsible for providing the official authorities with copies of Entries from the mentioned records.

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