



The Meaning of Independence in Local Institutions from Neutrosophic Perspective

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Abstract: It is well known that the term vagueness is spread in all aspects of our lives, this manuscript will clarify the meaning of independence (strict meaning of independence, the illusory meaning of independence, Oscillating between the true meaning of independence, and the fallacy of claiming independence and not applying it), this triplet actually refers to the three components that the Neutrosophic theory standing on which is (truthiness, falsity, indeterminacy), the strategy of applying the notion of independency in the local institutions, enlighten on the allegation of applying the independency notion in some governments' institutions without a real impact of this term, and studying the meaning of independence from the perspective of a country legal system, all these issues and some comparisons in applying the term (independency) between some countries such as Iraq, France, Algeria, USA, etc. have been enclosed in this article.

Keywords: Neutrosophic Notion of Independency, Neutrosophic Theory, Administrative and Financial Independence, Local Institutions, Iraqi Law, British Law, French Law,

1. Introduction

It is well known that there are three kinds of authority in quite several countries which are: legislative authority, executive authority, and judicial authority, each of them consists of some additional internal institutions, such as, in Iraq the Federal Judicial Authority consists of:

- 1- The Supreme Judicial Council,
- 2- The Federal Supreme Court,

- 3- The Court of Cassation,
- 4- The Public Prosecution Service,
- 5- The Judicial Supervision Authority,
- 6- Other federal courts regulated by law,
- 7- Central Criminal Court.

The first phrase that we will see in what the English jurist Howard Machin [1] expressed that contradicts applying the term (independence) in the local institute is (According to logic and reason, it is difficult to accept the existence of disorganized bodies in the legal system of the state, and accordingly, the subjection of local institutions to parliamentary and judicial oversight does not affect their independence) .

The text mentioned above (in our opinion) is somehow regarded as a limitation for the notion of – independence- especially for those Independent Bodies and Institutions in Iraq such as:

- 1- The High Commission for Human Rights,
- 2- The Independent High Electoral Commission,
- 3- The Integrity Commission

All the above bodies and institutions are independent commissions subject to the oversight of the Council of Representatives.

Our question that should be raised is:

How could we call these commissions independent commissions but there is a subjective oversight on them by the Council of Representatives? This means that not all local institutions have the same degree of independence.

The following bodies are also independent

- 4- The Central Bank of Iraq,
- 5- The Board of Financial Supervision,
- 6- The Communications and Media Commission,
- 7- The Sunni Endowment Office,
- 8- The Shiite Endowment Office,
- 9- The Christian Endowment Office

All the above bodies (from 4 to 9) are administratively and financially independent.

- 10- The Martyrs' Foundation is affiliated with the Council of Ministers. / So how can it be independent with belonging to the Council of Ministries?!
- 11- The Federal Public Service Council regulates the affairs of the federal civil service, including appointment and promotion.

In the literatures, the notion of independence of local bodies is defined as

Definition 1: Independence means that local institutions are not subject to presidential control or guardianship, and do not receive orders or instructions from any other party. The executive authority also does not have the freedom to dismiss its members. However, independence does not mean that these bodies operate separately from the goals of the government, but rather are considered supportive bodies for government policies.

Article 102 of the Iraqi Constitution states: The High Commission for Human Rights, the Independent High Electoral Commission, and the Integrity Commission are independent bodies subject to the oversight of the Council of Representatives, and their work is regulated by law.

If a comparison between the above definition of independence and Article 102 of the Iraqi Constitution states has been made. We can conclude from this that the concept of independence is a concept restricted by conditions and determinants, consequently, we can say that the independence notion needs to be independence, the contradiction here is clear, how could these bodies be completely independent such as the Integrity Commission wherein this body is subjected to the oversight of the Council of Representatives?! Eventually, we can say, that there is no local institution that is completely independent, but it is either partially independent or There is a claim that it is independent, but this independence is merely apparent.

The importance of this research lies in considering the administrative and financial independence of local institutions as a vital topic that contributes to enhancing the effectiveness and efficiency of institutions' performance, which is positively reflected in the provision of public services and the achievement of sustainable development. This topic can be addressed by conducting a comparative study between Iraqi law and the laws of some countries such as British law, French law, Algerian law, etc. to review some contradictions and some similarities and differences in this context. The comparative study between laws allows understanding how different countries organize the independence of their local institutions, which helps in identifying strengths and weaknesses and providing recommendations to improve legal and regulatory frameworks.

Definition 2: [2] The neutrosophy considers every idea $\langle A \rangle$ together with its opposite or negation $\langle \text{anti}A \rangle$ and with their spectrum of neutralities $\langle \text{neut}A \rangle$ in between them (i.e. notions or ideas supporting neither $\langle A \rangle$ nor $\langle \text{anti}A \rangle$). The $\langle \text{neut}A \rangle$ and $\langle \text{anti}A \rangle$ ideas together are referred to as $\langle \text{non}A \rangle$. Neutrosophic Set and Neutrosophic Logic are generalizations of the fuzzy set and respectively fuzzy logic (especially of intuitionistic fuzzy set and respectively intuitionistic fuzzy logic).

2. Organizational Independence Features

In order to provide aspects of organizational independence for local institutions, we need several basic requirements, the most important of which are:

- 1- Diversity of members of these institutions in addition to their multiple experiences to enhance their ability to make decisions optimally.
- 2- The existence of a law that guarantees that no member can combine more than one job at the same time, which may affect the independence of these institutions.
- 3- The existence of protection for these members from any external interference that may affect their official decision-making.
- 4- The period of membership of these members in these institutions may affect the neutrality and independence of their official decisions. For example, if the membership period exceeds the duration of the parliamentary session and the duration of the government, this will enhance the independence of these institutions from the political influences of the government and parties.

2.1. Comparison Study for the first Requirement (Diversity of Institutional Members)

The legal texts regulating the formation of local institutions, in general, have been reviewed, and the diversity of the composition of the members can be observed through them. For example, in Algeria, the bodies of the independence of the authorities are characterized by the diversity of the composition of their members, as the Competition Council consists of nine members, the Banking Commission consists of six members, the Stock Exchange Regulation and Supervision Committee consists of seven members and the Monetary and Credit Council consists of nine members. The members of these bodies are appointed by a decree issued by the President of the Republic, except the Chairman of the Stock Exchange Regulation and Supervision Committee who is appointed by the government, in addition to the need for diversity in terms of experience and specialization to achieve the objectives of local institutions; these bodies were established to meet sensitive and specialized activities, and therefore their composition of professionals and specialists is essential [3].

In France, the law on the Ombudsman of the Republic stipulates that the appointment of the mediator is made by decree of the Council of Ministers for six years [4], and the mediator chooses his assistants and assistants from among civil and military employees [5], as is the case for the Competition Council, which consists of seventeen members appointed by decree for six years. The Council is composed of eight members representing the judicial bodies (Council of State, Court of Cassation, Court of Auditors, or other ordinary and administrative courts), four members chosen based on their specialization in the field of competition and consumption, and five others appointed based on their activity in the production and domestic trade sector. In addition, a government commissioner is appointed within the Council by decision of the Minister of Economy to represent the State's point of view [6], as is the case with the law of the Supreme Council for Audiovisual Communication, which provides for the Council to be composed of nine members [7].

In the United States, the matter is no different from what we mentioned above, with regard to independent regulatory commissions, the American legislator uses the term “independent regulatory agencies or commissions” to refer to local institutions [8]. For example, the Federal Trade Commission consists of five members, the Equal Employment Opportunity Commission consists of fourteen members and the Federal Savings Board consists of seven members. These members are appointed by the President with the approval of the Senate [9].

In Britain, a common characteristic of semi-independent NGOs is that British jurist and legislators use the term “semi-independent NGOs” to refer to local institutions in general, which are characterized by their collective management [10]. For example, the British Broadcasting Corporation (BBC) consists of a chairman, a deputy chairman, and several members who form the board of directors. The Minister appoints these members on behalf of the Crown and in consultation with the Prime Minister for five years. The chairman of the institution enjoys a strong executive position [11]. While in Iraq, members of local institutions are appointed upon the recommendation of the Council of Ministers and the approval of the Council of Representatives, according to the text of the Constitution, which states: “The Council of Ministers shall exercise the following powers: “Recommending to the Council of Representatives the approval of the appointment of holders of special ranks” [12]. In another context, the Constitution stipulates the powers of the Council of Representatives, including: “Approving the appointment of ambassadors and holders of special ranks based on a proposal from the Council of Ministers.”[13]

A collective and diverse nature characterizes the formation of all independent bodies, and this is clearly evident in the legal texts regulating their establishment. For example, the Law of the Independent High Electoral Commission stipulates that the Board of Commissioners shall consist of nine members, at least two of whom shall be chosen from among the legal experts by a majority in the Council of Representatives after their nomination by the Council of Representatives Committee. They must be qualified and experienced, and must have a good reputation for competence, integrity, and independence, taking into account the representation of women [14].

The Law of the High Commission for Human Rights in Iraq also stipulates the formation of a committee of experts consisting of representatives of the Council of Representatives, the Council of Ministers, the Supreme Judicial Council, and organizations Civil society and the United Nations Human Rights Office in Iraq, whose number does not exceed fifteen members [15], as the Council consists of eleven original members and three reserve members, who are chosen after being nominated by the committee, and their selection is approved by an absolute majority of the number of members present from the Council of Representatives [16].

From the Neutrosophic perspective, we can conclude that despite of claiming of all above governments councils and their representatives that the diversity of members in the forementioned bodies will maintain a kind of independency, but there are still a kind of vague or suspicious when we will take the statement of the English jurist Howerd Machin in consideration who has pointed out that "the impartiality of the members may be questionable, since the power of appointment lies

with the minister" [1], that is the heads of these organizations are usually chosen by the government, represented by the prime minister or the relevant minister.

2.2. Not to Combine Two or More Jobs for any Member of Independent Bodies

To ensure the full independence of members of independent bodies, it is required that they not combine their work in the body with any job of an executive or legislative nature. This guarantee is reinforced by general constitutional principles, where the combination of executive and legislative functions is prohibited. In France, for example, its constitution stipulates that the functions of members of the government are incompatible with any legislative activity, as well as any representative task of a national nature or any job in the public sector or other professional activity [17]. In the United States of America, the constitution stipulates that no member of the Senate or House of Representatives may combine his membership in Congress with any civil office under the authority of the federal government during his term of election. It is also prohibited for anyone holding a position in the United States government to become a member of either house of Congress while continuing in his government position [18]. In Iraq, the constitution clearly stipulates that it is not permissible to combine membership in the House of Representatives with any other official job or position [19]. It should be noted that the matter did not stop at the limits of general constitutional principles; the laws specific to independent bodies were keen to confirm this fact in particular. For example, in France, the Ombudsman loses his position if he is elected to parliament, as he may not run for parliament or municipal councils during his term as Ombudsman. Similarly, the decree of 4th February on the French High Audiovisual Council, as well as the law on the French Competition Council, confirm this policy [20]. American law further prohibits directors of specialized agencies from holding positions in companies or institutions that were previously subject to their control. In addition, Congress requires that agency members not belong to any political party after their appointment [6]. In Iraq, this rule has been repeated in the texts of the laws of some independent bodies, such as the Law of the Financial Control Board, where the head of the board, his deputies, heads of departments, or those in charge of control may not practice any other profession or work outside official working hours, except for publishing books and research, giving lectures, and translating, as well as membership in professional and civil society councils and organizations.

From the Neutrosophic concept, what if X of the agency members were not affiliated with any political party after their appointment, but previously and before the appointment they belonged to certain political parties and then resigned from their parties after their appointment and their loyalties remained to their parties and some of their actions within the government agencies lean in one way or another towards the parties to which they belonged previously, here we will face a kind of ambiguity and indeterminacy in the way these members perform. So how do we guarantee the independence of the local institution?! Sometimes it is possible to choose completely independent members who have never belonged to certain parties to ensure polishing the image of the independent institution, but the number of these actually independents will be small so that it does

not affect decision-making within the local institutions whose decisions are supposed to be independent, thus we return to the same neutrosophic opinion that confirms that mixing the concept of apparent independence (hidden dependency) with the concept of real independence creates confusion in the real meaning of the concept of independence.

2.3. Protecting Members from External Interference

Members of independent bodies enjoy a guarantee against dismissal from office, which ensures their independence in performing their duties. For example, in the Arab Republic of Egypt, this guarantee was explicitly stated in the suspended 2012 Constitution, which states: (The President of the Republic appoints the heads of independent bodies and oversight bodies after the approval of the Shura Council. They may not be dismissed except with the approval of the majority of the members of the Council, and they are prohibited from doing what is prohibited for ministers). In Algeria, it is noted that the heads of independent administrative authorities are appointed by a decree issued by the President of the Republic and are not dismissed except in the event of committing a serious professional error or in exceptional circumstances [1].

In France, the texts regulating the Republican Mediator clearly included this guarantee, as the mediator can only be dismissed from his position if he is unable to perform his duties, and this is done based on a request from the President of the Republic addressed to a committee consisting of the Vice-President of the State Council, the President of the Cassation Court, and the President of the Accounts Court, and the decision to dismiss the mediator must be taken unanimously by the members of the committee [20], while the President of the Competition Council and his deputies can't be dismissed before the end of their six-year term [6]. Thus, the French Council of State confirmed in its ruling issued on August 27, 1989, that members of independent bodies in France enjoy guarantees that protect their independence, and the ruling ended this system by canceling the negative decision resulting from the Prime Minister's silence regarding the request of Mr. Ordonneau, who was dismissed from his position as President of the Competition Council before the end of the six-year term specified for his term, as well as the obligation to pay compensation as a result of this cancellation based on Mr. Ordonneau's request. This confirms the legal protection of the independence of members of independent bodies in France [21].

In the United States, the political and legal situation confirms the independence of independent bodies in dealing with the powers of the US President to dismiss their members. This is clearly shown in the case of the executor of the will of (Humphrey) v. the United States of America in 1935. In this case, US President Roosevelt dismissed Mr. (Humphrey), who was a member of the Federal Trade Commission, during the period of the program called (New Deal). President Roosevelt's dismissal of Mr. (Humphrey) sparked a legal controversy due to its repercussions on the independence of the Federal Trade Commission and interference in its independent work. The case was discussed before the Supreme Court, where the court ruled that the president does not have the absolute authority to dismiss members of independent agencies without a legitimate legal reason, highlighting the keenness of the American legal system to protect the independence of independent

bodies in performing their functions without illegal interference, believing that he was seeking to thwart policies related to this program. Mr. (Humphrey) died shortly after his dismissal. His wife filed a lawsuit, claiming that the president does not have the right to dismiss members of independent regulatory bodies for political reasons. Accordingly, the Supreme Court has ruled that independent regulatory commissions and agencies are not part of the executive branch, but rather perform quasi-legislative and quasi-judicial functions. The President's use of his power to dismiss could certainly lead to the politicization of these commissions and agencies. Based on this ruling, the Supreme Court has confirmed that independent regulatory agencies are not subordinate to the executive branch and are not affected by current policies. Therefore, the President's use of his power to dismiss members of these agencies could jeopardize their independence and functions and expose them to inappropriate political influences, thus undermining their quasi-legislative and quasi-judicial role in the government system. In the same vein, although the US Constitution grants presidents the right to make appointments during the period of the Senate's recess without the need for its approval, the Senate imposed a limit to this power, which was represented by the passage of a law prohibiting the payment of salaries to officials who served for more than one year without the approval of the Senate. This law has greatly restricted the use of this authority, as it has only been used once since its issuance during the Roosevelt era, which has continued until the present time, as it was used for the only time during the Bush era (W. Bush) in 2002 [22].

In Iraq, independent bodies enjoy this guarantee, as their officials are held accountable under the constitution according to the procedures for questioning and dismissing ministers. For example, the Council of Representatives can hold discussions and examinations of the performance of the heads and members of independent bodies, and in the event of serious violations, the parliament can decide to dismiss them by the required majority of votes, which represents an application of the principle of democratic accountability in the management of public affairs [23]. Some laws specify cases for terminating the membership of the head and members, as these cases are determined based on specific criteria that include exceeding the legal age, committing serious violations related to the performance of the job, or the inability to perform the duties stipulated in the law, or submitting an official resignation [24]. In the Federal Public Service Law, the Iraqi legislator did not preferably use the term dismissal, but rather adopted the term exemption. Exemption from the job according to the provisions of the Law on Discipline for State and Public Sector Employees means the permanent removal of the employee from the job, without the possibility of re-employment in state departments and the public sector [25].

2.4. Term of Membership (Term of Office)

The organic guarantees relate to the term of office, where the term of office of members of independent bodies usually exceeds the term of the parliamentary session and the term of office of the government. This arrangement enhances the independence of local institutions from the political influences of the government and parties. For example, in France, the term of office of the

Competition Council and the Ombudsman of the Republic is six years, as is the case for the High Council for Audiovisual Communication [4].

In the United States, the term of office of members of independent bodies varies. For example, the term of office of the Federal Trade Commission is seven years, while the term of office of the Equal Employment Opportunity Commission is five years [26]. In Britain, members of the BBC Foundation are appointed for five years [11].

In Iraq, the term of office of members of independent bodies varies in a variable and irregular manner, with the term of office of the Independent High Electoral Commission and the Integrity Commission being five years, while the term of office of the Board of Financial Supervision and the High Commission for Human Rights is four years [27].

3. Features of Financial and Administrative Independence

For local institutions to enjoy the features of financial and administrative independence, they must have the following:

- 1- They must have an independent budget that enables them to carry out their functions without external interference.
- 2- They must have the ability to determine and manage their financial resources without being subject to external authorities.
- 3- They must be able to make administrative and executive decisions that serve their goals without external interference or influence.
- 4- Their structure and management must be multi-party to enhance transparency and accountability.
- 5- They must have the ability to organize and implement their tasks in accordance with the specified laws and regulations without external interference or pressure.
- 6- They must follow internal accountability procedures that preserve their independence and enhance their integrity and efficiency.
- 7- The existence of legal protection that enables them to protect members and the institution from any interference or attempt to influence their work in illegal ways

The existence of the above features guarantees the independence of the body or organization so that it can perform its tasks efficiently and independently without external influences that threaten its independence.

The aspects of independence are represented in two basic pillars:

- 1- Financial independence of local institutions.
- 2- Administrative independence of local institutions.

In the next two paragraphs, we will focus on explaining each of the aforementioned pillars in detail.

3.1. Financial independence of local institutions.

Financial independence of local institutions generally means the ability of local institutions to form their financial resources effectively and then choose policies and methods that reflect their actual independence. It is not enough to have financial responsibility and authority to manage resources, as independence must be realistic rather than merely formal theoretical. The French jurist Fidel explains this point by saying that the independence of public institutions, which depend heavily on financial grants provided by the central authority, can be an apparent, ineffective independence. In other words, real independence is achieved more within the framework of the law rather than in practical reality [28].

One of the manifestations of the financial independence of local institutions is the existence of separate financial accounts for them [29]. Local institutions are distinguished by their financial accounts that are separate from the accounts of the state or the bodies to which they belong organically, in addition to the existence of an independent budget that differs from the general budget, which is an exception to the principle of budget unity. This exception is justified by the need to achieve the independence enjoyed by local institutions and their right to legal personality [30].

In France, since independent administrative authorities do not have legal personality, their budget is either linked to the Prime Minister, as is the case with the Superior Council for Audiovisual Communication and the Commission for Access to Administrative Documents, or to a minister, such as the Minister of Economy in the case of the Competition Council [31]. From neutrosophic perspective, this is not truly independence, but it is partially independent mixing with partially dependent which supports the notion of neutrosophic philosophical aspects that offered in def. (2).

In Iraq, all local institutions enjoy financial and administrative independence thanks to their legal personality, as stipulated in Article (2) of the Integrity Commission Law, which describes it as an independent body subject to the oversight of the House of Representatives, and with financial and administrative independence. Likewise, Article (5) of the Federal Financial Control Board Law stipulates that the Board is a financially and administratively independent body with legal personality.

3.2. Administrative Independence of Local Institutions.

Local institutions enjoy administrative independence, and we have previously mentioned that this independence is distinct in nature from the independence enjoyed by public institutions, as they are not subject to presidential and supervisory control.

Among the elements of administrative independence is the ability of local institutions to formulate their internal regulations independently [32]. In this context, the ability of local institutions to choose the rules that regulate their work without the need for ratification by the executive authority is evident, in addition to their freedom to choose their members and set rules for ending their duties. The laws specific to local institutions have confirmed this aspect, as stated in France in the decree of 26 July 1989 on the organization and functioning of the High Council for Audiovisual Communication [33]. Similarly, in Britain, NGOs have the authority to appoint a number of their employees without the need to follow the procedures in force for selecting public employees [34].

In Iraq, the Integrity Commission Law No. 30 of 2011 referred to this, stating: "The Commission has the right to issue internal regulations to organize its departments" and allows the Commission to determine the formations of its departments under this law, which facilitates the organization of its activities and management of its internal affairs in an independent manner according to the standards and needs it determines [35], as well as the Independent High Electoral Commission Law No. 11 of 2007, which stipulated: (The Board of Commissioners shall establish internal regulations for the Commission) [36]. However, the subordination of this authority in some cases and legal systems, such as in France, affects the regulatory authority granted to the government's president or the Prime Minister [37].

The subjection of the regulatory jurisdiction of some independent bodies to the regulatory authority granted to the Prime Minister is nothing more than a distribution of jurisdiction or a regulatory process to determine the jurisdiction of each of them, similar to the distribution of jurisdiction between the legislator and the government. It is worth noting that the rules issued by independent bodies must be consistent with the decisions issued by the Prime Minister or the Prime Minister. Independence appears from an administrative perspective in the inability to cancel or amend the decisions of independent bodies by a higher authority [38], but this

does not prevent the legislative authority from interfering in the systems established by local institutions; independence here is in the context of resisting governmental influence, which means that the legislator reserves the right to amend the rules related to these bodies, whether in terms of their formation, appointment of their members, or determination of their powers [39]. In the United States of America, Congress in its two chambers (the House of Representatives and the Senate) has the right to use the legislative path to amend the regulations of independent agencies, when either chamber deems those regulations inappropriate or illegal [33]. In addition to the manifestations of administrative independence mentioned above, it includes diversity in the composition of members in decision-making [39], and some legal texts related to independent bodies have revealed that reporting this nature does not require a text, as this can be inferred from their collective formation or taking the form of a committee or body. Administrative independence is also represented by its acquisition of legal personality, although there is a trend in jurisprudence that considers it not to be a decisive factor in measuring the degree of independence [1]. However, the arbitration of reality indicates otherwise, given the important results associated with granting legal personality as we mentioned. It is also mentioned that the appointment of a government commissioner in the independent administrative authorities in France to express its point of view does not affect functional independence [40]. On the other hand, it must be emphasized that administrative independence does not mean not being subject to oversight, as confirmed by the French State Council in its 2001 report, where it confirmed that independence does not exempt from responsibility.

The report on the administrative independence of local institutions, according to the aforementioned meaning, aims to strengthen the citizen's confidence in the political and administrative authority, and to ensure the fairness of state interventions [41]. From this standpoint, the administration was prevented from changing or canceling decisions issued by independent bodies except by virtue of a judicial decision [42].

4. Results

This section dedicated to four results have been concluded from this article:

1. Diversity of composition of members and comprehensive participation of the legislative and executive authorities in their appointment.
2. Guarantees against dismissal and protection from illegal interference.
3. Financial and administrative independence of local institutions.

4. Relative independence that appears in the subjection of bodies to oversight in its various forms.

These represent the basic points that distinguish the manifestations of independence of local institutions in many legal systems around the world.

5. Recommendations

We have reached a set of proposals that we think as capable of supporting the legal organization of independent bodies in Iraq, which are as follows:

1. We propose amending the constitution to ensure that the authority to appoint members of independent bodies is nominated by the Supreme Judicial Council and approved by the House of Representatives, in order to achieve the required independence in the face of the government.
2. We call on the Iraqi legislator to amend the term of office of members of independent bodies to six years, thus exceeding the term of office of the government and parliament, with no possibility of renewal.
3. We propose amending Article (61) Paragraph (e) of the eighth item of the Constitution so that the vote on the dismissal of officials of independent bodies shall be by a two-thirds majority.
4. We propose setting explicit and clear conditions for terminating the membership of members of independent bodies, based on what was applied in the Federal Public Service Law, to avoid any unspecified interpretation or explanation.

With regard to Articles (102), (103), and (104) of the Constitution of the Republic of Iraq, the terms liaison, responsibility, and oversight have raised wide controversy. We point out the following:

- A- The terms oversight and responsibility refer to one meaning, which is political oversight organized by Parliament based on the texts of the Constitution, embodying the principle of legitimacy. The Iraqi legislator must be satisfied with the term oversight only, as mentioning responsibility implies direct oversight.
- B- The term liaison does not raise any problem related to the independence of independent bodies, as the existence of loose bodies in the legal system cannot be considered logical. The connection of independent bodies to different authorities does not mean submission to presidential or guardianship oversight, but rather aims to embody legal and political unity. It must be emphasized that determining the connection of independent bodies to different authorities depends on the criterion of function; if the function is executive, a report on its connection to the Council of Ministers must be submitted, and if it is supervisory, its connection to the House of Representatives must be specified.

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27. Item (First) Legal Article (7) of the Independent High Electoral Commission Law No. 11 of 2007 as amended, Item (Third) Legal Article (4) of the Integrity Commission Law No. 30 of 2011, Item (Second) Legal Article (22) of the Federal Financial Supervision Board Law No. 31 of 2011 as amended, and Item (Sixth) Legal Article (8) of the High Commission for Human Rights Law No. 53 of 2008 as amended.
28. Saad Al-Aloush: The Theory of Public Institution and Its Application in Iraqi Legislation - A Comparative Study, Dar Al-Nahda Al-Arabiya, Cairo, 1968, p. 85.
29. The text of clause (fourth) of legal article (9) of the Independent High Electoral Commission Law No. 11 of 2007, as amended, states that the Commission shall have an independent annual budget prepared in accordance with the recognized principles and rules proposed by the Board of Commissioners in consultation with the Ministry of Finance, approved by the Council of Representatives and included in the general budget of the state), as stated in clause (fifth) of legal article (12) of the High Commission

- for Human Rights Law No. 53 of 2008, as amended: (Proposing the financial budget of the Commission and submitting it to the Council of Representatives for approval), and also the text of clause (second) of legal article (6) of the Integrity Commission Law No.
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