The Impact of the Characteristics of the Executive and Legislative Authorities on the Management of the National Economy and the Guarantee of Citizens' Economic Rights

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Abstract: *This research examines the impact of the characteristics of the executive and legislative authorities on the management of the national economy and the guarantee of citizens' economic rights. It does so by analyzing the nature of the constitutional and legal competences exercised by each authority in the field of formulating, implementing and supervising economic policy. The research proceeds from the hypothesis that the effectiveness of economic protection is not achieved merely by providing for rights in the constitution; rather, it depends on a balanced distribution of competences among a government that possesses the instruments of planning and implementation, a parliament that holds the powers of legislation, accountability and budget approval, and constitutional and administrative courts that intervene when either authority exceeds the limits of its competence or when the administration refrains from performing a duty necessary for the protection of rights. The research concludes that the Iraqi Constitution of 2005 and the Egyptian Constitution of 2014 set out a general framework for the protection of economic and social rights. However, this framework does not produce its practical effect except through a transparent public budget, effective labor and social-security legislation, genuine parliamentary oversight, and judicial review that prevents the budget law or economic administration from becoming a field for exceeding rights or competences. The research has been reorganized into two main sections: the first addresses the role of the executive authority in managing the economy and guaranteeing economic welfare, while the second addresses the role of the legislative authority in regulation and oversight, with legal texts and judicial decisions distributed within the branches according to their substantive context.*

Keywords: Executive authority, legislative authority, national economy, economic rights, public budget, parliamentary oversight, Iraq, Egypt.

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Introduction

The management of the national economy in the modern constitutional state is no longer a technical matter isolated from the structure of the political system. Rather, it has become one of the most important forms in which public authority is exercised, because it is connected with the distribution of public resources, the determination of spending priorities, the regulation of labor and investment, and the guarantee of basic services and social protection. Accordingly, studying the relationship between the executive and legislative authorities in this field is not limited to identifying the theoretical competences of each authority. It also extends to explaining the impact of those competences on the citizen's economic life and the extent of the state's ability to transform constitutional provisions relating to labor, social security, health care and social justice into practical guarantees capable of implementation and accountability.

The importance of this subject is especially seen in Iraq and Egypt. This is because both countries agree that economic and social rights are very important and are part of their constitutions,However these rights only work well if there are systems in place to make sure they are enforced. These systems include the government, the parliament and groups that watch over them In Iraq the Prime Minister is in charge of making decisions for the country. The Council of Ministers which is like a group of ministers helps plan and carry out these decisions. They also prepare the countrys budget and plans for development On the hand the Council of Representatives is like the parliament. They make laws. Watch over the governments actions. The Council of Ministers has to give them the budget plans to approve The Council of Representatives can change how the money in the budget is spent. They can move money from one part of the budget to another. They can even reduce the amount of money spent. If they need to spend money they can ask the Council of Ministers to increase the budget This balance between the governments power to make decisions and the parliaments power to oversee them is very delicate. It is set up this way from the beginning.

* The systems in Iraq and Egypt show that they value social rights.
* The effectiveness of these rights relies on mechanisms.
* In Iraq the Prime Minister and Council of Ministers work on policies and budgets.
* The Council of Representatives. Approves these plans.
* There is a balance, between the governments initiative and the parliaments oversight..

In Egypt, the Constitution of 2014 made the economic system socially committed to guaranteeing equal opportunities, the fair distribution of development returns, the reduction of income disparities, and adherence to a minimum wage and pension that ensure a decent life. It also made productive, service and information-based economic activities among the pillars of the national economy, obligated the state to provide an investment-attracting climate, increase production and encourage exports, and at the same time provided that the House of Representatives assumes the authority to legislate, approve the general plan for economic and social development and the public budget, and oversee the actions of the executive authority. Thus, the Egyptian Constitution does not separate economic policy from democratic oversight of it, nor does it leave economic protection to the executive authority alone.

The research problem is represented in the following question: To what extent do the characteristics of the executive and legislative authorities contribute to the management of the national economy and the guarantee of citizens' economic rights? What are the limits of the balance between the government's power to plan and implement, the parliament's power to legislate and oversee, and the judiciary's role in preventing legislative or administrative deviation from constitutional guarantees?

This research utilizes a comparative analysis approach through a comparison of constitutional and legal text in Iraq versus Egypt and comparing it to available experimentation via judicial lawmaking executed by respective judicial systems (i.e., Fed. Supreme Court of Iraq's decisions regarding budgeting and fiscal authority; and the judgments rendered by Egypt's Administrative Court concerning minimum wage law). The focus here is to determine if/how the legal text can serve as a means for providing judicial protection to individuals' economic rights..

The organization of the research required that it be divided into only two sections, each comprising two branches. The first section deals with the impact of the characteristics of the executive authority on the management of the national economy and the guarantee of economic rights. The second section deals with the impact of the characteristics of the legislative authority on enacting economic laws and overseeing executive performance.

Section One: The Impact of the Characteristics of the Executive Authority on the Management of the National Economy and the Guarantee of Economic Rights

The executive authority is the principal driver of economic policies in the state, because it is the body that possesses the instruments of planning, administration and implementation. It prepares the draft budget, proposes development programs, directs ministries and public institutions, manages financial and natural resources, and implements labor, social-security and economic-protection laws. Yet this position does not mean that the executive authority is given an unrestricted hand. Its competence in the economic field is restricted by the Constitution, the law, and parliamentary and judicial oversight. Accordingly, the characteristics of the executive authority are manifested in the fact that it is an initiating, planning and implementing authority, while at the same time it is an authority accountable before Parliament and subject to the judiciary when it violates the limits of competence or falls short in protecting rights.[1]

Branch One: Executive Competence in Formulating and Implementing Economic Policies

The economic role of the executive authority in Iraq rests on a clear constitutional basis. Article 78 of the Constitution of the Republic of Iraq of 2005 provides that the Prime Minister is the direct executive officer responsible for the general policy of the state. Article 80 further provides that the Council of Ministers is competent to plan and implement the general policy of the state and general plans, supervise the work of ministries and entities not associated with a ministry, and prepare the draft public budget, final accounts and development plans. This arrangement makes the government the center of gravity in the construction of economic policy, because it possesses the technical data and administrative capacity to estimate revenues and expenditures and determine sectoral priorities. For this reason, the preparation of the budget

1 Musaddaq Adel Talib, Constitutional Judiciary in Iraq, Dar Al-Sanhouri, Baghdad-Beirut, 1st ed., 2015, p. 150 et seq.

cannot be viewed as a mere accounting exercise; rather, it is an expression of a political and economic choice that determines the volume of spending on services, investment, social protection and reconstruction.

The Iraqi Federal Financial Management Law No. 6 of 2019 confirms this meaning when it defines the federal public budget as a financial plan that expresses the programs and projects the state intends to undertake and that includes planning schedules for estimating revenues and current and investment expenditures for one fiscal year. This definition indicates that the budget is not merely an accounting document, but a legal and economic instrument that translates the government program and determines the resources for implementation. The final account also constitutes a subsequent instrument for revealing the extent to which the executive authority complied with the allocations and objectives approved in the budget.2

The Ministry of Finance, as well as the respective ministries throughout the economy, does not perform a fully impartial role when preparing revenue and expenditure estimates. The ministries will therefore have a hand in explaining to others how the state's operational economic model is to function. If the State provides greater capital investment for public infrastructure, that will affect both job creation and general growth. Conversely, if the State reduces any form of subsidy or increases the cost of services for low-income groups, this will impact their purchasing power. If the Ministry of Finance does not file final accounts or produce applicable financial reports in a transparent manner, this restricts both the Parliament's ability and society's capability to hold the Executive accountable for its actions. Accordingly, sound economic governance is dependent on the ability of the Executive to develop a credible plan to conduct government business and to hold the Executive accountable for how that plan is executed after the fact..

The Iraqi constitutional judiciary has ruled on the executive's other executive responsibilities regarding the budget. Federal Supreme Court decision number 88/federal of 24 July 2024 states that the Republic's President and the Council of Ministers can submit drafts to the Council of Representatives except for the Public Budget Law and the final accounts. Due to constitutional article 80 fourth limiting submission ability, the President of the Republic cannot submit these two laws and they must be submitted only by the Council due to their specific authority under this article. Therefore, this ruling indicates, among other things, that the budget does not constitute an ordinary draught law, but rather is a complex act of constitutional law that develops as follows: the government is an authorised entity, acting within its capacity under the constitution, developing the budget; once the budget is developed by the government, it goes to the Parliament for approval and oversight of the government activity..

The matter is not limited to determining the body that initiates the draft budget. It also extends to the limits of governmental action in federal or decentralized systems. In Iraq, federal economic policy overlaps with the budgets of regions and governorates. This overlap becomes more acute in the areas of oil and gas and revenue distribution. Therefore, the executive

2 Muhammad Taqa and Huda Al-Azzawi, Economics of Public Finance, Dar Al-Masirah for Publishing, Distribution and Printing, Amman, 1st ed., 2007, p. 203 et seq.

authority is required to formulate economic plans that achieve balanced development among governorates and to rely on declared criteria in distributing projects and services, because the absence of criteria transforms public resources into an instrument of political bargaining rather than a means of guaranteeing economic rights.

In Egypt, the executive authority bears the duty of translating the economic provisions of the Constitution into practical policies. Article 27 of the Egyptian Constitution makes the economic system socially committed to guaranteeing justice, equal opportunities and the fair distribution of development returns. Article 28 obligates the state to protect productive, service and information-based economic activities and to provide an investment-attracting climate, while Article 29 protects agriculture and rural development. Consequently, the government is not merely a mechanical executor of laws; it is the body that formulates the programs and instruments necessary to develop productive sectors, regulate markets and protect vulnerable groups.

The seriousness of this role becomes apparent when the government delays the formulation of policies or adopts financial measures that do not observe social justice. Economic rights may be violated by omission, not only by a positive decision. Refraining from issuing regulations, from submitting the necessary draft laws, or from implementing the budget on time may lead to the disruption of services, job opportunities and social security. For this reason, judicial and administrative review of negative administrative decisions remains a necessary means of compelling the administration to exercise its competence when omission affects rights.

It is therefore clear that the characteristic of the executive authority in the economic field is a dual one. On the one hand, it is an initiating authority that possesses the information and technical capacity for planning; on the other hand, it is an authority constrained by the constitutional purpose of economic policy, namely the protection of the human person, the improvement of living standards and the achievement of development. If economic policy is separated from this purpose, it becomes a rigid financial administration; but if it is connected to it, it becomes an instrument for guaranteeing rights and achieving social justice.[3]

Branch Two: The Role of the Executive Authority in Social Protection and the Promotion of Economic Welfare

The role of the executive authority in managing the economy is not completed merely by preparing the budget and general plans. In a social state, the economy is not measured only by indicators of revenues and expenditures; it is also measured by the state's ability to protect the individual against the risks of unemployment, illness, disability and old age, and by its ability to guarantee a fair wage, a safe working environment, and adequate health and social services. For this reason, Article 30 of the Constitution of the Republic of Iraq of 2005 provides that the state guarantees to the individual and the family - particularly children and women - social and health security and the basic elements of living a free and dignified life. It also guarantees to the individual and the family an appropriate income and suitable housing. The state further

3 Abdul Hussein Al-Anbaki, Iraq's Oil Economy: The Chaos of Development and Options for Takeoff, Center for Iraq Studies, Baghdad, 2013, p. 35 et seq.

guarantees social and health security to Iraqis in cases of old age, illness, incapacity for work, homelessness, orphanhood or unemployment, and works to protect them from ignorance, fear and poverty.

This provision establishes a positive obligation upon the executive authority. It is not sufficient for the state to recognize the right to social security in the Constitution; it must establish institutions capable of implementing that right, allocate financial resources to it in the budget, and put in place systems of registration, follow-up and disbursement that do not permit the disruption of entitlements. In this regard, Iraq's Workers' Retirement and Social Security Law No. 18 of 2023 stands out as an important legislative and executive instrument for expanding the umbrella of protection, because it moved social security from a limited framework to a broader one that includes private-sector workers and wider categories of informal work. It thereby responds to the idea that economic protection must not remain exclusively tied to public employment.

The Social Security Law must be read together with Iraqi Labor Law No. 37 of 2015. The Labor Law defines a worker as every natural person who works under the direction, supervision and management of an employer in return for a wage, whether the contract is written or oral, express or implied. The law also prohibits violation of the principle of equal opportunities and equality of treatment, and recognizes the worker's right to resort to the Labor Court when subjected to forced labor, discrimination or harassment in employment and occupation. These provisions show that the role of the executive authority is not confined to the management of public finance; it extends to enforcing labor rules, monitoring employers and ensuring that the worker has access to the competent judiciary when his or her right is violated.4

In Egypt, Article 27 of the Constitution provides that the economic system is committed to a minimum wage and pension that guarantee a decent life. Article 17 guarantees the state's provision of social-insurance services, and Article 18 recognizes every citizen's right to health and integrated health care. These provisions make the executive authority responsible for adopting practical policies for wages and health and social protection. They do not leave the matter to economic circumstances alone, because the state's function in this field is to strike a balance between the requirements of the market and the requirements of justice.

In this context, the judgment of the Egyptian Administrative Court in Case No. 21606 of Judicial Year 63, issued on 30 March 2010, is of particular importance. It obligated the state to set a minimum wage in society and produced the resulting legal effects. The Supreme Administrative Court later affirmed this approach by rejecting the government's appeals. The importance of this judgment lies in the fact that it considered the administration's abstention from activating the constitutional and legal obligation relating to a fair wage to be a negative administrative decision subject to review. Thus, the economic right moved from the level of constitutional declaration to the level of judicial compulsion, in harmony with the idea that

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4 Hanan Mohammed Al-Qaisi, Rights and Duties of Members of the Council of Representatives in Iraq, Bayt al-Hikma, Baghdad, 1st ed., 2011, pp. 101-103.

economic protection is not achieved unless the administration can be held accountable for omission just as it can be held accountable for action.

Comparative experience reveals that legal texts relating to social security and labor require a continuous executive will. The law may provide for the inclusion of informal workers, but implementation requires accurate databases, effective inspection offices, a mechanism for collecting contributions, independently managed funds, and financial control that prevents leakage of social-security funds. It also requires awareness-raising regarding workers' rights, because a worker who does not know his or her right or cannot access the Labor Court does not benefit from the protection theoretically granted to him or her.

The danger of weak implementation lies in the fact that it turns economic rights into deferred promises. If the government does not allocate sufficient resources for social security, health care or employment, and if it does not monitor the application of labor legislation, the constitutional text loses its practical effect. Therefore, the criterion for the success of the executive authority in this branch is its ability to transform constitutional guarantees into actual services and to make social protection part of economic planning, rather than merely an emergency response to crises.5

Accordingly, economic welfare is not an automatic result of growth; it is the result of specific executive and legislative choices. Public revenues may increase without citizens' lives improving if justice in the distribution of resources is absent. The budget may expand without protection being achieved if implementation is weak or corruption becomes widespread. For this reason, the efficiency of the executive authority must be measured by the extent to which its financial decisions are linked to rights to labor, social security, health and housing, and by the extent of its compliance with the positive obligations toward the individual and the family established by the Constitution and laws.

Section Two: The Impact of the Characteristics of the Legislative Authority on the Regulation and Oversight of Economic Policies

The legislative authority is characterized, in the economic field, by the fact that it does not manage the economy directly. However, it establishes the legal framework that allows economic administration to operate within legitimate limits, while at the same time possessing oversight tools that ensure the executive authority does not become a unilateral authority in the distribution of public resources. Therefore, the economic characteristics of Parliament appear in two inseparable functions. The first is legislative, represented by enacting economic and financial laws and laws on labor, social security and investment. The second is oversight, represented by debating the budget and final accounts, questioning ministers, requesting reports and forming committees. These two functions constitute an essential guarantee of economic

5 Sirwan Adnan Mirza Al-Zahawi, Oversight of the Implementation of the Public Budget in Iraqi Law, Master's Thesis, College of Law, University of Baghdad, 2008, p. 70 et seq.

rights when they are exercised on the basis of the public interest, not on the basis of quota-sharing or political pressure.6

Branch One: Legislative Competence in Enacting Economic Laws and Approving the Budget

The enactment of economic laws is one of the most prominent manifestations of the influence of the legislative authority on the management of the national economy. Law determines the tax system, regulates investment, competition and public contracts, recognizes workers' rights and social security, and lays down the general rules for the management of public funds. In Iraq, Article 61 of the Constitution provides that the Council of Representatives is competent to enact federal laws, oversee the performance of the executive authority, and approve the public budget and final accounts. Parliament thereby becomes a constitutional partner in shaping economic policy, not because it directly formulates the executive plan, but because it gives that plan its legal form and monitors its compliance with the Constitution.

Nevertheless, legislative competence over the budget is not absolute, because Article 62 of the Iraqi Constitution establishes precise limits on the role of the Council of Representatives. The draft public budget and the final accounts are submitted by the Council of Ministers to the Council of Representatives for approval. The Council of Representatives may transfer allocations among the chapters and sections of the budget and reduce the total amounts thereof. When necessary, it may propose to the Council of Ministers an increase in the total amount of expenditures. This means that Parliament may review, direct, reduce and transfer allocations, but it may not replace the government in creating new financial burdens without taking into account financial balance and the view of the executive authority.7

The Federal Supreme Court affirmed this balance in more than one application. Among these is Decision No. 24/Federal/2016, issued on 7 August 2016, concerning a challenge to provisions of the Federal Public Budget Law for 2016. The Court held certain financially related additions introduced by the Council of Representatives without referring to the government to be unconstitutional. This decision shows that Parliament, despite being the holder of legislative authority, may not use the Budget Law to introduce executive financial obligations outside the mechanisms drawn by the Constitution, because this disrupts the balance of competences and affects the government's ability to implement its financial program.

Another important ruling was issued on 28th May 2018, by the Federal Supreme Court. The Supreme Court's decision abolished and declared unconstitutional the provisions of Article 17 (paragraph 5) of the Federal Public Budget Law of 2018 that imposed a 200% fine on the importation of alcoholic beverages because it violated the constitutional principle that there can be no crime or punishment without a law. This ruling is significant because it clarifies that the

6 Hamza Abdul Hassan Amiyawi, Parliamentary Committees in the Legislative Process under the Constitution of Iraq, Dar Al-Sanhouri, Baghdad, 2013, p. 55 et seq.
7 Mohammed Taha Hussein Al-Husseini, The Financial Competence of the Legislative Authority in Iraqi Constitutions, Master's Thesis, College of Law and Political Science, University of Kufa, 2010, p. 92 et seq.

Budget Law cannot be a 'vacant vessel' through which punitive and/or financial measures can be imposed on individuals and do not conform to the appropriate constitutional protections. Furthermore, the decision reaffirms that the existence of a financial objective cannot justify the violation of the principles of constitutional legality..

In Egypt, Article 101 of the Constitution provides that the House of Representatives assumes legislative authority, approves the general plan for economic and social development and the public budget of the state, and oversees the actions of the executive authority. Article 124 regulates the submission of the draft budget to the House and provides that the House may not amend the draft in a manner that results in an increase in total expenditures unless it agrees with the government on sources of revenue that restore balance. It also provides that the Budget Law may not include any provision that would impose new burdens on citizens. In its philosophy, this provision is close to the Iraqi provision, because it balances Parliament's right of oversight and debate with the need to preserve the unity of the state's financial policy.

The role of Parliament also appears in investment and public-contracting laws. In Egypt, Law No. 182 of 2018 Regulating Contracts Concluded by Public Authorities aims to regulate the procedures for planning and implementing public contracts, achieve efficiency and effectiveness in public spending, and promote the principles of governance, publicity, transparency, integrity, freedom of competition, equality, equal opportunity and avoidance of conflicts of interest. These principles are not merely administrative matters; they are economic guarantees for citizens, because they prevent the waste of public funds and ensure fair access to economic opportunities.

In Iraq, the enactment of laws on labor, social security, investment, competition and consumer protection constitutes a direct legislative function for the protection of economic rights. Rights do not remain effective unless laws define the conditions for their exercise, the mechanisms for their protection, and the sanctions for violating them. Therefore, weak or ambiguous legislation is reflected in implementation. Likewise, the frequent referral of matters to instructions without controls may grant the administration broad authority, leading to unequal application among citizens.

Accordingly, Parliament does not protect economic rights merely by approving the budget. It protects them through the quality of legislative drafting, by refraining from inserting alien provisions into the Budget Law, and by subjecting economic laws to the principles of legality, equality and transparency. Any law that imposes a fee, tax or fine, or limits an economic right, must be clear, specific and issued in accordance with constitutional procedures; otherwise, it becomes vulnerable to judicial annulment and loses its ability to achieve economic stability.[8]

Branch Two: Parliamentary Oversight of Economic Performance and the Guarantee of the Effectiveness of Executive Policies

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8 Faiq Zidan, Constitutional Judicial Review of the Constitutional Boundaries among Authorities, Dar Al-Warith, Iraq, 2021, pp. 133-134.

The second function of the legislative authority is oversight of the economic performance of the executive authority. This function is no less important than legislation, because laws and budgets lose their value if Parliament does not follow up on their implementation. In Iraq, Article 61 of the Constitution grants the Council of Representatives the power to oversee the performance of the executive authority, including through questions, interpellations and withdrawal of confidence. These tools acquire particular importance in the economic field because the government spends public money, manages contracts, implements projects and provides services. Parliamentary oversight is therefore the means that ensures spending conforms to what was approved in the budget and that resources do not become a field for corruption or waste.9

Economic oversight takes several forms, including prior oversight during the debate on the draft budget, concurrent oversight through the follow-up of the implementation of projects and programs, and subsequent oversight during the discussion of the final account and the reports of the Federal Board of Supreme Audit. However, one of the most significant weaknesses in the Iraqi experience lies in the delay of final accounts or in the weakness of their discussion. The final account is the mirror that reveals the extent to which the government implemented what it pledged in the budget. If the final account is absent or submitted in a merely formal manner, accountability weakens, and approval of the subsequent budget becomes detached from evaluation of the previous budget.

For this reason, parliamentary oversight of the budget should not be oversight of figures only, but oversight of impact. Parliament should ask whether spending has reduced unemployment, improved services, narrowed disparities among governorates, supported vulnerable groups, expanded the social-security umbrella and achieved the objectives of the development plan. The modern budget is not merely a statement of expenditures and revenues; it is a political, economic and social document that translates the priorities of the state. If Parliament confines itself to a formal discussion of chapters and tables, it effectively waives an important part of its constitutional function.10

The decisions of the Iraqi constitutional judiciary relating to the budget have revealed that parliamentary oversight must be exercised within its constitutional limits. Decision No. 88/Federal/2024 affirmed that the draft Budget Law and the final accounts are submitted exclusively by the Council of Ministers. Decision No. 24/Federal/2016 affirmed that financial provisions may not be added to the budget without observing the government's competence. Decision No. 62/Federal/2018 affirmed that the Budget Law may not be used to impose fines that affect the principle of legality. The common value of these decisions lies in the fact that they do not weaken Parliament; rather, they regulate its function so that oversight and legislation serve the Constitution and do not confront the logic of competence.

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9 Ali Ghani Abbas Al-Janabi, Oversight of the Public Budget, Doctoral Dissertation, University of Tikrit, p. 120 et seq.

10 Sahar Munim Abdul Rahim Al-Khuza'i, Parliamentary Oversight of the Public Budget in Iraq and Egypt, Doctoral Dissertation, Faculty of Law, Ain Shams University, p. 160 et seq.

In Egypt, the House of Representatives exercises its oversight over the government through debate on the budget and final account, requests for briefing, questions and interpellations. It also has the power to form fact-finding committees and to follow up on the performance of ministries. This oversight gains its importance in light of Article 124 of the Constitution, which prohibits imposing new burdens on citizens within the Budget Law. This prohibition prevents financial burdens from being passed on to citizens without a clear legislative debate outside the framework of the budget, and makes Parliament responsible for protecting citizens' economic capacity through informed oversight of financial legislation.

Parliamentary oversight is also inseparable from judicial oversight. The judiciary intervenes when a violation turns into a constitutional challenge or an administrative action, whereas Parliament intervenes politically and financially before the violation reaches the judiciary. The relationship between the two forms of oversight is therefore complementary. If Parliament exercises its oversight seriously, the need for judicial intervention after the occurrence of harm decreases. If parliamentary oversight weakens, the judiciary becomes the last guarantee for protecting economic rights or the limits of competence.

Specialized parliamentary committees play a pivotal role in this oversight, particularly committees on finance, economy, investment, labor and services. They possess the capacity to study draft laws and budgets technically, request data from ministries, host officials, and prepare reports that assist the Council in adopting decisions based on information. Therefore, developing the work of committees and providing them with financial, economic and legal experts constitute a necessary condition for making parliamentary oversight more effective and less subject to political polarization.11

Accordingly, the guarantee of economic rights is not achieved by assigning competence to a single body. The government alone may deviate, weaken or be influenced by political considerations. Parliament alone cannot implement and does not possess the full technical data. The judiciary usually does not move until a dispute arises. The proper constitutional structure is therefore based on the distribution of roles: the government plans and implements, Parliament legislates and oversees, the judiciary corrects deviations, and the citizen benefits when these institutions operate within a single framework whose purpose is the protection of public funds and economic and social rights.

Conclusion

The research makes clear that the impact of the characteristics of the executive and legislative authorities on the management of the national economy and the guarantee of economic rights cannot be understood solely from the standpoint of formal competence. It must be understood from the standpoint of the constitutional function of each authority. The executive authority possesses the technical and practical initiative in planning, spending and implementing legislation. The legislative authority possesses the legal framework, oversight and

11 Rafi Khudher Saleh Shabr, Studies in the Responsibility of the Head of State, Al-Bayyinah Press, Iraq, 1st ed., 2009, pp. 174-175.

accountability. The judiciary preserves constitutional boundaries and prevents deviation. The more these roles are integrated, the greater the state's capacity to protect citizens' economic rights.

First: Findings

• The executive authority represents the principal actor in formulating and implementing economic policy, particularly in preparing the draft budget, final accounts and development plans and in managing public resources.
• Constitutional provisions relating to labor, social security, health and housing are not sufficient in themselves; they require executive policies, legislation and oversight mechanisms that make them capable of practical realization.
• The Iraqi and Egyptian Constitutions affirm the special nature of the Budget Law, as its draft begins with the government by virtue of its technical and executive competence, after which Parliament exercises the authority of approval, debate and oversight within constitutional limits.
• The decisions of the Federal Supreme Court of Iraq show that the Budget Law may not be transformed into an instrument for adding financial obligations or punitive rules outside constitutional safeguards. The Egyptian administrative judiciary's judgment on the minimum wage also shows that the administration's abstention from protecting an economic right may be subject to judicial compulsion.
• The protection of economic rights is achieved through integration among executive planning, sound legislation, parliamentary oversight and judicial review. It is not achieved through abstract constitutional texts or general political promises.

Second: Recommendations

• Coordination between the Council of Ministers and the Council of Representatives should be strengthened when preparing and approving the public budget, in a manner that prevents the disruption of development plans and ensures respect for the constitutional limits of each authority.
• Discussion of the final account should be activated and linked to discussion of the subsequent budget, so that oversight of public spending does not remain a formal oversight detached from implementation results.
• The work of specialized parliamentary committees should be developed by supporting them with financial, legal and economic experts and enabling them to obtain government data in a timely manner.
• The social-security umbrella should be expanded to include workers in the informal sector, and labor inspection and labor courts should be activated to ensure that economic rights do not remain without practical protection.
• Precise legislative drafting should be adopted in budget laws and economic laws, and punitive provisions or financial burdens affecting citizens' rights should not be inserted outside constitutional safeguards.
• Financial data, draft budgets and final accounts should be published in a simplified manner for public opinion, because transparency is a necessary condition for parliamentary and societal accountability.

List of Sources and References

First: Books

Ali Yusuf Al-Shukri, Parliamentary Life in Iraq: History and Experience, Dar Al-Sadiq Cultural Foundation, Babylon, 1st ed., 2017.

Mohammed Raad Tahseen Al-Daraji, The Financial Competences of Parliament: A Comparative Study, Al-Maktab Al-Jami'i Al-Hadith, Alexandria, 2016.

Hanan Mohammed Al-Qaisi, Rights and Duties of Members of the Council of Representatives in Iraq, Bayt al-Hikma, Baghdad, 1st ed., 2011.

Hamza Abdul Hassan Amiyawi, Parliamentary Committees in the Legislative Process under the Constitution of Iraq, Dar Al-Sanhouri, Baghdad, 2013.

Musaddaq Adel Talib, Constitutional Judiciary in Iraq, Dar Al-Sanhouri, Baghdad-Beirut, 1st ed., 2015.

Faiq Zidan, Constitutional Judicial Review of the Constitutional Boundaries among Authorities, Dar Al-Warith, Iraq, 2021.

Rafi Khudher Saleh Shabr, Studies in the Responsibility of the Head of State, Al-Bayyinah Press, Iraq, 1st ed., 2009.

Muhammad Taqa and Huda Al-Azzawi, Economics of Public Finance, Dar Al-Masirah for Publishing, Distribution and Printing, Amman, 1st ed., 2007.

Abdul Hussein Al-Anbaki, Iraq's Oil Economy: The Chaos of Development and Options for Takeoff, Center for Iraq Studies, Baghdad, 2013.

Second: Theses and Dissertations

Mohammed Taha Hussein Al-Husseini, The Financial Competence of the Legislative Authority in Iraqi Constitutions, Master's Thesis, College of Law and Political Science, University of Kufa, 2010.

Sirwan Adnan Mirza Al-Zahawi, Oversight of the Implementation of the Public Budget in Iraqi Law, Master's Thesis, College of Law, University of Baghdad, 2008.

Ali Ghani Abbas Al-Janabi, Oversight of the Public Budget, Doctoral Dissertation, University of Tikrit.

Sahar Munim Abdul Rahim Al-Khuza'i, Parliamentary Oversight of the Public Budget in Iraq and Egypt, Doctoral Dissertation, Faculty of Law, Ain Shams University.

Third: Constitutions and Laws

Constitution of the Republic of Iraq of 2005.

Constitution of the Arab Republic of Egypt of 2014, as amended in 2019.

Iraqi Federal Financial Management Law No. 6 of 2019, as amended.

Iraqi Labor Law No. 37 of 2015.

Iraqi Workers' Retirement and Social Security Law No. 18 of 2023.

Egyptian Law No. 182 of 2018 Regulating Contracts Concluded by Public Authorities.

Egyptian Labor Law No. 14 of 2025.

Fourth: Judicial Decisions

Decision of the Federal Supreme Court of Iraq No. 88/Federal/2024, dated 24 July 2024, published in the Iraqi Gazette, Issue No. 4787, on 19 August 2024.

Decision of the Federal Supreme Court of Iraq No. 62/Federal/2018, dated 28 May 2018, concerning the challenge to Article 17(Fifth) of the Federal Public Budget Law for 2018.

Decision of the Federal Supreme Court of Iraq No. 24/Federal/2016, dated 7 August 2016, concerning the challenge to provisions of the Federal Public Budget Law for 2016.

Judgment of the Egyptian Administrative Court in Case No. 21606 of Judicial Year 63, session of 30 March 2010, concerning the obligation of the state to set a minimum wage, and the subsequent affirmation by the Supreme Administrative Court through the dismissal of the government's appeals.