

Mechanisms for Initiating Academic Proceedings and Disciplinary Actions Regarding Academic Misconduct

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Abstract

This research aims to clarify the mechanisms for filing academic lawsuits and disciplinary procedures in response to academic misconduct. It does so by analyzing the legal and administrative frameworks governing the reporting, investigation, and imposition of disciplinary sanctions, and by examining the extent to which university decisions are subject to judicial review. The research also defines the boundaries between academic independence and the principles of legality and the rule of law. The importance of this research stems from the link between academic integrity and the quality of higher education, as well as the need to protect confidence in degrees and academic institutions. Furthermore, it underscores the importance of providing legal guarantees that ensure the fairness of disciplinary procedures and protect the rights of academics and students against unlawful decisions. The research adopted the descriptive analytical approach to analyze the legal rules regulating violations, disciplinary procedures, and judicial oversight, in addition to the comparative approach when addressing some related legal trends. The research concluded that the effectiveness of confronting academic violations does not depend on the existence of legal texts, but rather requires their proper application through impartial investigations, guaranteeing the rights of defense, setting clear time limits for procedures, and ensuring that the penalty is proportionate to the nature of the violation. It also emphasized the need to strengthen judicial oversight of university decisions without compromising their scientific and technical independence. Moreover, it concluded that it is important to develop the legal framework for violations related to plagiarism and manipulation of grades and certificates, enhance the use of technical means in detecting them, and achieve coordination between disciplinary, civil, and criminal liability, in a way that contributes to consolidating academic integrity and the rule of law within Iraqi higher education institutions.

Keywords: lawsuits, disciplinary procedures, educational violations, academics, Iraq.

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1. Introduction

Educational and academic institutions are among the most important pillars upon which the processes of building society, developing knowledge, and achieving scientific and cultural development rest. Universities and higher education institutions

bear a fundamental responsibility for preparing scientific and professional personnel, conducting research and studies, and disseminating knowledge. This makes adherence to legal, academic, and ethical standards essential requirements for ensuring the proper performance of academic duties and achieving the goals of higher education. The forms of educational and academic violations that can be committed by academics are numerous. They may include neglecting teaching duties, violating university regulations and instructions, abusing professional authority, violating students' rights, or committing violations related to scientific and research integrity, such as manipulating results, plagiarizing works and research, or attributing scientific work to others, in addition to other behaviors that conflict with the requirements and ethics of the academic profession.

Therefore, the research problem lies in the fact that the existence of legal rules and university regulations that define the duties of academics and the violations that may entail disciplinary liability does not necessarily guarantee sufficient legal protection unless these rules are accompanied by clear and effective mechanisms for filing academic lawsuits, conducting disciplinary investigations, and adjudicating them. Issues may arise concerning the determination of the competent authority to receive complaints and initiate proceedings, the clarity of the procedures to be followed when a violation occurs, the guarantees of investigation and defense, and the proportionality of the disciplinary penalty to the committed violation. Accordingly, the main research question is: To what extent do the legal and administrative rules governing academic work guarantee effective mechanisms for filing lawsuits and holding academics accountable for educational violations, while achieving a balance between protecting academic discipline and ensuring the rights of defense and disciplinary justice?

The importance of this research stems from the importance of the academic profession itself and the legal, professional, and ethical obligations it entails, which are directly linked to the quality of education and scientific research and the protection of the rights of students and researchers. Its legal importance also lies in examining the adequacy of the legal framework governing procedures for holding academics accountable for educational misconduct and identifying safeguards that prevent both impunity and the arbitrary imposition of penalties.

The research aims to clarify the legal and procedural framework for filing academic lawsuits and disciplinary procedures applied in the face of educational violations committed by academics, while identifying the forms and nature of these violations, identifying the competent authorities to initiate, investigate, and decide on the lawsuit, and analyzing the legal guarantees established for the academic during the stages of disciplinary accountability.

The research relies on the descriptive-analytical approach by describing the legal and administrative framework that regulates educational violations and disciplinary procedures for academics. The research also uses, when necessary, the comparative approach by comparing the relevant legal regulations in the systems under study.

2. Current Policies and Procedures for Dealing with Academic Misconduct

Procedurally, the process begins with submitting a written complaint to the department head, dean, university president, or research and development department. The university president issues a university order forming a permanent or temporary investigation committee within 7–15 days. The committee is granted a 30-day period, which is extendable. The committee submits its recommendations to the college council, then the university council, and finally the minister for approval in serious cases. If the violation involves suspected criminal activity, it is referred to the Integrity Commission or the judiciary. (Omar, 2011)

2.1. Reviewing the Policies in Place at Universities

Academic misconduct by faculty members in Iraqi universities today constitutes a widespread and multifaceted phenomenon, ranging from plagiarism and forgery of degrees to selling grades, academic harassment, publishing in predatory journals, chronic absenteeism and fake attendance, and even abuse of administrative power and embezzlement of research funds. These violations are no longer isolated incidents but have become an almost openly accepted institutional culture in many colleges and universities, leading to a significant decline in Iraqi universities' international rankings and a loss of both domestic and international confidence in the value of Iraqi higher education degrees. (Majed Ragheb, 2000)

Current policies rely on a highly fragmented and overlapping legislative and regulatory framework, the most prominent components of which are the State and Public Sector Employees Discipline Law No. 14 of 1991, as extended until 2024, which

is the overarching law applicable to university professors as civil servants; the Ministry of Higher Education and Scientific Research Law No. 40 of 1988, with its amendments; the Instructions for Combating Plagiarism No. 175 of 2017, as requested; the Instructions for Integrity and Plagiarism Committees No. 2 of 2019; the Student Discipline Regulations for Postgraduate Studies No. 131 of 1993, with its amendments; the Instructions for Academic Promotions No. 1 of 2008 and its repeated amendments, the most recent being in 2023; Cabinet Resolutions related to the verification and equivalence of degrees, particularly Resolution No. 101 of 2022; the Instructions for Evaluating Teaching Performance No. 4 of 2013; and the instructions of the Federal Board of Supreme Audit and the Integrity Commission related to research expenditures and tenders. (Shatnawi Ali, 2009)

Procedurally, the process for addressing any academic violation begins with a written and signed complaint or an internal report from a department head, dean, the research and development department, or the inspector general's office. The university president is expected to issue a university order within 15 days establishing a permanent or temporary investigation committee of three to five members, chaired by a full-time professor, with most members from outside the relevant college. The committee is granted a 30-day period, extendable once, during which it must summon the accused and witnesses, review relevant documents, and request technical reports from Turnitin or iThenticate if the complaint concerns plagiarism. The committee submits its final report, along with a recommendation, to the college council, then to the university council, and finally to the minister for approval in cases involving the revocation of an academic title or permanent dismissal.

The available penalties are theoretically progressive, starting with a warning and reprimand, a one- or two-year delay in promotion, a salary deduction, then a five-year ban on promotion, followed by the revocation of an academic title, and finally permanent dismissal with forfeiture of pension rights in cases of bribery or serious forgery. In cases of suspected criminal activity, the case should be referred directly to the Integrity Commission or the Public Prosecutor's Office. (Shatnawi Ali)

However, the reality on the ground reveals a serious gap between theory and practice. First, deliberate delays are all too common, with complaints languishing for months or even years without a committee being formed, under weak administrative pretexts. Second, when a committee is finally formed, the university president or dean may interfere in the selection of members, choosing loyalists or those with weaker personalities. Third, committee members may be subjected to political, sectarian, and tribal pressures and may be transferred, threatened, or bribed. Fourth, the accused is allowed access to the entire complaint file and the names of witnesses before the hearing, enabling them to intimidate or influence witnesses. Fifth, procedural loopholes may be exploited to dismiss the report, such as "lack of quorum" or "failure to attach a specific document," leading to repeated investigations until all parties become exhausted.

Regarding plagiarism specifically, since 2017 the Ministry has mandated that all universities use Turnitin, setting a maximum limit of 10% for verbatim plagiarism and 25% for similarity. However, most universities do not have a paid subscription, relying instead on personal accounts or pirated copies. Reports are often manipulated by removing references or tables from the comparison database, or by re-examining the work dozens of times to lower the percentage. There have even been cases where plagiarism reached 92% in a doctoral dissertation, which was then accepted by the university council after "explanations" from the supervisor and the student. (Shadeed, 2011)

Regarding the issue of forged degrees, Cabinet Resolution No. 101 of 2022 mandated a re-examination of all degrees issued outside Iraq since 2003, uncovering thousands of cases. However, implementation has been extremely slow. Some professors were temporarily suspended but then reinstated by ministerial decree or political intervention, and only a very small number were permanently dismissed. As for academic harassment, there is no specific legal provision; the general Penal Code, particularly Article 396, or the disciplinary code applies. However, complaints are very rare due to students' fear of scandal or failing grades. When complaints are filed, they are usually resolved amicably, or the professor is transferred to another college instead of being dismissed.

In cases of administrative violations, including bribery, embezzlement, and fake attendance, the file is supposed to be referred to the Integrity Commission, but universities may instead refer them to internal committees to mitigate penalties or cover up the matter. Reports from the Financial Control Bureau have revealed tens of billions embezzled from research and tender budgets, but most cases end with nominal financial settlements without legal referral. Another prominent current policy is that of "institutional silence," whereby universities avoid publicizing any serious penalties for fear of media scandals, resulting in cases being shelved or only symbolic punishments being imposed. There is also an unwritten but strictly enforced

policy of “protecting the bloc, party, and sect.” Violators belonging to powerful blocs are virtually untouched, while those without connections may be severely punished, even for minor infractions. (Al-Amin, 2017) One of the few positive policies implemented is the requirement for promotion to pass the Turnitin examination since 2020, but this may be circumvented through technical manipulation or a “recommendation from the minister.” Likewise, there has been a policy of establishing permanent integrity committees in every university since 2019, but many of these committees are merely formal and have met only rarely.

As for private universities, the prevailing policy is one of near-total impunity, since many are owned by political blocs or influential figures, and ministerial oversight is extremely weak. Hundreds of closure orders have been issued due to the sale of forged degrees and certificates, but these are frozen by parliamentary or governmental pressure. In conclusion, it can be said that current policies and procedures appear comprehensive and relatively modern on paper, but in reality they suffer from serious structural flaws, (Mohammed Ali, 2015) such as the subordination of committees to the university’s executive authority, the lack of independence and transparency, the slowness of procedures, political interference and favoritism, the absence of whistleblower protection, weak or nonexistent deterrent penalties, the lack of a unified national database, and the failure to publish annual reports.

As a result of these flaws, policies have been transformed from tools for accountability into tools for cover-ups and prolonging the status quo, with impunity becoming the norm and accountability a very rare exception. Unless a radical reform is undertaken, encompassing the independence of committees, the enforcement of a unified academic integrity law, the activation of deterrent penalties, and the public dissemination of decisions, Iraqi universities will remain at the bottom of global rankings and will continue to graduate generations lacking both knowledge and ethics. (El-Hout, 2007)

2.2. Evaluating the Effectiveness of These Policies

When we assess the effectiveness of policies implemented in Iraqi universities to address academic misconduct, we are not merely discussing legal texts or ministerial directives. Rather, we are addressing a comprehensive system of values, practices, power dynamics, and vested interests that govern the fate of any complaint from the moment it is submitted until its resolution—if it is resolved at all. The conclusion suggested by official and unofficial reports, as well as firsthand accounts from within universities, is that these policies have substantially failed. This failure stems not from a lack of legal texts, but from the ability to circumvent, dismantle, and manipulate those texts at various stages. (Shibl, 1997)

Let us start from the beginning: the moment a complaint is filed. A student or professor who decides to file a complaint concerning plagiarism, harassment, or grade selling may know beforehand that they are placing themselves at odds with a complex network of interests stretching from the department head to the dean, the university president, the political bloc, the religious authority, or sometimes even the tribal sheikh. Therefore, the first test of the effectiveness of the policy is whether anyone dares to file a complaint in the first place. The answer appears to be that many violations go unreported because the complainant fears consequences such as failing grades, expulsion, arbitrary transfer, or physical threats. Thus, the policy may be undermined from the outset.

Second, when a complaint is filed—which may be rare—a systematic process of obstruction may begin. The law stipulates that a committee must be formed within 7–15 days, but in practice the process in public universities may take from several months to considerably longer. In some cases, the committee is never formed, and the file remains shelved until it is forgotten or filed away “due to the absence of the complainant.” Such delay may frustrate the complainant and give the accused ample time to organize their affairs and mobilize pressure. (Babiker, 2009)

Third, the committee itself may be formed in a way that makes it less likely to reach a conclusion detrimental to those in positions of influence. Although the 2019 directives stipulate that most members must be from outside the college, this condition may be violated under the pretext of “lack of qualified personnel” or “time constraints.” If a member from outside the college is included, that individual may nevertheless have professional or institutional ties to the dean or president. The committee chair may also be chosen from among senior or retired professors who may be reluctant to confront former colleagues. Thus, the composition of the committee itself may affect its independence and effectiveness.

Fourth, the true effectiveness of policies becomes apparent during the investigation when we observe how the hearings are conducted. The committee is legally obligated to provide the accused with relevant documents and information concerning the

allegations, but the disclosure of witness identities may expose witnesses to intimidation or pressure. Cases may arise in which students retract their testimony after receiving direct or indirect threats. In cases of sexual harassment, hearings conducted in the presence of the accused may further humiliate or pressure the complainant to withdraw the allegation. Such procedures may therefore fail to provide adequate protection to complainants and witnesses. (Al-Khatib, 2006)

Fifth, in cases of plagiarism, the law relies on Turnitin software as a technical indicator, but manipulation of reports may occur within universities. Supervisors or deans may remove references, tables, and figures from the comparison, or the report may be re-examined repeatedly under pressure from the student or supervisor until the percentage falls to an acceptable level. If a report shows, for example, 85% plagiarism, the committee minutes may state that the percentage “does not reflect reality due to technical reasons,” that “the plagiarism was unintentional,” or that “the researcher cited sources but forgot to use quotation marks.” In some cases, the justification that “the student plagiarized from me, not the other way around” may be accepted without sufficient investigation. Consequently, the formal availability of plagiarism-detection mechanisms does not necessarily guarantee their effective use.

Sixth, once the committee finalizes its report, a new phase of bureaucratic delay may begin. The college council may return the file to the committee for “completion of work,” the university may freeze it or reduce the penalty, and the minister may refuse to sign a dismissal order, citing “humanitarian considerations” or responding to pressure from a member of parliament or a parliamentary bloc leader. Thus, a decision to revoke an academic title or dismiss a professor may become a lengthy process, potentially ending with the case being shelved or with a symbolic penalty. (Balderbage, 1981)

Seventh, regarding financial and administrative violations, including embezzlement, bribery, and fictitious attendance, reports from oversight bodies may reveal substantial financial violations, yet only a limited proportion of cases may be referred to the judiciary. Many cases are dealt with internally through symbolic financial settlements or warnings, after which the employee may be reinstated or transferred to another institution. The policy of “amicable settlement” may therefore weaken the deterrent effect of disciplinary measures.

Eighth, in private universities, effectiveness may be particularly limited. The ministry has issued closure orders against some colleges due to violations such as the sale of degrees and falsification of records, but such decisions may be frozen by parliamentary or political intervention, allowing institutions to resume operations. Thus, there may be a gap between the stated policy of “oversight and monitoring” and the actual enforcement of those policies. (Khweira, 2018)

Ninth, a significant weakness is evidenced by the lack of transparency. Iraqi universities generally do not publish detailed annual reports indicating the number of complaints, investigations, and penalties, despite the importance of such information for institutional accountability. The Ministry itself also does not consistently make comprehensive statistics publicly available, meaning that the public and the academic community may be deprived of important information necessary for oversight. Tenth, one of the most serious consequences of this failure is the entrenchment of a culture of impunity. If faculty members believe that even serious misconduct will result only in a warning or a temporary delay in promotion, the deterrent effect of disciplinary rules is substantially weakened. Consequently, violations may become increasingly normalized.

These considerations suggest that current policies may not merely be ineffective, but may, in some circumstances, produce counterproductive effects by discouraging integrity and contributing to a culture of corruption. (El-Feki, 1987) Even measures that appeared positive on paper may fail in practice. For example, the requirement for promotions to be subject to Turnitin assessments since 2020 has reportedly contributed to the emergence of “dissertation polishing” services that manipulate similarity results for a fee. The establishment of permanent integrity committees in 2019 has, in some universities, become largely formal, with limited substantive activity. Likewise, announced research ethics training programs may remain insufficiently implemented.

The broader conclusion is that current policies may function less as comprehensive anti-corruption mechanisms and more as mechanisms for administratively managing complaints and reducing institutional reputational costs. Where political, sectarian, or tribal considerations affect enforcement, the protection of the university, the student, and society may be subordinated to other interests. The continuation of such practices risks deepening institutional decline and weakening the role of the university professor as an academic and ethical model. (Mahmoud Abdel-Majeed, 2002)

3. Judicial Oversight of Technical Decentralization in University Institutions

Technical decentralization in Iraqi university institutions is one of the most prominent manifestations of academic independence guaranteed by the Ministry of Higher Education and Scientific Research Law No. 40 of 1988 and its amendments, as it granted universities, their presidents, and councils broad powers in matters of admission, promotions, appointment, supervision, thesis examination, graduation, and disciplinary and administrative penalties, on the grounds that academic technical matters require flexibility and speed away from central bureaucracy.

3.1. *The Legal Nature of Universities as Institutions of Technical Decentralization*

In the contemporary Iraqi legal system, the university is a hybrid entity combining general administrative status with broad technical autonomy. This structure is not arbitrary, but rather the result of a long historical development that began with the establishment of the first modern universities in the 1930s. It was further consolidated by the Universities Organization Law No. 139 of 1972 and later reformulated by the Ministry of Higher Education and Scientific Research Law No. 40 of 1988, which remains in effect today with its numerous amendments. This law granted universities legal personality and extensive financial, administrative, and technical independence, designing them as “independent scientific, cultural, and artistic institutions” with broad powers in all academic matters, thus safeguarding the freedom of scientific research and the freedom to teach knowledge. (Ahmed Kamal Abu, 1964)

The 2005 Iraqi Constitution enshrined this decentralization in several provisions. Article 34 explicitly states that “education is a fundamental factor for the progress of society and is a right guaranteed by the state, which ensures its free provision at all levels,” and obligates the state to encourage scientific research in a manner that contributes to the progress of society. Article 114/VI made higher education a shared responsibility between the federal government and the regions, thus opening the door to a decentralized model. Article 110 and subsequent articles, however, defined the exclusive powers of the federal government and did not include higher education among them, implicitly meaning that universities enjoy a substantial degree of autonomy within the federal system. (Kashkash, 1986)

Law No. 40/1988 precisely defined the scope of this technical decentralization in Articles 6, 7, 8, and 9. It granted the university president authority over various personnel and administrative matters; the university council authority to approve curricula, study plans, admissions, graduation, and disciplinary measures; and college councils authority to oversee examinations, thesis defenses, and promotions within their respective colleges. The law also granted universities financial autonomy, allowing them to establish their own bank accounts, manage their assets, invest their funds, and enter into contracts and tenders without requiring prior central approval in many cases. This technical decentralization is clearly evident in several key areas. (Kanaan, 1995)

First, the university has authority to set admission and graduation requirements and curricula. These requirements may vary significantly between universities and sometimes even between colleges within the same university. Second, the university has authority in matters relating to academic promotion, with university councils playing a central role in approving professorships and associate professorships following evaluation by the competent committees. (Ta'ima, 1973)

Third, the university possesses authority to form thesis examination and supervision committees, whereby the university president or dean may select members from inside or outside the university, subject to the relevant regulations.

Fourth, the university has authority to impose disciplinary penalties on faculty members and students in accordance with the applicable legal and regulatory framework.

Fifth, the university possesses authority to manage aspects of its financial and administrative affairs, including contracting with foreign or local professors under special arrangements, establishing branches and colleges in accordance with applicable law, and concluding international cooperation agreements. These broad powers have made the Iraqi university a highly autonomous public institution, and administrative-law doctrine recognizes that technical academic decisions may enjoy a substantial margin of institutional discretion while remaining subject to subsequent judicial review. (Saber, 2001)

However, technical decentralization, originally intended to protect the freedom of scientific research and teaching, may become vulnerable to misuse when it is not accompanied by effective oversight. The absence of effective central oversight, coupled with weak judicial review and the influence of partisan, sectarian, or personal considerations, may allow university

administrators to abuse authority in matters such as appointments, academic titles, disciplinary sanctions, and institutional decision-making. (Ali Sabti, 1985)

The Administrative Court of the State Council has attempted to define limits on such autonomy through decisions affirming that technical independence does not exempt universities from compliance with law and administrative regulations. Judicial review may therefore extend to defects of competence, form, procedure, cause, and purpose, even where the underlying matter involves academic considerations. Such decisions nevertheless remain dependent on affected parties actually resorting to the courts, which may be discouraged by the length or complexity of litigation. (Muhammad Abdul Hamid Abu, 2004)

The Federal Supreme Court has likewise addressed questions concerning the relationship between institutional autonomy and constitutional principles, including equality and equal opportunity. The general principle emerging from such intervention is that the financial and administrative independence of public institutions cannot be interpreted as independence from the Constitution or the law. (Ammar, 2002) In practice, however, technical decentralization may lead to disparities in the quality and application of academic standards between universities and even between colleges within the same university. Nepotism in appointments and promotions may also conflict with principles of merit and equal opportunity. Moreover, weak coordination among universities, where institutions operate according to divergent standards, may lead to inconsistencies in curricula, examinations, and academic degrees. (Muhammad Ali Al)

From a comparative legal perspective, systems that adopt technical decentralization commonly link institutional autonomy to legal and administrative controls, including independent oversight bodies, transparency in decision-making, publication of financial and academic reports, accountability for violations, and legal protection for whistleblowers. Where such safeguards are absent or weak, decentralization may cease to function as an instrument of academic progress and instead become vulnerable to abuse. (Fouad, 1961)

In legal terms, the Iraqi university system possesses a dual legal nature: on the one hand, it is a public institution subject to public law and judicial oversight; on the other hand, it is an independent technical institution enjoying relative discretion in purely academic matters. The problem does not lie in the principle of autonomy itself, but rather in the absence of effective safeguards to prevent its abuse. Technical decentralization is not an absolute privilege, but a responsibility conditioned upon respect for the law and the principles of equality, competence, and transparency. When it is used to perpetuate corruption and nepotism, it departs from the legal purpose for which it was established. (Muhammad Kamil, 1965)

Restoring the balance between technical decentralization and adherence to the rule of law requires fundamental reforms, including enacting a modern university autonomy law, establishing an independent national oversight and evaluation body, activating swift judicial review, publishing academic and administrative decisions for appropriate public scrutiny, protecting whistleblowers, and linking the tenure of university presidents to transparent performance indicators. Without such reforms, technical decentralization may remain vulnerable to exploitation by individuals or groups seeking to use institutional autonomy for private benefit. (Majed, 1985)

3.2. The Role of the Judiciary in Monitoring University Decisions and Legal Accountability for Violations

In principle, every final administrative decision issued by the executive authority is subject to judicial review in accordance with the principles of legality and the rule of law. However, certain acts traditionally classified as acts of sovereignty or government may be exempt from ordinary judicial review because of their specific constitutional or political nature. Actions taken by the executive authority in its capacity as an administrative body, by contrast, are generally classified as administrative acts and are subject to judicial control. (Fouad, 1968) To understand the scope of judicial review under this system, it is necessary to examine the authority of the judiciary and the areas of judicial review in countries that adopt a unified judicial system. (Salama, 2022)

The judge possesses broad authority in relation to unlawful administrative conduct. A court may impose a criminal penalty on an accused employee if the act attributed to that employee constitutes a criminal offense, and it may also order compensation where the elements of civil liability are established. Furthermore, judicial authority may encompass the issuance of orders compelling public officials to perform certain acts, refrain from certain acts, or correct unlawful decisions. In England, historically, the judiciary exercised extensive supervisory authority over administrative bodies through common-law remedies.

Ordinary courts generally had jurisdiction over both civil and administrative disputes, although the legislature gradually established specialized tribunals and bodies to adjudicate particular categories of administrative disputes. (Fouad, 1968) Ordinary courts historically retained broad jurisdiction over administrative disputes except where legislation assigned specific matters to specialized administrative bodies. (Adnan)

In determining jurisdiction over administrative disputes, English law historically distinguished between the legal personality of the Crown and that of regional or local administrative bodies. Earlier legal doctrine was influenced by the maxim that “the King can do no wrong,” although the practical scope and legal implications of Crown immunity evolved substantially over time. Legal theories also developed concerning the relationship between public employees and the state and the circumstances in which liability could attach to individual officials or public bodies. These principles affected the scope of judicial oversight and remedies available against administrative action. (Munir Hamid, 1978)

1- Ordinary courts traditionally had jurisdiction to hear cases brought against regional administrative units because those units possessed legal personality separate from that of the central state. Therefore, acts of employees of such regional entities could give rise to liability and judicial review. (Mohsen, 1988)

2- These courts were also competent to consider certain disputes involving the state’s contractual responsibility, subject historically to procedural requirements governing claims against the Crown. (Hamad Omar, 2003)

3- Historically, significant restrictions existed on tort claims against the Crown, meaning that a person harmed by the conduct of a public employee might have had to proceed against the employee personally. If the court found that the plaintiff’s harm resulted from the employee’s fault, compensation could be ordered against the employee. Over time, however, legislation and judicial doctrine modified many of these historical rules. Judicial remedies could also include orders requiring public officials to perform duties, refrain from unlawful conduct, or correct administrative decisions. These principles formed part of the broader relationship between the judiciary and administration in the English legal system. (Al-Jamal, 1974)

The judiciary is considered the ultimate guarantor of the rule of law in any state. In Iraq, this role has become even more critical since 2005 due to the transition from a centralized system to a federal constitutional system based on the separation of powers and administrative and technical decentralization. In higher education, where universities enjoy considerable autonomy under Law No. 40 of 1988, the judiciary’s role is crucial as a corrective mechanism to regulate this autonomy and prevent its transformation into arbitrary academic or administrative authority. Nevertheless, judicial review may remain limited by procedural, institutional, and practical constraints. (Najib Khalaf & Muhammad Ali, 2016)

The constitutional basis for judicial review of university decisions stems from several constitutional principles and provisions relating to legality, judicial independence, equality, and judicial protection. From these principles, the administrative judiciary derives its jurisdiction to consider lawsuits seeking the annulment of and compensation for unlawful administrative decisions issued by universities, whether these decisions concern promotion, dismissal, thesis cancellation, refusal of admission, or the awarding of a degree. (Youssef, 2022)

State Council Law No. 17 of 2017, as amended, regulates the jurisdiction of the administrative judiciary over final administrative decisions issued by public bodies, including public universities, as well as certain claims for compensation and administrative disputes. The law also provides mechanisms through which a contested administrative decision may be challenged and, in appropriate circumstances, its execution suspended. In practice, administrative litigation involving university decisions has contributed to the development of judicial principles concerning academic administration.

Administrative judicial decisions concerning academic promotion illustrate the principle that a university’s technical independence does not exempt it from compliance with administrative and legal regulations. Where a promotion committee is formed in violation of governing rules, the resulting administrative decision may be vulnerable to annulment. (Yassin Muhammad, 2023) Similarly, judicial review may extend to student dismissal decisions where allegations of arbitrariness, procedural irregularity, or lack of sufficient legal basis are established. Questions concerning plagiarism and the evidentiary value of technical reports likewise require judicial assessment of both scientific evidence and applicable legal standards.

The Federal Supreme Court has also addressed constitutional questions affecting higher education, particularly where administrative decisions implicate equality, equal opportunity, or other constitutional principles. Criminal courts and specialized integrity courts may, for their part, hear criminal cases against academics where conduct amounts to bribery,

forgery, embezzlement, or other criminal offenses. Such proceedings remain distinct from, but may overlap with, disciplinary accountability. (Yassin Muhammad, 2006) Despite this development in judicial oversight, the effectiveness of judicial review remains limited for several reasons.

First, administrative litigation may be lengthy, and during the period of litigation the contested decision may already have been substantially implemented, whether concerning promotion, dismissal, or graduation, which may reduce the practical effectiveness of the eventual judicial ruling.

Second, the administrative judiciary may be reluctant to intervene in purely technical academic matters. Courts frequently distinguish between reviewing the legality of an administrative decision and substituting judicial judgment for the scientific assessment of specialized academic committees. This distinction may complicate judicial oversight in cases involving plagiarism, research quality, or academic promotion.

Third, violations may be difficult to prove in court, particularly in cases involving harassment, grade selling, or other misconduct dependent on witness testimony or electronic evidence. Fourth, the enforcement of court rulings may face administrative obstacles. Fifth, the absence of specialized university courts may leave judges without specific academic or scientific expertise relevant to complex university disputes. Sixth, professors and students may hesitate to resort to the courts because of concerns about institutional retaliation. Seventh, the evidentiary status of plagiarism-detection software and other technical tools may remain subject to judicial interpretation. Despite these limitations, judicial review remains an important mechanism for challenging unlawful university decisions and reinforcing the principle that academic autonomy operates within the framework of law. The increasing resort to administrative litigation may therefore indicate a growing legal awareness regarding the judicial review of university decisions. (Al-Mabahi & Abbas, 2022)

Among the most prominent areas in which the judiciary's role may emerge are:

First: Annulment of unlawful scientific promotions or promotions based on procedures that violate applicable regulations.

Second: Reinstatement of students who have been arbitrarily dismissed or whose dismissal was based on unlawful grounds.

Third: Requiring universities to provide material or moral compensation where the legal conditions for liability are established.

Fourth: Criminal accountability in cases involving bribery, forgery, embezzlement, or other criminal acts.

Fifth: Establishing legal limits on university autonomy and emphasizing that such autonomy does not grant immunity from accountability. For the judiciary to play a truly effective role, appropriate institutional and procedural reforms are necessary. (Walid Issa, 2023)

Such reforms may include establishing specialized administrative chambers or courts for university affairs comprising judges with access to relevant academic expertise, amending procedural rules to expedite university-related litigation, and requiring universities to publish administrative and academic decisions in an accessible manner so that affected parties can exercise their rights of appeal.

The Administrative Court may also be granted more effective powers to suspend the execution of contested decisions in urgent cases involving promotion, dismissal, or thesis cancellation where continued implementation could cause irreparable harm. Legal mechanisms should also ensure compliance with final court judgments. Specialized prosecutorial or investigative mechanisms for serious university-related crimes could strengthen criminal accountability, while legal safeguards could protect persons who challenge unlawful university decisions from retaliatory administrative measures. Universities may also be required to establish appropriate mechanisms for compensating individuals harmed by unlawful administrative decisions.

The Iraqi judiciary represents an essential mechanism for ensuring legality within universities. The greater the academic community's confidence in the judiciary's ability to provide effective remedies, the more willing affected individuals may become to challenge unlawful decisions. Conversely, if judicial proceedings remain excessively slow, procedurally difficult, or ineffective in enforcement, the practical value of judicial oversight will be weakened. The future relationship between judicial review and university autonomy will therefore play a significant role in shaping higher education governance in Iraq. (Al-Shawabkeh, 2021)

Judicial review of administrative decisions is exercised when a plea of illegality is raised against an administrative action during a court case, whether concerning a regulatory or individual decision. The judge before whom such a plea is raised must verify the legality of the administrative decision, as adherence to the principle of legality is a defining characteristic of a state

governed by the rule of law. (Mohammed) In France, administrative courts are generally the competent authority to examine the legality of administrative decisions, while ordinary courts exercise jurisdiction only in specific circumstances. In Egypt, judicial review of administrative action developed substantially after the establishment of the Council of State. In Iraq, the historical development of administrative justice similarly moved from a predominantly unified judicial structure toward specialized administrative jurisdiction. Following the establishment and development of the Administrative Court under amendments to the State Council framework, specified categories of administrative decisions became subject to specialized administrative judicial review, while certain acts classified by law as sovereign remained outside its scope. (Al-Barzanji, 1985) Regarding judicial review of administrative decisions concerning the removal of encroachments and their legality, the administrative judiciary does not adjudicate disputes over ownership where determination of title falls within the competence of the civil courts. Judicial review is instead limited to verifying the legality of the administrative decision and ensuring that the administrative authority's justification for issuing the removal order is legally valid and supported by sufficient evidence.

4. Conclusion

In conclusion, it is clear that the mechanisms for filing academic lawsuits and disciplinary procedures in the face of educational violations by academics represent a fundamental guarantee for establishing legality and academic integrity, especially by subjecting university decisions to judicial oversight while respecting their technical and scientific independence. There is also a need to develop these mechanisms in a manner that ensures procedural efficiency, impartiality of investigation, protection of the rights of academics and students, and proportionality between the violation and the penalty, thereby enhancing confidence in the rule of law within university institutions.

1. The research concluded that the mechanisms for filing academic lawsuits and disciplinary procedures represent an essential part of the system for monitoring university performance, as confronting academic violations is not limited to internal administrative penalties, but extends to the possibility of judicial appeal against disciplinary decisions whenever they are flawed in terms of jurisdiction, form, procedure, reason, or purpose, thus consolidating the principle of legality within university institutions.
2. It has become clear that the independence of universities in exercising their scientific and technical functions does not mean that their decisions are immune from judicial review. Their academic independence remains bound by the law and by the guarantees established to protect rights and freedoms. In this context, the administrative judiciary plays a crucial role in striking a balance between the need to respect the technical nature of university work and ensuring that disciplinary power is not abused or diverted from its legal objectives.
3. The research has shown that the effectiveness of disciplinary procedures largely depends on the availability of guarantees for a fair investigation, primarily the impartiality of the investigating body, enabling the academic to understand the alleged violation and defend themselves, allowing for an objective examination of evidence, and providing reasons for the disciplinary decision. Therefore, the mere existence of legal texts defining violations and penalties is insufficient to achieve deterrence and integrity unless these texts are accompanied by clear and applicable practical procedures.
4. The research concluded that academic misconduct, particularly plagiarism, manipulation of grades and degrees, and dereliction of duty, may involve overlapping disciplinary, civil, or criminal liability depending on the nature and consequences of the act. Therefore, disciplinary measures alone are insufficient when a violation involves elements of a crime. Coordination between university authorities and the relevant judicial bodies is essential to ensure that perpetrators are held accountable.
5. Among the most significant challenges limiting the effectiveness of academic lawsuits and disciplinary procedures are the length of proceedings, the occasional difficulty in distinguishing between legal, scientific, and technical matters, and the need to enhance electronic and technological means of proof in academic integrity cases. This necessitates developing more specialized mechanisms for handling scientific and digital evidence, while ensuring that the assessment of its legitimacy and evidentiary value remains subject to legal and judicial controls.
6. The research concluded that achieving genuine effectiveness in addressing academic misconduct requires building an integrated system that combines prevention, detection, investigation, disciplinary action, and judicial oversight, while

ensuring the swift resolution of disputes, the enforcement of court rulings, and the protection of the rights of all parties involved in the university process. In this way, disciplinary procedures and academic lawsuits are transformed from mere means of punishing offenders into tools for promoting academic integrity, safeguarding university autonomy, and upholding the rule of law within the educational environment.

4.1. Recommendations

1. We recommend that the Iraqi legislator enact a disciplinary law specifically applicable to faculty members and employees of higher education institutions that clearly defines academic violations, professional duties, prescribed penalties, authorities competent to investigate and impose penalties, and guarantees of defense and appeal, in order to address the discrepancy between the general rules of employment discipline and the specific requirements of university work.
2. We recommend amending the existing legislation to ensure the standardization of disciplinary investigation procedures within universities and to establish binding time limits for initiating and completing investigations and issuing decisions, while ensuring the independence and impartiality of investigation committees and avoiding the concentration of the powers to accuse, investigate, and decide where such concentration would undermine the guarantees of a fair disciplinary process.
3. We recommend that the legislator introduce more precise legal regulation of violations related to academic integrity, scientific plagiarism, and manipulation of grades, certificates, and scientific research, while adopting modern technical means to detect such violations and avoiding treatment of electronic software reports as conclusive evidence in themselves. Their results should instead be subjected to scientific and legal evaluation, with the circumstances of each case carefully verified, in order to achieve a balance between protecting intellectual property and guaranteeing the academic's right of defense.
4. We recommend strengthening judicial oversight of university disciplinary decisions by simplifying appeal procedures and expediting the resolution of academic disputes, while ensuring the effective enforcement of judgments issued against universities and educational institutions.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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