

Legal Challenges in Compensating Moral Damages Arising from Administrative Decisions: A Comparative Study of the Legal Systems of Iran and Iraq

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Abstract

The expansion of governmental intervention in social, economic, professional, and regulatory affairs has increased the possibility that administrative decisions may cause not only material losses but also moral and non-pecuniary harms, including injury to dignity, reputation, privacy, psychological well-being, and professional standing. This study examines the legal challenges associated with compensating moral damages arising from administrative decisions in the legal systems of Iran and Iraq. Using a descriptive-analytical and comparative method, the study analyzes the conceptual foundations of moral damage, the legal bases of state liability, the relationship between unlawfulness and compensation, the requirements of fault and causation, evidentiary difficulties, judicial competence, assessment of damages, and available forms of reparation. The findings indicate that both legal systems possess doctrinal foundations for recognizing moral damage and governmental liability, yet important uncertainties remain regarding the threshold of compensability, attribution of institutional fault, proof of non-economic injury, and the quantification of compensation. In both jurisdictions, annulment of an unlawful administrative decision does not necessarily provide full reparation because reputational, psychological, and professional consequences may continue after the decision loses legal effect. The comparative analysis further shows that Iranian law increasingly approaches the issue through administrative accountability and effective judicial remedies, while Iraqi law relies more heavily on general principles of civil liability and obligations. The study concludes that both systems would benefit from clearer statutory or judicial standards concerning serious non-pecuniary harm, causation, proof, and assessment of compensation. It also emphasizes the need to expand non-monetary remedies, including correction of administrative records, reinstatement, formal acknowledgment of error, and restoration of professional status. A more coherent and integrated framework would enhance governmental accountability, strengthen protection of individual rights, and improve the effectiveness of administrative justice.

Keywords: Moral Damage; Administrative Decisions; State Liability; Administrative Justice; Compensation; Iran; Iraq.

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1. Introduction

The expansion of administrative activity in contemporary states has fundamentally transformed the relationship between individuals and public authorities. Modern governments no longer perform only traditional sovereign functions such as maintaining public order, taxation, national defense, and adjudication; they are also directly involved in welfare provision, licensing, employment, education, urban planning, economic regulation, social security, health administration, public procurement, and numerous forms of regulatory intervention. This widening sphere of governmental activity has correspondingly increased the likelihood that administrative decisions may interfere with individual rights and interests. Administrative decisions can affect not only property and economic interests but also reputation, dignity, social standing, privacy, professional credibility, emotional tranquility, and other non-economic dimensions of personality. Consequently, the law of state liability has increasingly been required to address forms of harm that cannot adequately be measured solely by reference to financial loss. The recognition of non-pecuniary or moral damage is therefore closely connected with the broader transformation of public law from a system focused predominantly on governmental authority into one that increasingly emphasizes accountability, individual rights, effective remedies, and the legal consequences of unlawful administrative conduct. In Iranian administrative law, developments in state civil liability have reflected this gradual transition toward stronger mechanisms of governmental accountability, particularly as administrative procedure has become increasingly linked to substantive protection of citizens against unlawful exercises of public power (Molaei, 2025a). The evolution of administrative adjudication has likewise created greater space for examining whether public authorities should bear responsibility where administrative acts cause harm that is real and serious even though it is not directly economic in character.

Moral damage is particularly difficult to address because it concerns interests that do not possess an obvious market value. It may consist of humiliation caused by an unlawful administrative accusation, injury to professional reputation following an improper disciplinary decision, psychological distress resulting from arbitrary dismissal, violation of privacy through unauthorized administrative disclosure, damage to social honor caused by an unlawful governmental announcement, or emotional suffering generated by an unjustified deprivation of rights. The difficulty of translating such injuries into legal compensation has traditionally generated hesitation in civil and administrative liability systems. Nevertheless, contemporary liability theory increasingly accepts that absence of a readily calculable monetary value does not mean that the injury lacks legal significance. In civil liability doctrine, damage is generally regarded as compensable when it affects a legally protected interest and is sufficiently certain, direct, and attributable to the defendant's conduct (Yazdanian, 2021a). The distinctive problem of moral damage lies not primarily in establishing that an injury exists, but rather in determining the conditions under which such injury should be judicially recognized, how causation should be established, how compensation should be assessed, and whether monetary payment is always the most suitable remedy. Iranian scholarship has increasingly examined non-pecuniary harm through the perspective of citizenship rights, emphasizing that damage to dignity, reputation, psychological integrity, and other personality interests cannot be excluded from civil liability merely because economic valuation is difficult (Sadeghnia, Shakibamehr, et al., 2021). This approach places moral damage within a wider conception of legal protection in which the individual is protected as a rights-bearing person rather than only as the holder of measurable financial interests.

Administrative decisions create a particularly complex context for moral-damage liability because they arise from exercises of public authority. A governmental decision may be legally defective because of lack of jurisdiction, procedural irregularity, abuse of discretion, erroneous interpretation of law, factual mistake, disproportionate interference, or infringement of a protected right. However, invalidity of a decision and compensability of the harm produced by that decision are not necessarily identical legal questions. Annulment may eliminate the legal effects of an unlawful decision, but it may not repair reputational or psychological consequences already suffered by the individual. A public employee who has been unlawfully dismissed, for example, may eventually be reinstated, yet the stigma, professional disruption, distress, or social humiliation caused by the dismissal may remain. Similarly, cancellation of an unlawful administrative sanction does not automatically erase damage to the individual's reputation. This distinction between review of administrative legality and reparation for resulting harm is central to the present subject. Iranian judicial practice concerning state civil liability has demonstrated the importance of

distinguishing the determination of illegality from the subsequent assessment of compensable damage (Riahi, 2018). More recent analysis of Administrative Justice Court jurisprudence also indicates that Iranian administrative liability is gradually moving beyond an exclusively fault-centered approach in certain areas, with growing recognition that the harmful consequences of public activity may justify compensation even where traditional proof of personal fault is difficult (Molaei, 2025b). Such developments raise important questions regarding the proper theoretical basis of moral-damage compensation in administrative law.

The human-rights dimension of reparation adds further significance to this subject. The right to an effective remedy loses much of its practical value if courts can identify an unlawful administrative interference but cannot provide meaningful redress for the actual consequences suffered by the claimant. Effective reparation may require restoration of the previous legal situation, financial compensation, correction of official records, public acknowledgment of error, withdrawal of defamatory administrative statements, or other measures capable of addressing the specific nature of the harm. The protection of non-pecuniary interests in public law has increasingly been associated with the concepts of human dignity, access to justice, proportionality, and effective remedy (M. Farajnia, 2024). Iranian administrative-law scholarship has similarly emphasized that the right to an effective remedy should be understood as requiring more than formal judicial access; it should also enable individuals to obtain appropriate relief where public authorities have violated legally protected rights (A. Farajnia, 2024). This perspective is especially relevant to moral damage because a purely declaratory judgment may be inadequate where the consequences of an administrative decision have affected a person's dignity, reputation, or psychological well-being.

The Iraqi legal system presents comparable but distinct questions. Iraqi civil liability law recognizes non-pecuniary damage within the broader framework of tort liability, while the structure of administrative adjudication introduces additional questions concerning state liability, jurisdiction, and the relationship between general civil-law principles and rules governing public authorities. The Iraqi Civil Code provides an important normative foundation for determining the consequences of harmful acts, including the obligation to compensate legally cognizable damage (Abboudi, 2015). Classical Iraqi scholarship on obligations has treated compensation as a means of restoring, as far as possible, the legal equilibrium disturbed by wrongful conduct and has recognized that the concept of damage is not necessarily confined to material loss (Al-Hakim et al., 1980). Subsequent Iraqi scholarship has specifically examined compensation for moral damage and has emphasized that non-economic injury may arise in a wide variety of legal relationships, including those involving public administration (Al-Ukayli, 2020). Administrative liability for non-pecuniary harm has also become a distinct subject of Iraqi administrative-law analysis, particularly regarding the role of administrative adjudication in balancing governmental functions with individual rights (Sulayman, 2021).

Despite these developments, significant legal challenges remain in both systems. One problem concerns the conceptual boundaries of moral damage. If the category is defined too narrowly, serious injuries to dignity and psychological integrity may remain uncompensated; if it is defined too broadly, courts may face speculative claims and inconsistent awards. A second problem concerns the basis of liability. Requiring proof of governmental fault may impose a significant evidentiary burden on claimants because administrative decision-making often involves complex institutional structures in which responsibility cannot easily be attributed to a specific official. On the other hand, imposing liability whenever an administrative decision is annulled could transform judicial review into an automatic compensation mechanism and may fail to distinguish minor procedural defects from serious harmful illegality. The development of state liability doctrine therefore requires a coherent account of when unlawfulness, fault, risk, equality before public burdens, or violation of protected rights should constitute the relevant basis of compensation. Iranian liability theory has long distinguished among fault, unlawful conduct, causation, and compensable damage, while also recognizing that the special nature of governmental activity may require adaptations of ordinary private-law principles (Yazdanian, 2021b). The increasing complexity of administrative functions strengthens the need for such adaptations.

A third challenge concerns causation. Moral injury is often influenced by multiple factors, and psychological or reputational consequences may develop gradually rather than immediately. Determining whether a particular administrative decision caused the alleged harm may therefore be more difficult than establishing causation in cases involving direct physical or financial loss. Comparative Iranian scholarship on state civil liability has shown that different standards of causation can produce materially

different outcomes, particularly where several events contribute to the final damage ([Rajabzadeh et al., 2022](#)). A fourth challenge concerns proof. Courts must determine what type of evidence is sufficient to establish emotional distress, reputational harm, humiliation, or infringement of dignity. Requiring medical or psychiatric evidence in every case may be unduly restrictive, but accepting purely subjective assertions without objective corroboration may weaken predictability. A fifth challenge involves quantification. Since moral damage lacks a market price, judicial assessment inevitably depends on evaluative criteria such as seriousness of the violation, duration of harm, social effects, degree of governmental fault, position of the claimant, persistence of consequences, and adequacy of non-monetary remedies. The literature on assessing non-pecuniary harm emphasizes that judicial discretion should be guided by objective considerations in order to reduce arbitrary disparities among awards ([Sadeghnia, Shakibamehr, et al., 2021](#)).

The comparative study of Iran and Iraq is particularly useful because the two legal systems share several structural and intellectual similarities while maintaining different institutional arrangements and trajectories of administrative justice. Both systems have been influenced by civil-law traditions, both recognize governmental responsibility in principle, and both must reconcile general civil-liability rules with the specific characteristics of public administration. At the same time, differences in legislation, administrative adjudication, judicial competence, doctrinal development, and practical implementation may lead to different approaches to moral-damage compensation. Comparative analysis can therefore reveal whether the difficulties encountered in each system result from general characteristics of non-pecuniary harm or from specific deficiencies in institutional design. Iraqi scholarship on compensation has historically emphasized the broad remedial function of civil liability ([Al-Amiri, 1981](#)), whereas Iranian public-law scholarship has increasingly examined moral damage in connection with the effectiveness of administrative remedies and constitutional values ([M. Farajnia, 2024](#)). Examining these perspectives together permits a more comprehensive assessment of the relationship between civil liability and administrative accountability.

Another important dimension concerns the form of reparation. Monetary compensation is often treated as the principal remedy for non-pecuniary damage, but money may not always respond adequately to injury caused by administrative decisions. In some cases, restoration of employment status, correction of an administrative record, formal apology, publication of a judicial decision, withdrawal of an unlawful accusation, or official acknowledgment of wrongdoing may address the harm more directly. International and comparative approaches to non-pecuniary reparation have increasingly emphasized the importance of remedies tailored to the nature of the violation rather than limiting redress to financial payment ([Sadeghnia, Ahmadi, et al., 2021](#)). This is particularly relevant where the injury concerns reputation or dignity. A compensatory system that provides money without correcting the administrative record may leave the principal source of reputational damage intact. Conversely, annulment and correction without financial compensation may be insufficient where severe psychological or social consequences have already occurred.

The practical effectiveness of compensation also depends on procedural accessibility and enforcement. A sophisticated substantive right is of limited value if jurisdictional uncertainty forces claimants to pursue multiple proceedings or if judgments against public bodies are difficult to execute. The relationship between administrative courts and ordinary courts is therefore central to any serious examination of governmental liability. The claimant must know which court has authority to determine the illegality of the administrative decision, which court may assess damages, and whether these matters can be resolved within a unified proceeding. Fragmentation may increase costs, delay redress, and weaken the effectiveness of judicial protection. Iranian administrative procedural developments demonstrate that procedural architecture significantly influences the practical realization of state liability ([Molaei, 2025a](#)). Similar concerns arise in Iraq, where the interaction between administrative adjudication and the general principles of civil compensation may affect the accessibility and consistency of remedies ([Sulayman, 2021](#)).

Accordingly, this study adopts a descriptive-analytical and comparative legal method to examine the principal legal challenges associated with compensating moral damages caused by administrative decisions in Iran and Iraq. The analysis focuses on the conceptual foundations of moral damage, the basis and conditions of governmental liability, causation, proof, judicial competence, assessment of compensation, available forms of reparation, and enforcement. The objective of the study is to identify the strengths and deficiencies of the two systems and to determine how their legal frameworks may be developed toward a more coherent, predictable, and effective model of reparation for non-pecuniary harm caused by administrative decisions.

2. Conceptual and Legal Foundations of Moral Damage in Administrative Law

Moral damage may be understood as an injury to legally protected non-economic interests of a person that does not primarily consist of a reduction in property, income, or financial assets. The term encompasses a wide spectrum of harms, including injury to honor and reputation, humiliation, emotional suffering, loss of social standing, violation of privacy, impairment of professional credibility, anxiety, distress, and interference with personal dignity. Although some consequences of moral injury may eventually produce financial effects, the essential character of the damage lies in impairment of interests whose value cannot be measured directly through market transactions. Classical civil-liability theory recognizes that damage may affect both economic and non-economic dimensions of personality, and the compensatory function of liability therefore cannot logically be limited to material loss alone (Yazdanian, 2021a). In Iraqi legal theory, the concept of damage has similarly been interpreted broadly enough to include injuries to personal and moral interests, particularly where the protected interest has independent legal significance (Al-Hakim et al., 1980). The recognition of moral damage thus reflects a fundamental principle: the law protects the person not only as an economic actor but also as a bearer of dignity, reputation, emotional integrity, and social identity.

The distinction between material and moral damage nevertheless remains important because the two categories raise different evidentiary and remedial problems. Material damage can frequently be quantified through documents, market values, lost income, medical costs, or replacement expenses. Moral damage cannot ordinarily be calculated through a comparable mathematical method. This does not make it unreal, but it changes the nature of judicial assessment. The task of the court is not to assign a market price to dignity or emotional tranquility; rather, it is to determine an equitable legal response to an injury that cannot be reversed completely. Iraqi scholarship on tort compensation has long recognized that compensation is not always capable of restoring the injured party literally to the prior condition but may instead provide an equivalent legal satisfaction when exact restoration is impossible (Al-Amiri, 1981). Modern analysis of non-pecuniary injury likewise emphasizes that monetary awards perform an approximative and compensatory role rather than claiming to measure subjective suffering with scientific precision (Al-Ukayli, 2020).

In administrative law, moral damage may result from either administrative action or omission, but administrative decisions constitute an especially important category because of their formal legal effects and authoritative character. An administrative decision generally represents a unilateral expression of public authority intended to produce legal consequences. Unlike private conduct, such a decision carries institutional authority and may immediately alter the legal status of an individual. An unlawful dismissal, disciplinary sanction, refusal of a license, exclusion from a public benefit, withdrawal of authorization, administrative accusation, travel restriction, or disclosure of confidential information may affect the claimant in ways that exceed direct economic consequences. Because administrative acts originate from public authorities, their reputational impact can be especially significant. A statement of wrongdoing contained in an official decision may carry greater social credibility than an equivalent statement made by a private individual. For this reason, the coercive and authoritative nature of administrative power is relevant not only to the legality of the act but also to the intensity of the resulting moral harm.

The theoretical foundation of governmental liability has historically been contested because the doctrine of sovereignty was once associated with broad governmental immunity. Modern public law, however, increasingly rejects the proposition that the exercise of public power should place the state outside the ordinary requirements of legal responsibility. State liability now operates as an institutional counterpart to administrative authority: the greater the capacity of the state to affect individual rights, the stronger the justification for mechanisms capable of repairing unlawful harm. Iranian scholarship on state civil liability reflects this development by treating governmental responsibility as an integral element of the rule of law rather than an exceptional concession granted to individuals (Yazdanian, 2021b). Judicial developments concerning governmental liability further demonstrate a movement toward stronger accountability where damage results from exercises of public authority (Riahi, 2018). In this framework, compensation for moral damage is not a peripheral issue but a test of whether public-law accountability protects the full range of legally recognized interests.

Fault constitutes one possible basis of liability. Under a fault-based model, the claimant must generally demonstrate that the administrative authority or responsible official failed to observe the standard of conduct required by law. Fault may take the form of negligence, abuse of authority, procedural violation, disregard of statutory requirements, unreasonable delay, factual

error arising from inadequate investigation, or deliberate misuse of administrative power. Fault-based liability has the advantage of linking compensation to blameworthy governmental conduct and may prevent excessive exposure of public resources. However, it also generates difficulties. Administrative decisions are often products of complex institutional processes involving multiple departments and officials. The injured individual may have little access to internal records necessary to demonstrate precisely where the administrative failure occurred. Moreover, a decision may be unlawful because of an objective legal defect without proof of personal misconduct by a particular official. Modern developments in Iranian administrative liability have therefore raised the possibility that certain forms of state responsibility should not depend exclusively on traditional proof of subjective fault ([Molaei, 2025b](#)).

Strict or objective forms of state liability may be justified where the nature of public activity creates special risks or where fairness requires that the community rather than the individual bear an abnormal burden caused by lawful or unlawful governmental action. Such theories are particularly relevant where the claimant suffers exceptional harm even though administrative officials acted without demonstrable negligence. The principle of equality before public burdens provides one conceptual foundation for this approach: individuals should not be required to bear disproportionate losses imposed for the benefit of society as a whole. Nevertheless, moral damage presents a more difficult context for objective liability because its boundaries may be less easily controlled than those of property loss. A coherent system must therefore distinguish serious, individualized, and legally significant non-pecuniary injury from ordinary inconvenience, frustration, or emotional disappointment associated with routine administrative activity.

Unlawfulness is closely related to fault but should not be treated as identical to it. An administrative decision may be unlawful because the issuing body lacked jurisdiction, failed to observe mandatory procedure, misunderstood the law, relied on irrelevant considerations, acted for an improper purpose, or violated substantive rights. Such unlawfulness may support a claim for compensation, but the annulment of a decision should not necessarily create automatic liability in every case. Some legal defects may be minor and may not cause actual harm. Conversely, there may be circumstances in which serious damage results even though the administrative action cannot easily be characterized as fault-based. The legal system therefore needs a structured relationship among unlawfulness, damage, causation, and the normative basis of liability. Iranian administrative jurisprudence demonstrates that a finding concerning the illegality of governmental action may constitute an important element of liability analysis, yet the claimant must still establish the existence and connection of compensable damage ([Riahi, 2018](#)).

Causation is indispensable because compensation cannot be imposed merely because a claimant has suffered distress and an administrative decision was unlawful. The damage must be attributable to the decision according to an accepted legal criterion. Causation becomes particularly difficult where reputational or psychological harm has several potential sources. An unlawfully disciplined employee, for instance, may already have experienced workplace conflict before the contested decision. A businessperson denied a permit may claim reputational harm, but commercial difficulties may also arise from market conditions. The court must therefore identify whether the administrative decision materially contributed to the alleged harm and whether the connection is sufficiently direct to justify liability. Comparative analysis of causation in Iranian state liability indicates that judicial results may vary depending on whether courts apply a direct-cause approach, an adequate-causation standard, or a broader assessment of normative attribution ([Rajabzadeh et al., 2022](#)). The absence of clear criteria may create unpredictability, particularly in moral-damage cases.

Proof constitutes another conceptual challenge. Certain forms of moral damage may be inferred from the nature of the violation itself. Public disclosure of a false accusation, for example, naturally carries a substantial likelihood of reputational injury. In other cases, the claimant may need to provide testimony, medical evidence, psychological reports, employment records, correspondence, witness statements, or evidence of social consequences. Courts should avoid two extremes. If they demand documentary proof equivalent to that required for financial loss, many genuine non-pecuniary injuries will be impossible to establish. Yet if subjective assertions alone are always sufficient, liability may become unpredictable and vulnerable to exaggerated claims. Scholarship dealing with assessment of non-pecuniary harm stresses the need for objective indicators capable of guiding judicial evaluation without denying the inherently personal character of the injury ([Sadeghnia, Shakibamehr, et al., 2021](#)).

The remedial dimension is equally important. Monetary compensation may provide recognition of wrongdoing, a measure of satisfaction, and practical relief, but it does not always repair the specific injury. If an unlawful administrative decision has

damaged reputation, correction or withdrawal of the official record may be more important than money. If an individual has been publicly stigmatized, publication of a corrective decision may be appropriate. If a claimant has been unlawfully excluded from a position, reinstatement may constitute an essential component of reparation. Modern conceptions of non-pecuniary reparation therefore support a combination of monetary and non-monetary remedies (Sadeghnia, Ahmadi, et al., 2021). The human-rights perspective reinforces this approach because an effective remedy should respond to the actual nature of the violation rather than merely provide symbolic access to judicial proceedings (M. Farajnia, 2024).

The relationship between moral damage and human dignity is particularly significant in administrative law. Public authorities possess powers that can affect legal status, liberty, livelihood, reputation, and access to public services. Where such powers are used arbitrarily or unlawfully, the injury may concern the individual's position as a citizen in relation to the state. This differentiates some forms of administrative moral damage from ordinary private disputes. An unlawful governmental accusation may communicate not merely criticism but an authoritative judgment concerning the person's conduct or status. Recognition of the resulting injury therefore has an institutional function: it affirms that administrative legality includes respect for the individual as a rights-holder. The human-rights dimensions of public-law reparation support this broader understanding of moral damage (M. Farajnia, 2024).

A coherent doctrine should accordingly require several elements: a legally protected non-pecuniary interest, a sufficiently serious injury, a legally relevant connection between the administrative decision and the damage, and a recognized basis of governmental liability. The seriousness requirement is important because not every unpleasant consequence of public administration should generate compensation. Citizens inevitably experience disappointment, inconvenience, or anxiety in interactions with government, and liability should be reserved for injuries exceeding ordinary administrative burdens. The degree of seriousness may be assessed by considering duration, publicity, impact on professional or social status, intensity of emotional suffering, vulnerability of the claimant, nature of the right violated, and persistence of consequences.

The concept of full reparation also requires careful interpretation. Literal restoration is frequently impossible in moral-damage cases because psychological suffering cannot be erased and lost reputation may not be fully recoverable. Full reparation should therefore be understood functionally rather than mathematically. The remedy should seek, as far as reasonably possible, to eliminate continuing consequences, acknowledge the violation, restore legal status, correct the administrative record, and provide equitable compensation for irreparable aspects of the harm. Iraqi civil-liability scholarship recognizes compensation as a legal mechanism for responding to damage even where exact equivalence is unattainable (Al-Amiri, 1981). The same logic supports a flexible remedial approach to administrative moral damage.

The special position of public funds must also be considered. Governments finance compensation through public resources, and unlimited liability could interfere with administrative functioning. However, this consideration should not become a justification for denying compensation where serious harm has resulted from unlawful governmental conduct. Public-resource concerns are better addressed through principled liability thresholds and proportional assessment rather than categorical exclusion of moral damage. A legal system that protects governmental budgets by externalizing the cost of administrative wrongdoing onto injured individuals undermines both corrective justice and administrative accountability.

Ultimately, the conceptual foundation of compensation for moral damage arising from administrative decisions rests on the convergence of civil liability, public-law accountability, protection of personality interests, and the right to an effective remedy. The doctrine must recognize the distinctive characteristics of governmental power while maintaining sufficient safeguards against speculative liability. The comparative analysis of Iran and Iraq demonstrates that both systems possess legal materials capable of supporting such protection, but the effectiveness of those materials depends on the clarity with which courts define damage, liability, causation, evidence, and appropriate forms of reparation.

3. Compensation for Moral Damage Caused by Administrative Decisions in Iranian Law

The Iranian legal system recognizes the principle of governmental responsibility through a combination of constitutional principles, civil-liability rules, administrative legislation, and judicial practice. Although the statutory framework does not always provide a unified and detailed regime specifically designed for moral damage caused by administrative decisions, the broader principles of state civil liability support the proposition that public authorities may be required to compensate injuries resulting from unlawful or harmful governmental conduct. Iranian civil-liability theory generally treats the existence of damage,

attribution of the harmful conduct, and a legally sufficient causal relationship as central elements of responsibility (Yazdanian, 2021a). When the harmful actor is the state or a public body, however, these general rules interact with the institutional characteristics of administrative power, including statutory competence, public-service functions, judicial review, and the distinction between personal fault of public employees and faults attributable to administrative organization (Yazdanian, 2021b).

Iranian administrative liability has historically faced tension between protection of individuals and preservation of administrative autonomy. Earlier approaches often emphasized governmental immunity or restricted state responsibility by distinguishing between sovereign and operational functions. Contemporary developments have increasingly weakened such distinctions where they would produce unjust denial of compensation. The modern orientation of administrative procedure places greater emphasis on lawful decision-making and the availability of remedies when administrative authorities exceed legal boundaries (Molaei, 2025a). This development has been reinforced by judicial approaches that regard the state not merely as the holder of public power but also as a legal actor capable of bearing responsibility for damage caused through exercise of that power (Riahi, 2018).

A central legal difficulty concerns the relationship between annulment of an administrative decision and compensation for the damage caused by that decision. Judicial review traditionally focuses on whether the decision conforms to law. If the decision is unlawful, an administrative court may annul it or prevent its continued enforcement. Yet annulment alone does not necessarily restore the injured person to the position that would have existed had the decision never been issued. Consider an unlawful disciplinary sanction imposed on a public employee. Even if the sanction is later annulled, the employee may have suffered reputational damage among colleagues, emotional distress, loss of professional credibility, or disruption of career progression. The legality proceeding and the compensation proceeding therefore address related but distinct questions. Iranian administrative case law has had to confront the consequences of this distinction, especially where individuals seek damages after establishing the unlawfulness of governmental conduct (Riahi, 2018).

The legal basis of liability may depend on whether the harm resulted from the personal fault of an official, an institutional deficiency, or the objective operation of administrative activity. Personal fault can include intentional abuse, negligence, disregard of mandatory procedure, arbitrary exercise of discretion, or conduct outside the lawful scope of official duties. Institutional or service fault may arise from defective administrative organization, inadequate supervision, failure to maintain proper procedures, systemic delay, or erroneous operation of governmental mechanisms. The practical importance of this distinction lies in identifying who should bear responsibility and whether the claimant must identify a particular official. Modern Iranian scholarship increasingly supports a model in which the administration itself bears responsibility where the damage is functionally attributable to the public service, even when a specific individual fault cannot easily be isolated (Molaei, 2025a).

Recent judicial developments have also encouraged discussion of strict or no-fault state liability. Analysis of Administrative Justice Court case law indicates growing recognition that in certain circumstances the injured person should not bear the loss merely because conventional proof of fault is unavailable (Molaei, 2025b). This approach may be especially relevant in administrative moral-damage cases because internal governmental decision-making processes are often inaccessible to claimants. Requiring detailed evidence of personal negligence may render compensation practically impossible even where the unlawfulness and harmful consequences of the decision are clear. Nevertheless, strict liability should not be understood as automatic liability following every annulled decision. The claimant should still establish legally relevant damage and causation, and the circumstances should justify shifting the burden of the harm from the individual to the public authority.

Recognition of moral damage itself presents fewer theoretical difficulties than its judicial assessment. Iranian civil-liability scholarship recognizes that injury to dignity, honor, emotional security, reputation, and personality interests can constitute legally cognizable damage (Sadeghnia, Shakibamehr, et al., 2021). The more difficult issue is determining when such injury reaches the threshold of compensability. Ordinary inconvenience caused by administrative procedures should be distinguished from serious non-pecuniary harm. Delayed issuance of a permit may cause irritation but may not necessarily generate moral damage. By contrast, an unjustified official accusation of misconduct, wrongful inclusion of a person on a restrictive administrative list, public disclosure of confidential information, or arbitrary removal from public office may produce a

significant injury to dignity and reputation. The seriousness requirement can therefore function as an important limiting principle.

The evidentiary burden is one of the most important practical obstacles. Unlike loss of salary or property damage, psychological and reputational injuries may leave limited documentary evidence. Courts may need to infer damage from the nature and circumstances of the administrative violation. Where an authority publicly issues a false accusation, reputational injury may reasonably be inferred without requiring the claimant to produce evidence from every person whose opinion changed. By contrast, claims of severe psychological suffering may require stronger supporting evidence, particularly where the alleged consequences are prolonged or medically significant. The assessment framework proposed in Iranian civil-liability scholarship suggests consideration of objective factors such as intensity of the violation, duration of consequences, social position of the claimant, publicity of the harmful act, and persistence of the injury (Sadeghnia, Shakibamehr, et al., 2021).

Causation creates additional complexity. The claimant must demonstrate that the moral injury resulted from the administrative decision rather than unrelated circumstances. Iranian comparative research on state civil liability shows that causation is not merely a factual question but also a normative one concerning which consequences should legally be attributed to governmental conduct (Rajabzadeh et al., 2022). In moral-damage cases, the directness and foreseeability of the injury may be particularly important. Reputational harm following publication of an unlawful disciplinary finding may be closely connected to the decision, while more remote social or psychological consequences may require stronger evidence. Where several causes contribute to the injury, courts should determine whether the administrative decision made a substantial contribution rather than demand proof that it was the exclusive cause.

Another difficulty concerns the effect of administrative discretion. Not every unfavorable decision is unlawful, and not every mistaken exercise of discretion should generate compensation. Administrative authorities require a legitimate sphere of judgment in areas where statutes grant evaluative power. Liability should arise where discretion is exercised outside legal boundaries, on irrelevant grounds, for improper purposes, disproportionately, or in a manner incompatible with protected rights. The distinction between lawful discretion and arbitrary decision-making is therefore essential. Overly broad liability could encourage defensive administration, while excessive judicial deference could leave individuals without effective protection. The proper balance requires courts to examine not simply whether the outcome was unfavorable but whether the decision-making process and substantive justification complied with legal standards.

The right to an effective remedy provides a powerful framework for evaluating the Iranian system. Judicial access is meaningful only if the available remedy can respond adequately to the harm caused. Iranian scholarship examining administrative remedies in light of human-rights standards has emphasized that effective judicial protection includes practical capacity to obtain redress rather than merely formal recognition of unlawful conduct (A. Farajnia, 2024). Where an administrative decision causes serious moral damage, a remedy limited to annulment may therefore be insufficient. Public-law reparation should address continuing consequences and provide appropriate acknowledgment of the injury (M. Farajnia, 2024).

The quantification of moral damage remains one of the weakest areas of practical doctrine. Courts possess substantial discretion because no universal formula can convert humiliation, distress, or reputational injury into a monetary figure. Complete standardization would be undesirable because moral harm depends heavily on context. However, absence of guiding criteria can produce inconsistent awards and reduce predictability. Relevant factors should include seriousness of the unlawful conduct, degree of fault, duration of the injury, publicity of the decision, professional and social consequences, vulnerability of the claimant, persistence of psychological harm, conduct of the administration after discovering the error, and availability of corrective measures. Where an authority promptly acknowledges and remedies its mistake, the level of continuing harm may differ from a case in which the authority persists in defending an obviously unlawful decision.

The relationship between compensatory and non-monetary remedies should also be clarified. In cases involving official records, reputation, or professional standing, money alone may be inadequate. Correction of records, reinstatement, withdrawal of accusations, publication of judgments, formal acknowledgment of error, and restoration of administrative status can play an essential role. Comparative and international approaches to non-pecuniary reparation emphasize the importance of measures capable of addressing the specific consequences of rights violations (Sadeghnia, Ahmadi, et al., 2021). Iranian law would therefore benefit from a more explicit remedial framework enabling courts to combine monetary compensation with appropriate corrective orders.

Jurisdictional fragmentation represents another challenge. Claimants may face uncertainty regarding whether the Administrative Justice Court or ordinary civil courts should determine different aspects of the dispute. If one judicial body determines unlawfulness while another assesses compensation, the claimant may be required to initiate sequential proceedings. Such fragmentation increases litigation costs, prolongs the dispute, and may weaken the practical effectiveness of reparation. Developments in Iranian administrative procedural law demonstrate the importance of designing mechanisms that connect review of administrative legality with consequences of liability (Molaei, 2025a). A more integrated approach could improve access to justice, especially where the facts relevant to illegality and damage substantially overlap.

The role of constitutional values should also be strengthened. Moral damage caused by administrative decisions often implicates dignity, equality, privacy, occupational rights, or procedural fairness. Treating compensation solely as a matter of ordinary civil liability may therefore overlook the public-law significance of the violation. A rights-based approach does not eliminate traditional requirements such as causation and proof but influences how courts interpret them. Where a core personal right has been seriously infringed by public authority, the remedial system should avoid evidentiary standards so restrictive that the right becomes practically unenforceable.

Iranian law also requires clearer rules concerning responsibility among the state, administrative institutions, and individual officials. From the claimant's perspective, requiring identification of the exact internal source of fault may impose an unfair burden. The public authority is ordinarily better positioned to investigate internal responsibility and, where appropriate, seek recourse against an official who acted intentionally or with gross negligence. Direct institutional liability can therefore protect the injured person while preserving internal accountability. This allocation is particularly appropriate where the damage results from systemic administrative failure rather than individual misconduct.

The overall trajectory of Iranian law suggests increasing receptiveness to state responsibility and non-pecuniary reparation, yet doctrinal and procedural uncertainty continues to limit effectiveness. Recognition of moral damage in principle is insufficient without clear standards concerning seriousness, causation, proof, forms of remedy, jurisdiction, and assessment. The future development of Iranian administrative liability should therefore focus less on the abstract question of whether moral damage is compensable and more on the concrete legal architecture through which compensation can be made predictable, accessible, and effective.

4. Iraqi Law and Comparative Analysis of the Iranian and Iraqi Systems

Iraqi law approaches moral damage primarily through the general framework of civil liability while also recognizing that public authorities may incur responsibility when administrative conduct causes legally cognizable injury. The Iraqi Civil Code constitutes a central source for determining the elements and consequences of harmful acts, and its general principles provide the doctrinal foundation upon which state liability may be constructed (Abboudi, 2015). Iraqi obligations theory traditionally treats damage as a basic condition of liability and does not confine compensable injury exclusively to economic loss (Al-Hakim et al., 1980). This creates an important foundation for recognition of moral damage where an administrative decision injures honor, reputation, psychological integrity, social standing, or other non-material interests.

Iraqi legal scholarship has long emphasized that compensation seeks to respond to the harm caused by wrongful conduct and that the form and amount of compensation should correspond, as far as legally possible, to the nature of the injury (Al-Amiri, 1981). The application of these principles to non-pecuniary damage requires judicial evaluation because moral interests cannot be restored through exact financial equivalence. Specific Iraqi research on non-pecuniary compensation confirms that moral damage may arise across legal contexts and that the absence of precise economic valuation should not exclude it from legal protection (Al-Ukayli, 2020). Although some scholarship has examined moral damage particularly in civil and administrative-contract contexts, the underlying reasoning is relevant to unilateral administrative acts because the protected interests and compensatory challenges are comparable.

Administrative liability introduces additional complexities because public bodies act under statutory authority and pursue public purposes. Iraqi administrative adjudication must therefore balance two considerations: administrative authorities require sufficient freedom to perform public functions, yet individuals should not bear unjustified injury caused by unlawful exercises of public power. Iraqi scholarship specifically addressing administrative liability for moral damage recognizes that

administrative adjudication has an essential role in protecting non-economic personal interests against governmental interference (Sulayman, 2021). The central issue is not whether administrative authorities may ever be liable, but under what circumstances their decisions create a duty of reparation and how that duty should be enforced.

The traditional elements of liability—wrongful conduct, damage, and causation—provide the starting point. An unlawful administrative decision may constitute the relevant wrongful act when it violates jurisdictional rules, mandatory procedures, statutory limitations, or protected rights. However, as in Iranian law, illegality and liability should not be treated as automatically synonymous. Annulment establishes that the administrative decision cannot legally stand, but compensation requires additional inquiry into whether actual damage occurred and whether it is attributable to the decision. This distinction is necessary to avoid converting every administrative defect into a damages claim. At the same time, the legal system must not allow annulment to become the only remedy where the harmful effects of the decision persist after its cancellation.

Moral damage under Iraqi law can include injury to reputation, honor, emotional stability, family relations, privacy, or social status. General Iraqi tort doctrine supports compensation for non-material injuries where legally protected interests have been affected (Al-Hakim et al., 1980). In administrative contexts, the authoritative character of governmental decisions may intensify such harm. A false accusation contained in an official administrative document may have wider consequences than an equivalent private statement because employers, institutions, and members of the public may attach greater credibility to governmental records. Likewise, an unlawful disciplinary decision may have lasting effects on professional identity even if eventually annulled.

Proof presents difficulties similar to those found in Iran. The claimant may establish certain forms of moral damage through the circumstances of the violation itself, while other claims may require medical, testimonial, documentary, or expert evidence. Iraqi legal discussion of compensation acknowledges the court's evaluative role in determining both the existence and extent of non-pecuniary injury (Al-Ukayli, 2020). Judicial discretion is therefore unavoidable, but discretion should operate within a principled framework. Factors such as the seriousness of the administrative wrongdoing, extent of publicity, duration of the injury, claimant's social or professional position, persistence of consequences, and conduct of the administration after the event can guide assessment.

Iraqi doctrine also provides useful insight through treatment of compensation in other fields. Research concerning compensation in criminal proceedings demonstrates that non-material consequences associated with exercises of public authority can generate serious questions of dignity, reputation, and personal suffering (Hujayj, 2014). Although criminal proceedings differ from administrative decision-making, the broader principle is relevant: where the state exercises coercive or authoritative power, unlawful interference may generate non-economic harm requiring legally effective reparation. This reinforces the argument that public-law compensation should not be confined to financial loss.

Causation remains an essential condition. The claimant must establish a sufficiently close relationship between the administrative decision and the alleged moral damage. Iraqi civil-law principles generally require attribution of damage to the harmful act according to accepted standards of legal causation (Abboudi, 2015). In cases involving reputation or psychological injury, courts should examine whether the consequences were a normal or foreseeable result of the administrative act, whether intervening circumstances broke the causal connection, and whether the decision substantially contributed to the harm. The objective should be neither automatic attribution nor excessively restrictive proof.

Monetary compensation remains an important remedy in Iraqi law, but it should not be regarded as the sole possible form of reparation. In cases involving administrative records, professional status, or public reputation, correction of the decision or official acknowledgment of its invalidity may have significant restorative value. Iraqi doctrine on non-pecuniary damage supports the general principle that compensation should correspond to the character of the injury (Al-Ukayli, 2020). A flexible remedial system should therefore allow courts to combine financial awards with non-monetary measures where necessary.

The comparison between Iran and Iraq reveals substantial similarities. Both systems recognize general civil-liability principles capable of encompassing non-pecuniary harm. Both require some form of damage and causal connection. Both face uncertainty regarding the boundary between illegality and compensable liability. Both rely significantly on judicial evaluation because moral damage cannot be determined by fixed economic formulas. Both must reconcile public-law considerations with private-law principles of compensation. Furthermore, both systems face challenges concerning the division of competence between administrative and ordinary judicial bodies.

The first major comparative issue concerns the normative foundation of liability. Iranian law has increasingly developed state responsibility through administrative jurisprudence, constitutional concepts, civil-liability principles, and public-law scholarship emphasizing effective remedies (Molaei, 2025a). Iraqi law relies strongly on the Civil Code and general obligations doctrine while administrative-law scholarship adapts those principles to governmental conduct (Sulayman, 2021). The difference is partly one of doctrinal emphasis: Iranian analysis increasingly frames the issue in terms of administrative justice and public-law accountability, while Iraqi analysis retains a particularly strong connection to general civil-liability doctrine.

The second comparative issue concerns fault. Both systems historically place substantial importance on wrongful or faulty conduct, yet both confront situations in which proof of individual administrative fault is difficult. Iranian developments appear increasingly open to broader forms of state responsibility, including certain forms of strict liability recognized in administrative jurisprudence (Molaei, 2025b). Iraqi law also possesses doctrinal resources for attributing liability to public entities, but the precise conditions under which fault may be relaxed require continued development. A strong comparative model would distinguish between personal fault, service fault, and objective governmental responsibility.

The third issue concerns moral damage itself. Both systems recognize the legal significance of non-pecuniary interests, but neither has completely eliminated uncertainty regarding thresholds and assessment. Iranian scholarship has developed detailed discussions of citizenship rights and criteria for evaluating non-pecuniary harm (Sadeghnia, Shakibamehr, et al., 2021). Iraqi scholarship similarly recognizes non-pecuniary compensation but often approaches it through the structure of civil liability (Al-Ukayli, 2020). In both systems, explicit statutory guidance concerning administrative moral damage could strengthen consistency.

The fourth issue concerns causation. Iranian scholarship has directly examined alternative criteria for establishing causation in state liability (Rajabzadeh et al., 2022). This provides a useful analytical basis for distinguishing factual causation from normative attribution. Iraqi doctrine also requires a causal relationship but may benefit from more detailed judicial standards tailored to non-pecuniary administrative harm. In both jurisdictions, causation should be sufficiently flexible to recognize complex psychological or reputational injuries while remaining rigorous enough to exclude speculative claims.

The fifth comparative challenge is judicial competence. Where administrative courts possess authority to annul decisions but ordinary courts possess authority to award damages, claimants may encounter fragmented proceedings. Such institutional separation creates delay and may produce inconsistent factual assessments. The effectiveness of administrative remedies in Iran has been examined through the broader principle that judicial protection should produce practical redress rather than merely formal review (A. Farajnia, 2024). Comparable concerns apply in Iraq. A claimant should not be forced to navigate unnecessarily complex jurisdictional pathways merely because the harm arises at the intersection of administrative and civil law.

The sixth issue is quantification. Neither jurisdiction can realistically adopt a rigid tariff for all moral injuries. Yet unrestricted discretion creates the danger of unequal treatment. Both legal systems would benefit from judicial guidelines identifying relevant factors while preserving flexibility. Such criteria could include severity of the violation, intent or degree of fault, public dissemination, duration, professional consequences, psychological effects, vulnerability, correction efforts, and recurrence. Iranian scholarship on assessment provides a foundation for such an approach (Sadeghnia, Shakibamehr, et al., 2021), while Iraqi compensation doctrine supports adaptation of the remedy to the circumstances of the injury (Al-Amiri, 1981).

A seventh issue concerns the human-rights orientation of reparation. Iranian public-law scholarship increasingly connects compensation with human dignity and effective remedy (M. Farajnia, 2024). This perspective could also enrich Iraqi administrative liability by emphasizing that compensation for moral injury is not merely a technical extension of tort law but an aspect of protection against misuse of public power. Where administrative action violates dignity, privacy, equality, or reputation, the remedial response serves both individual and institutional purposes.

An eighth comparative issue involves non-monetary remedies. Both systems remain strongly influenced by monetary compensation, yet administrative moral damage often requires corrective action. Internationally oriented Iranian scholarship supports broader forms of reparation, including measures directed toward restoration and acknowledgment (Sadeghnia,

[Ahmadi, et al., 2021](#)). Iraqi law possesses sufficient remedial logic to accommodate similar measures, especially where correction of official records or withdrawal of an unlawful accusation is necessary to stop continuing harm.

The ninth issue concerns the evidentiary position of the claimant. Administrative authorities ordinarily control documents, internal correspondence, reasons for decisions, and procedural records. Strict application of ordinary burdens of proof may therefore disadvantage injured individuals. Both systems could adopt evidentiary mechanisms under which the administration bears a greater duty of disclosure once the claimant establishes a plausible case. Such an approach would not presume liability but would correct the informational imbalance inherent in administrative disputes.

The tenth comparative issue concerns prevention. Liability rules do more than compensate past injury; they influence future administrative behavior. Clear exposure to liability for serious moral harm can encourage authorities to provide reasons, observe procedure, verify factual allegations, protect confidentiality, and correct errors promptly. Conversely, unpredictable or excessive liability may discourage legitimate administrative decision-making. A well-designed system should therefore combine accountability with clear legal thresholds.

Iran and Iraq can each benefit from the experience of the other. Iran's developing administrative jurisprudence on state responsibility illustrates how public-law courts can contribute to expanding governmental accountability. Iraq's strong civil-law treatment of compensation provides an important doctrinal basis for systematic analysis of damage and remedy. A comparative synthesis suggests that the most effective model would combine the public-law orientation of administrative accountability with the doctrinal precision of civil-liability principles.

Both systems should move toward a framework in which serious moral damage resulting from unlawful administrative decisions is expressly recognized; liability can be attributed to the public authority without requiring unrealistic proof of individual fault; causation is assessed through transparent criteria; courts may rely on both direct and inferential evidence; monetary awards are guided by identifiable factors; non-monetary remedies are available where appropriate; and jurisdictional arrangements permit efficient resolution of both legality and compensation. Such a model would strengthen the coherence of state liability without exposing governments to unlimited or speculative claims.

5. Conclusion

Compensation for moral damage arising from administrative decisions occupies an important position at the intersection of civil liability, administrative justice, and protection of fundamental personal interests. The comparative analysis of Iran and Iraq demonstrates that both legal systems possess doctrinal foundations capable of recognizing non-pecuniary harm caused by public authorities, but both continue to face significant difficulties in translating general principles into coherent and predictable judicial practice. The principal problem is no longer whether moral damage can exist in administrative relationships. The more difficult questions concern the precise conditions of liability, the relationship between unlawfulness and compensation, the proof and causation of non-economic injury, the assessment of damages, the role of non-monetary remedies, and the institutional mechanisms through which claims can be adjudicated effectively.

Administrative decisions possess a distinctive capacity to cause moral injury because they express authoritative governmental judgment and may directly affect a person's legal status, reputation, occupation, dignity, privacy, or social standing. The formal annulment of an unlawful decision can eliminate its legal validity but cannot always remove consequences that have already occurred. A person who has been publicly stigmatized by an unlawful disciplinary decision, wrongfully dismissed from public employment, falsely accused in an official document, or subjected to an unjustified administrative restriction may continue to experience reputational, professional, or psychological consequences after the decision is cancelled. A modern system of administrative justice must therefore distinguish between correction of illegality and reparation of harm.

The analysis shows that a viable liability model should not make compensation automatically dependent on the annulment of an administrative decision, nor should annulment automatically produce compensation. These are separate but connected inquiries. Unlawfulness should ordinarily constitute important evidence supporting liability, but the claimant must also establish the existence of a sufficiently serious injury and an adequate causal connection between the decision and that injury. Minor procedural irregularities that produce no meaningful harm should not create damages liability. Conversely, serious infringements of dignity, reputation, privacy, or psychological integrity should not remain uncompensated merely because the injury cannot be expressed through precise financial calculations.

The fault requirement requires particular reconsideration. In many administrative disputes, the injured person cannot realistically identify which individual official made the decisive mistake or prove the internal circumstances that produced the unlawful decision. Governmental decision-making is often institutional rather than personal. Liability should therefore be capable of attaching directly to the relevant public authority where the harmful decision arose from the functioning of the administrative organization. Personal fault should remain important for internal disciplinary responsibility or recourse against individual officials, particularly in cases of intentional misconduct or gross negligence, but it should not operate as an unnecessary obstacle to compensation of the injured person.

At the same time, a complete shift to automatic strict liability would be inappropriate. Public administration inevitably involves difficult decisions, uncertain legal interpretation, factual evaluation, and legitimate discretion. Exposure to compensation for every reversed administrative decision could encourage excessive caution and impair effective governmental decision-making. The preferable approach is a differentiated system in which liability may arise from fault, serious illegality, violation of protected rights, abnormal individual burdens, or other recognized grounds depending on the nature of the case. What matters is that the legal basis be clearly identified and applied consistently.

Causation is another area requiring doctrinal refinement. Moral damage is frequently complex, cumulative, and influenced by multiple factors. The requirement of causation should therefore not be reduced to a simplistic demand that the administrative decision be the sole cause of the injury. A more appropriate standard is whether the decision made a substantial, legally relevant contribution to the harm and whether the consequence can reasonably be attributed to the authority. Courts should consider temporal proximity, foreseeable consequences, publicity of the decision, intervening events, prior conditions, and the nature of the protected interest. Transparent causal reasoning would substantially improve consistency in both Iranian and Iraqi adjudication.

Evidence of moral damage should also be approached flexibly. Some forms of harm are naturally inferable from the circumstances. Public dissemination of a false governmental accusation, for example, carries an inherent potential for reputational damage. In other cases, medical reports, expert assessments, witness testimony, professional records, correspondence, or other evidence may be necessary. Courts should neither require impossible proof nor accept unsupported subjective assertions automatically. The evidentiary standard should correspond to the nature and seriousness of the alleged injury.

Assessment of monetary compensation requires a structured but non-mechanical approach. Fixed tariffs would fail to reflect the diversity of moral injuries, yet unrestricted judicial discretion can produce unequal outcomes. Courts should therefore rely on a non-exhaustive group of factors, including seriousness of the violation, duration of the harm, extent of publicity, degree of fault, impact on professional and social standing, psychological consequences, vulnerability of the claimant, persistence of the injury, behavior of the authority after discovering the error, and availability of corrective measures. Publication of reasoned judgments explaining how these factors influence awards could gradually generate a body of jurisprudential guidance.

Monetary compensation should not be treated as the exclusive response to moral damage. Administrative law is particularly suited to non-monetary forms of reparation because the source of harm is often an official legal act or record. Appropriate remedies may include annulment, reinstatement, correction of files, removal of unlawful statements, restoration of professional status, public acknowledgment of error, formal apology, publication of a corrective judgment, and guarantees against repetition. Courts should be empowered to combine these measures with financial compensation where necessary. The objective should be practical restoration rather than symbolic recognition alone.

Jurisdictional fragmentation should be reduced. A claimant seeking compensation should not face an unnecessarily complicated sequence in which one court determines illegality and another later reconsiders much of the same factual material for damages. Greater procedural coordination between administrative and ordinary courts, or expanded authority for the competent administrative adjudicatory body to address the consequences of unlawful decisions, could improve efficiency and access to justice. Whatever institutional model is adopted, the division of jurisdiction should be clear, predictable, and designed around effective redress rather than formal distinctions between public and private law.

The comparison also demonstrates that Iranian law would benefit from clearer statutory recognition of the conditions and forms of compensation for moral damage caused by administrative decisions. Existing principles provide an important foundation, but reliance on dispersed rules and jurisprudential development may produce uncertainty. Legislation or

authoritative judicial guidance could define the concept of serious non-pecuniary injury, identify relevant grounds of governmental liability, establish principles for evidence and causation, and authorize both monetary and corrective remedies.

Iraqi law similarly possesses a strong general framework of civil liability but would benefit from more explicit integration of those principles into administrative adjudication. The existence of broad compensation rules does not by itself resolve the distinctive problems created by exercises of public authority. Administrative liability requires attention to institutional fault, public-law illegality, judicial competence, access to governmental evidence, and the special significance of official decisions for reputation and dignity. Clearer administrative-law standards could therefore complement the general rules of the Civil Code.

A further reform in both systems should concern transparency. Courts should provide detailed reasoning when accepting or rejecting claims for moral damage. Decisions should explain why a particular injury is legally cognizable, how causation has been established, what evidence has been accepted, which factors have influenced the amount of compensation, and why a particular form of reparation is appropriate. Reasoned decisions would reduce inconsistency, enable development of stable jurisprudential standards, and provide administrative authorities with guidance for future conduct.

Public bodies should also develop internal preventive mechanisms. Before issuing decisions capable of seriously affecting reputation, employment, privacy, or professional status, authorities should ensure adequate investigation, observance of procedural safeguards, access to evidence, opportunity to respond, proportionality, and reasoned decision-making. Administrative review mechanisms should permit rapid correction of obvious errors before damage becomes permanent. Liability should therefore operate not only as a mechanism of compensation after harm has occurred but also as an incentive for lawful and careful administration.

Ultimately, the protection of individuals against moral damage caused by administrative decisions is an essential component of contemporary governmental accountability. A legal system that recognizes only economic losses fails to reflect the real ways in which public power can affect human beings. At the same time, compensation must remain legally disciplined, evidence-based, and proportionate. The most appropriate model for both Iran and Iraq is therefore one that recognizes serious non-pecuniary injury expressly, applies coherent principles of attribution and causation, facilitates realistic proof, guides judicial assessment, permits both monetary and non-monetary reparation, and provides an efficient procedural route for obtaining relief. Such a framework would strengthen administrative legality, promote responsible governmental decision-making, and ensure that the exercise of public authority remains compatible with the protection of human dignity and effective judicial redress.

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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