The Impact of the Principle of Equity on Public Administration Practices and Administrative Adjudication in Iraq and Iran

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Abstract

This study examines the impact of the principle of equity on public administration practices and administrative adjudication in Iraq and Iran, with particular emphasis on the relationship between administrative authority, legality, and the protection of individual rights. The research is based on a comparative and descriptive-analytical approach and focuses on the legal and judicial mechanisms through which equity influences the exercise of administrative discretion, the protection of acquired rights and established legal positions, procedural fairness, and judicial review. The findings indicate that equity does not function as an alternative to the principle of legality in either legal system. Rather, it operates as a complementary principle that guides the exercise of lawful administrative powers and assists administrative judges in preventing arbitrariness, disproportionality, discriminatory treatment, and unjustified interference with individual rights. In Iraq, the practical application of equity is particularly evident in disputes involving public employment, disciplinary procedures, acquired rights, and the stability of legal positions created by valid administrative decisions. Iraqi administrative adjudication gives considerable attention to the right of defense, proper procedure, and protection against unlawful interference with employment-related rights. In Iran, equity is more strongly reflected in the interpretation of administrative norms, judicial review of administrative decisions and regulations, procedural justice, transparency, access to information, and the supervisory role of the Administrative Justice Court. The comparative analysis shows that both systems seek to reconcile the requirements of public interest with the need to protect individuals against the structural superiority of public administration. The study concludes that equity strengthens administrative justice by promoting equality, proportionality, legal certainty, procedural integrity, and effective judicial protection while remaining subject to the boundaries established by legislation. Strengthening reason-giving requirements, procedural safeguards, protection of acquired rights, transparency, and effective judicial review would further enhance the role of equity in both legal systems.

Keywords: Equity; Public Administration; Administrative Adjudication; Administrative Discretion; Acquired Rights; Procedural Fairness; Judicial Review; Iraq; Iran

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1. Introduction

The principle of equity occupies a distinctive position in administrative law because the relationship between public administration and individuals is structurally different from ordinary private-law relationships. Public authorities possess legal privileges, unilateral decision-making powers, disciplinary authority, regulatory competence, and mechanisms of compulsory implementation that are generally unavailable to private persons. Administrative law therefore cannot be confined to a mechanical application of written legal rules without considering the justice of their implementation. Traditional administrative-law scholarship has emphasized that public authorities are bound by legality, yet the principle of legality itself must function within a broader legal order oriented toward justice and the protection of rights (Al-Tamawi, 1986). Administrative law consequently requires mechanisms capable of preventing lawful powers from being exercised arbitrarily, disproportionately, or for purposes inconsistent with those for which they were granted. Equity performs an important function in this respect by directing administrative authority toward equality, fairness, proportionality, procedural integrity, and respect for established legal positions. The relationship between legality and justice is particularly significant because legal rules often grant administrative authorities a margin of discretion that cannot be completely regulated in advance by legislation. Equity does not eliminate that discretion but provides a normative framework within which it should be exercised. The importance of this function becomes especially apparent where legislation is general, ambiguous, incomplete, or silent regarding the manner in which competing public and private interests should be reconciled.

Equity in administrative law should not be understood as an unrestricted authorization to disregard statutory rules in the name of subjective justice. The rule of law requires that the administration act according to constitutionally and legally established powers, and the administrative judge cannot replace a clear legislative rule merely because another outcome appears more desirable. The rule of law depends upon predictability, stability, and institutional restraint, all of which would be weakened if equity were transformed into an autonomous source permitting authorities to override legislation (Zarei, 2015). Rather, equity functions within legality. It may clarify the application of general standards, guide administrative discretion, help interpret ambiguous provisions, prevent discriminatory treatment, protect acquired rights, and support judicial scrutiny of governmental measures whose formal legality conceals disproportionate or arbitrary consequences. In this sense, equity supplements rather than displaces legality. This understanding is consistent with the broader philosophy of law in which justice constitutes an essential objective of the legal order while positive rules remain necessary to ensure certainty and institutional coherence (Katouzian, 2014). The significance of equity is therefore greatest not where law is absent altogether, but where law creates a range of legally permissible choices and requires a principled method for identifying the choice most compatible with justice, public interest, individual rights, and the purposes of legislation.

Administrative discretion makes this problem particularly important. Modern administrations regulate employment, licensing, public services, education, social benefits, planning, discipline, public property, economic activity, and many other areas in which the legislature cannot predetermine every factual circumstance. Discretion is consequently an indispensable feature of administrative governance rather than a legal defect. Administrative authorities must frequently evaluate circumstances, determine priorities, compare competing interests, select appropriate measures, and respond to changing public needs. The problem arises when administrative flexibility becomes detached from the purposes for which the discretionary power was granted. Scholarship concerning discretionary authority emphasizes that legal competence does not mean absolute freedom, because administrative choices remain constrained by statutory purpose, relevant considerations, procedural requirements, and the prohibition of arbitrariness (Al-Adawi, 2025). Equity strengthens these constraints by requiring comparable situations to be treated consistently, differences in treatment to have rational justification, and restrictions imposed on individuals to remain proportionate to legitimate administrative objectives. Judicial control of discretion becomes especially significant in this context because courts must distinguish between permissible administrative choice and abuse of legal authority (Al-Qasimi, 2026).

The importance of equity also arises from the inequality inherent in administrative relationships. In ordinary private disputes, the law generally presumes a substantial degree of juridical equality between the parties. In administrative relations, however, the state acts through permanent institutions possessing legal authority, information, organizational capacity, financial resources, and coercive powers, whereas the individual may lack access to documents, expertise, or effective means of

challenging an administrative determination. Administrative procedure must therefore contain guarantees capable of preventing institutional superiority from producing legal injustice. Public employment provides a particularly clear illustration. The administration must preserve discipline and efficiency within public institutions, yet the employee must receive adequate procedural guarantees before disciplinary consequences are imposed. The right of defense is therefore not a procedural formality but an essential mechanism for restoring balance within disciplinary proceedings (Rubak, 2023). The same logic applies to notification, access to relevant documents, the opportunity to respond to allegations, the duty to examine evidence, and the requirement that decisions affecting rights be sufficiently reasoned.

In the Iraqi legal system, the practical significance of equity is particularly visible in disputes involving public employees, disciplinary decisions, acquired rights, administrative competence, and the stability of individual legal positions. Iraqi administrative law has developed within a legal framework in which the judiciary plays an important role in reviewing governmental decisions and protecting individuals from unlawful administrative measures. The doctrinal structure of annulment proceedings demonstrates the particular position occupied by the administration and the need for judicial control capable of restoring legal balance (Sinjari, 2004). Public employment is especially important because appointment, promotion, salary, allowances, disciplinary liability, and termination all involve legal relationships in which administrative authorities possess substantial unilateral powers. The legal status of the public employee is therefore shaped both by the requirements of public service and by the need to protect legally established employment rights (Al-Khoury, 2004). Equity becomes relevant when courts examine whether administrative action has disturbed a legal position without adequate statutory justification, imposed consequences without proper procedure, or treated an employee in a manner inconsistent with established rights.

Iranian administrative law reveals a related but somewhat different pattern. Equity is closely connected to the interpretation of administrative norms, judicial review by the Administrative Justice Court, protection of citizens in their relations with public institutions, and the development of procedural principles governing administrative action. Iranian scholarship has increasingly examined fairness as a functional principle capable of influencing administrative interpretation and adjudication (Abadi & Abbasi, 2025). The Iranian system also demonstrates the importance of administrative procedures such as the right to be heard, reasoned decision-making, access to information, and review of administrative regulations. Developments concerning the right to be heard indicate a gradual recognition that lawful administrative action requires not merely formal competence but also procedures that allow affected persons to participate meaningfully before adverse decisions are finalized (Fallahzadeh, 2013). The jurisdiction of the Administrative Justice Court is therefore central to understanding how individual complaints, administrative decisions, and general governmental measures are subjected to judicial scrutiny (Emami & Soleimani, 2013).

A comparative examination of Iraq and Iran is particularly useful because both systems recognize the centrality of legality while displaying different institutional patterns through which equitable considerations influence administrative practice. Iraqi jurisprudence gives considerable attention to employment rights, acquired rights, legal status, disciplinary safeguards, and the protection of settled positions. Iranian administrative law places comparatively greater emphasis on judicial review of administrative decisions and regulations, interpretation of administrative standards, procedural fairness, transparency, and the relationship between governmental powers and citizens' rights. These differences do not mean that equity has entirely separate meanings in the two systems. Rather, they demonstrate that a shared normative idea can operate through distinct legal institutions and doctrinal mechanisms. Administrative adjudication becomes the principal point at which these mechanisms converge, because administrative judges must simultaneously preserve legality, respect administrative competence, protect the public interest, and prevent public power from producing unjustifiable harm.

The objective of this article is to examine the impact of the principle of equity on public administration practices and administrative adjudication in Iraq and Iran, with particular attention to administrative discretion, equality, proportionality, acquired rights, stable legal positions, procedural guarantees, and judicial control. The study also seeks to determine the limits of equity in relation to the principle of legality and to identify the principal similarities and differences between Iraqi and Iranian approaches. The analysis adopts a comparative and descriptive-analytical approach and concentrates on those aspects of the thesis that directly illuminate the operation of equity within administrative practice and administrative adjudication, excluding peripheral discussions that do not materially contribute to this central question.

2. The Principle of Equity and Its Role in Public Administration

The operation of equity within public administration begins with the recognition that administrative legality and administrative justice are related but not identical concepts. An administrative authority may possess legal competence to act while still being required to choose among several lawful alternatives. The existence of a legally valid power therefore does not answer every question concerning its proper exercise. Administrative law has long recognized that public authorities must use legal powers for the purposes for which they were granted and within the limits established by the legal order (Nawaf, 2003). Equity strengthens this conception by requiring administrative action to remain connected not only to the literal authorization contained in legislation but also to its purpose, the circumstances of the affected persons, and the need to avoid unnecessary or excessive interference with rights. The principle is particularly important where legislation confers broad discretion, because such discretion necessarily creates the possibility of different outcomes in comparable situations. Without standards of fairness and rational consistency, administrative flexibility could become a source of unequal treatment and arbitrary differentiation.

The discretionary authority of public administration is necessary because legislation cannot anticipate every circumstance encountered by public institutions. Administrative bodies must assess factual conditions, prioritize public needs, evaluate qualifications, impose disciplinary measures, administer public services, and respond to complex social and economic realities. Discretion allows the administration to select the most appropriate course of action where several legally permissible alternatives exist. However, the existence of choice does not remove the requirement of justification. Contemporary analysis of administrative discretion emphasizes that discretionary authority remains legally structured and is not synonymous with arbitrary freedom (Al-Adawi, 2025). Equity operates precisely within the space created by lawful choice. It requires the administrative authority to consider relevant circumstances, avoid extraneous motivations, maintain consistency, and select measures that are not manifestly excessive relative to the public objective pursued. Judicial control of discretion accordingly seeks to prevent the administration from converting a necessary managerial freedom into an instrument of abuse (Al-Qasimi, 2026).

A central dimension of equity in administrative practice is equality. Equality does not require identical treatment regardless of circumstances; rather, it requires comparable situations to be treated comparably and different treatment to rest upon objective and legally relevant distinctions. This principle is especially important in public employment, licensing, public benefits, and administrative selection. An administrative authority that adopts criteria unrelated to the legitimate purpose of a statutory scheme risks transforming discretion into discrimination. The Iranian administrative-law literature, for example, demonstrates that apparently general criteria may require careful interpretation where their application could exclude individuals on vague or insufficiently defined grounds (Afshari, 2021). Equity assists in preventing the use of indeterminate concepts as mechanisms for uncontrolled exclusion. Where legislation employs broad expressions concerning qualifications, commitment, suitability, or public interest, administrative authorities must interpret them consistently with the legal purpose of the requirement and the rights of affected persons.

Proportionality is closely related to equality and constitutes another important expression of equity. Administrative measures frequently impose burdens in pursuit of legitimate objectives. Disciplinary sanctions, restrictions, licensing requirements, and regulatory measures may all be lawful in principle while differing greatly in severity. Equity requires a reasonable relationship between the administrative objective and the burden imposed. Although the terminology and institutional recognition of proportionality vary across legal systems, its underlying logic is inherent in the rejection of excessive administrative action. An authority should not impose the most restrictive measure where a less burdensome alternative would adequately achieve the statutory purpose. The broader theory of administrative regulations likewise demonstrates that governmental norms must remain connected to constitutional and statutory frameworks and cannot acquire legitimacy solely from the fact that they originate from executive authorities (Amer, 2021). Equity therefore gives substantive meaning to legality by asking not merely whether the authority was entitled to regulate, but whether the specific regulatory burden is reasonably justified.

Public employment illustrates the interaction between equity, efficiency, and administrative authority. Public institutions require disciplinary systems capable of ensuring continuity, responsibility, and obedience to lawful administrative instructions. Excessive procedural restrictions could impede effective administration and weaken institutional discipline. At the same time,

disciplinary power places the administration in a substantially stronger position than the employee, especially where the same institutional structure participates in investigation, accusation, and sanction. The right of defense is therefore an indispensable counterweight to administrative authority (Rubak, 2023). Equity requires that employees know the allegations against them, receive an opportunity to answer them, and be able to present evidence and arguments before serious disciplinary consequences are imposed. These guarantees are not inconsistent with administrative efficiency. On the contrary, they improve the quality of administrative decisions by reducing factual error and ensuring that disciplinary conclusions are based on a complete record.

The legal position of public employees also demonstrates why equity cannot be reduced to procedural fairness alone. Public employment creates substantive legal positions concerning rank, salary, promotion, allowances, tenure, and other entitlements. Administrative authorities may have continuing powers to reorganize services and modify regulatory frameworks, but they cannot disregard legal positions that have already been validly created without considering the requirements of legal certainty and acquired rights. Public employment scholarship emphasizes that the employee's position derives from legislation and administrative organization, yet it also creates legally protected interests that cannot be treated as administratively revocable privileges (Al-Khoury, 2004). Iraqi administrative jurisprudence is particularly significant in this field because disputes frequently concern whether an administrative decision has unlawfully interfered with an employment position already established under governing law. Equity supports the stability of such positions where the individual has satisfied the relevant legal conditions and the administration has completed the act creating the right.

The requirement to provide reasons for administrative decisions is another practice strongly connected to equity. A reasoned decision allows the affected individual to understand why a measure was adopted, evaluate whether relevant facts were considered, and determine whether an appeal or judicial challenge is warranted. Reason-giving also disciplines administrative decision-makers by requiring them to articulate a rational connection between factual findings, legal authority, and the final determination. Although not every legal system recognizes a universal duty to give reasons for every administrative act, the expansion of statutory reason-giving obligations reflects a broader movement toward accountable administration. Administrative adjudication concerning implicit or insufficiently reasoned administrative decisions illustrates the importance of judicial control where administrative silence may affect legally protected interests (Muhammad, 2024). Equity reinforces this development because unexplained decisions make it difficult to distinguish legitimate discretion from arbitrary treatment.

The Iranian legal framework provides several illustrations of how equitable reasoning may influence administrative interpretation without displacing positive law. Administrative provisions may employ broad terminology whose literal application could produce uncertainty concerning the persons covered or the conditions required. In such circumstances, interpretation should seek the legal purpose of the provision rather than impose an unnecessarily restrictive reading. Iranian administrative-law scholarship recognizes that fairness can operate as a functional principle in construing administrative rules and evaluating administrative conduct (Abadi & Abbasi, 2025). This function is particularly valuable where the legislature has enacted a general benefit or protection but has not specified every factual situation to which it applies. Equity permits interpretation to remain faithful to the statutory purpose while avoiding unjustified exclusion, provided that the interpreter does not contradict clear legislative language.

The relationship between equity and administrative regulation is equally significant in Iraq. Administrative authorities exercise various forms of regulatory competence, but subordinate norms must remain consistent with superior legislation. Iraqi scholarship regarding independent administrative regulations demonstrates the importance of defining executive regulatory authority within constitutional limits (Ouda, 2023). Equity cannot validate a regulation that exceeds legal competence, but it can assist in evaluating how regulatory powers should be used within the lawful sphere available to the administration. A regulation that imposes unequal or irrational burdens may raise concerns even where the authority possesses general power to issue regulations. The concept of equity therefore interacts with legality at two levels: first, by ensuring that the administration remains within its legal competence; and second, by guiding the manner in which legally conferred powers are exercised.

Administrative justice also requires attention to legitimate expectations and institutional consistency. Although the terminology of legitimate expectations is not always expressly adopted in Iraqi or Iranian administrative doctrine, the underlying concern appears in the protection of stable legal positions, established administrative practices, and rights created by individual decisions. Abrupt reversal of a lawful administrative position may cause substantial harm to persons who have organized their affairs in reliance upon it. The broader concern with judicial security reflects the need for continuity and

predictability in legal interpretation (Qalil, 2021). Equity thus supports consistency unless a sufficient legal or public-interest justification exists for change. This does not prevent administrative reform or correction of unlawful practices, but it requires authorities to distinguish between correcting illegality and disturbing validly established rights.

Transparency further strengthens equitable administration. Citizens cannot effectively protect their rights where relevant administrative rules, procedures, and records remain inaccessible. Access to administrative information reduces the informational inequality that otherwise characterizes relations between individuals and public institutions. Iranian developments in this field reflect a broader conception of administrative justice in which transparency supports accountability and meaningful participation. Oversight institutions can also contribute to equitable administration by investigating complaints and identifying systemic administrative deficiencies. Comparative scholarship on ombudsman institutions emphasizes their capacity to protect citizens and encourage administrative reform outside ordinary litigation (Rezaei-Zadeh & Abedi, 2010). Iranian analyses of supervisory mechanisms such as the Article 90 Commission likewise demonstrate the importance of non-judicial oversight in addressing complaints about governmental performance (Mousazadeh, 2012). Such bodies do not replace courts, but they broaden the institutional infrastructure through which equitable standards can influence administration.

Equity therefore affects public administration not through a single legal mechanism but through a network of substantive and procedural requirements. It influences the exercise of discretion, the treatment of comparable persons, the proportionality of restrictions, the protection of employment rights, the stability of legal positions, reason-giving, transparency, and administrative accountability. Its function remains bounded by legality because neither public authorities nor reviewing institutions may invoke fairness to disregard explicit statutory commands. Yet legality itself requires interpretation, application, and discretionary judgment. Equity operates within those processes and helps ensure that governmental power serves the public interest without unnecessarily sacrificing the rights and legitimate interests of individuals.

3. Equity in the Protection of Individual Rights, Acquired Rights, and Legal Positions

The protection of individual rights against public administration represents one of the clearest areas in which equity acquires practical legal significance. Administrative law recognizes that individuals are not merely objects of governmental regulation but holders of rights and legal positions that public authorities must respect. The expansion of administrative functions has increased the number of situations in which governmental decisions directly affect employment, property, benefits, education, licenses, access to services, and other legally protected interests. Classical administrative-law analysis therefore stresses that public authority must remain subject to legal control even when acting in pursuit of legitimate collective objectives (Abu Zaid, 1999). Equity strengthens this protection by addressing situations in which the administration possesses formal power to act but the manner of its exercise threatens established rights, creates unjustified distinctions, or places an excessive burden on an individual.

The distinction between general regulatory positions and individual legal positions is essential to this analysis. General rules apply abstractly to categories of persons and may ordinarily be amended or repealed by the competent authority in response to changing public needs. Individuals cannot generally claim that a regulatory framework must remain permanently unchanged merely because they benefited from it in the past. Individual administrative decisions, however, may create specific legal positions in favor of particular persons. Once an appointment, promotion, benefit, license, or similar legal advantage has been validly granted and the conditions required by law have been satisfied, the resulting position may acquire a degree of stability that limits subsequent administrative interference. Administrative law thus distinguishes the continuing power to modify general rules from the more restricted power to withdraw or disturb rights already created by lawful individual decisions. This distinction is connected to the broader requirement of legal certainty, which ensures that individuals can rely upon legally completed administrative acts.

Iraqi administrative practice provides a particularly important context for the protection of acquired rights. The legal status of public employees frequently depends upon individual administrative decisions concerning appointment, grade, promotion, salary, and professional status. Where a competent authority has validly granted an employment advantage in accordance with governing legislation, subsequent revocation may undermine both individual rights and confidence in administrative stability. The position of public administration in annulment proceedings demonstrates why judicial protection is necessary when the

administration seeks to alter previously established legal relationships (Sinjari, 2004). Equity supports the principle that a validly created legal position should not be disturbed merely because a later administrator prefers a different outcome. Administrative flexibility remains necessary, but it should operate prospectively through lawful changes in general policy rather than retroactively through arbitrary interference with completed individual rights.

The doctrine of acquired rights also serves a wider institutional function. Stable legal positions make administrative action predictable and reduce the risk that public power will be used according to changing personal or institutional preferences. Legal systems depend not only upon the validity of individual decisions at the moment they are issued but also upon reasonable confidence that valid decisions will retain their effects. The principle of judicial security reflects this broader concern with continuity and predictability (Qalil, 2021). If public institutions could freely revoke benefits, promotions, or recognized statuses long after their lawful creation, the distinction between legal entitlement and administrative favor would become uncertain. Equity therefore contributes to legal security by requiring compelling legal grounds before established positions are disturbed.

At the same time, the protection of acquired rights cannot be absolute. Administrative authorities must retain the ability to correct unlawful decisions and address acts issued without competence or in violation of mandatory rules. The key distinction concerns whether the original administrative act validly created the legal position. A person should not ordinarily acquire an indefeasible right from a manifestly unlawful act simply because it remained unchallenged for a brief period. Yet even defective acts may eventually raise questions of stability where the legal system establishes periods after which withdrawal or judicial annulment is restricted. The general theory of law recognizes the need to balance substantive legality with certainty and stability (Tanagho, 1986). Equity operates in this balance by preventing the correction of illegality from becoming an unlimited justification for disrupting settled situations long after individuals have reasonably relied upon them.

Competence is especially important because an administrative decision must be issued by the legally authorized body or official. Where an official acts entirely outside the sphere of legally allocated authority, the defect may affect the validity of the decision at a fundamental level. However, not every defect has the same seriousness. Administrative law often distinguishes between grave incompetence and comparatively minor defects involving internal allocation of functions. The treatment of such defects may be affected by considerations of stability, elapsed time, and the interests of persons who relied upon the decision. The equitable dimension is therefore not to disregard competence, but to recognize that legal certainty may sometimes require differentiated consequences depending upon the nature of the defect and the circumstances in which the decision operated.

Equality before public authorities also forms a central element of equitable protection. Administrative privileges exist because the state must perform public functions, not because public officials are inherently entitled to preferential legal treatment. The principle of equality requires that governmental actors remain subject to law and that administrative distinctions between persons be justified by legally relevant considerations. Iranian administrative law provides important examples of this principle through constitutional and statutory rules governing public officials and public employment. The general administrative-law framework places considerable emphasis on the need to prevent public authority from becoming detached from legal accountability (Abbasi, 2011). Equity reinforces that framework by requiring decision-makers to examine whether differences in treatment serve legitimate administrative purposes or merely reflect institutional preference, bias, or vague assumptions.

Employment selection provides a particularly sensitive example. Administrative bodies may lawfully prescribe qualifications for public service, but such qualifications must be interpreted in a manner consistent with their legal purpose. The Iranian discussion concerning practical commitment to Islamic precepts shows how broadly framed employment criteria can create significant discretionary space (Afshari, 2021). Where authorities rely upon vague assessments to exclude candidates, judicial or administrative review must determine whether the factual basis genuinely establishes failure to satisfy the statutory requirement. Equity is important because ambiguous concepts should not become devices through which administrative authorities impose additional conditions not clearly authorized by legislation. A distinction must be maintained between applying a lawful criterion and expanding that criterion beyond its legal scope.

Procedural rights are inseparable from substantive protection because individuals cannot effectively defend legal positions without a fair opportunity to participate in administrative processes. The right to be heard is one of the principal safeguards against erroneous or arbitrary decision-making. Iranian scholarship has traced the growing significance of this right within

administrative law and its relationship to broader principles of fair procedure (Fallahzadeh, 2013). A person who may lose employment, a benefit, a license, or another important legal interest should ordinarily have an opportunity to know the grounds of the proposed action and present relevant explanations. The hearing requirement serves both individual and institutional interests. It protects dignity and participation while simultaneously improving administrative accuracy by ensuring that decision-makers receive information that may otherwise be absent from the record.

The right of defense is particularly developed in disciplinary contexts. Iraqi public employees may face investigations and sanctions capable of significantly affecting their professional and financial positions. A meaningful right of defense requires more than the formal possibility of submitting a statement. It requires sufficient information concerning the allegations, a genuine opportunity to respond, and consideration of the employee's evidence and arguments (Rubak, 2023). These safeguards are essential because disciplinary administration combines the pursuit of institutional efficiency with potentially severe consequences for the individual. Equity requires a procedural structure capable of reconciling these competing interests.

Notification is another fundamental element of procedural equity. Judicial and administrative proceedings cannot fairly affect a person who has not received proper notice and an opportunity to participate. Valid service establishes awareness of the proceedings and enables the affected party to prepare a defense. The right to a fair trial is therefore closely connected to adequate notification, participation, and adversarial process (Tarawneh, 2007). These requirements are especially important in administrative litigation because the administration typically possesses ready access to its own records and institutional legal expertise, whereas the individual may face substantial informational disadvantages. Courts must therefore ensure that procedural rules do not reinforce the structural inequality already present in the underlying administrative relationship.

Access to documents and administrative information similarly affects the practical capacity of citizens to protect their legal positions. A person cannot effectively challenge a decision if the factual and legal grounds for it remain concealed. Transparency enables individuals to identify inconsistencies, errors, or discriminatory treatment and provides courts with a better basis for reviewing administrative action. The Iranian development of access-to-information rules therefore contributes to equitable administration by reducing information asymmetry and strengthening accountability. The institutional logic is comparable to that underlying ombudsman mechanisms, which seek to improve the relationship between administration and citizens by investigating complaints and promoting administrative reform (Rezaei-Zadeh & Abedi, 2010). Transparency does not eliminate administrative privilege, but it makes governmental power more susceptible to reasoned scrutiny.

The availability of interim protection is also important because a final judgment may come too late to prevent serious injury. Administrative decisions can have immediate effects on employment, education, property, professional activity, or other interests. If implementation continues throughout lengthy litigation, the eventual annulment of the decision may not fully repair the harm. Expedited proceedings therefore serve an important protective function by allowing courts to preserve the practical effectiveness of judicial review (Mousavi, 2008). Interim measures reflect an equitable logic because they seek to prevent irreparable or difficult-to-remedy consequences while leaving the merits of the dispute to be determined through ordinary adjudication.

The institutional structure of judicial review also affects the protection of individual rights. In Iran, the jurisdiction of the Administrative Justice Court determines the range of administrative decisions and measures that may be challenged. Scholarship concerning criteria for identifying claims within the Court's jurisdiction illustrates the importance of defining administrative acts broadly enough to provide effective protection while respecting boundaries between administrative, legislative, and judicial functions (Emami & Soleimani, 2013). If significant exercises of governmental power were insulated from review merely because they possessed a political or organizational dimension, individuals could be left without an effective remedy. The rule of law therefore requires careful classification based on the nature and legal effects of the act rather than solely on the institutional identity of its issuer.

A related concern arises when certain governmental resolutions or institutional decisions are shielded from ordinary administrative review. Iranian scholarship has criticized legal arrangements that restrict challenges against decisions of particular supreme councils, especially where those decisions may affect individual rights (Safaei & Darvishzadeh, 2022). Such limitations raise an equity question because judicial review is one of the principal mechanisms through which individuals can contest governmental measures. Excluding a category of administrative or quasi-administrative acts from review may create an imbalance unless an equivalent protective mechanism exists.

Equity therefore protects individual rights through a combination of substantive stability and procedural opportunity. Acquired rights prevent unjustified interference with validly established positions. Equality prevents arbitrary differentiation. The right to be heard and the right of defense allow individuals to participate meaningfully in decisions affecting them. Notification, access to information, reason-giving, and interim protection make judicial remedies practically effective. These mechanisms are especially important in administrative law because the underlying relationship is inherently unequal. Equity does not remove the administration's special powers, but it ensures that those powers remain compatible with a legal order in which public authority exists to serve lawful public purposes rather than to subordinate individual rights without justification.

4. The Impact of Equity on Administrative Adjudication in Iraq and Iran

Administrative adjudication is the institutional setting in which the principle of equity is most visibly transformed from a normative ideal into enforceable legal protection. Administrative courts are required to preserve the principle of legality while simultaneously ensuring that public authorities do not exploit legal powers in ways that defeat statutory purposes or unjustifiably harm individuals. The administrative judge therefore occupies a distinctive position. Unlike an administrator, the judge does not determine public policy or substitute judicial preferences for lawful administrative choices. Yet unlike a purely formal reviewer, the judge must examine whether administrative action remains within the legal purposes, procedures, and limits attached to governmental power. Scholarship concerning the role of the administrative judge emphasizes that judicial review necessarily involves interpretation, evaluation of facts, and the application of general legal principles to circumstances not always exhaustively regulated by legislation (Al-Eisawi, 2014). Equity becomes particularly relevant within this interpretive and supervisory function.

The first contribution of administrative adjudication to equity lies in controlling discretionary authority. Where legislation confers a single mandatory outcome, judicial review is comparatively straightforward because the court can determine whether the administration complied with the prescribed rule. Where the law grants discretion, however, the court must avoid two opposite errors. Excessive deference may permit arbitrariness, while excessive intervention may transform judicial review into administrative decision-making. The role of the judge is therefore to verify whether discretion was exercised for the proper purpose, on relevant grounds, through fair procedures, and within reasonable limits. Modern administrative-law analysis identifies judicial supervision of discretion as one of the principal protections against misuse of public authority (Al-Qasimi, 2026). Equity assists the court by providing standards through which apparently lawful choices can be evaluated without denying the administration its legitimate sphere of decision-making.

Judicial discretion itself must also remain legally controlled. Judges frequently interpret ambiguous statutes, assess evidence, determine the significance of procedural defects, and select remedies. General scholarship on judicial discretion emphasizes that such authority is not arbitrary but constitutes a structured process of legal reasoning within the limits established by law (Omar, 2011). The administrative judge therefore cannot invoke equity simply to reach a personally preferred result. Equitable reasoning must remain connected to legal principles, statutory objectives, established rights, and the factual circumstances of the dispute. The legitimacy of administrative adjudication depends upon reasoned decisions demonstrating how the court moved from applicable legal rules to its conclusion.

The judicial role becomes particularly important where legislation is incomplete or ambiguous. Administrative law frequently employs broad expressions such as public interest, suitability, necessity, proper performance, or commitment. These concepts cannot always be applied mechanically because their meaning depends upon context. Scholarship on the creative role of the administrative judge recognizes that courts may contribute to the development of legal principles where positive legislation does not provide a complete solution (Muhammad, 2006). This does not mean that judges become legislators. Rather, adjudication necessarily clarifies the implications of existing legal norms and general principles for concrete disputes. Equity serves as a supplementary interpretive consideration by encouraging interpretations that preserve rights and avoid irrational distinctions while remaining consistent with statutory language.

Iraqi administrative adjudication provides significant examples of this protective function in disputes involving public employees. Employment disputes often concern the relationship between administrative efficiency and individual rights. The public authority must be able to discipline employees, organize the service, and apply statutory conditions, but these powers cannot justify disregard of procedural guarantees or lawfully created employment positions. The right of defense in Iraqi

disciplinary proceedings therefore constitutes a central component of administrative fairness (Rubak, 2023). Administrative judges reinforce equity when they require disciplinary bodies to establish relevant facts, examine contradictory evidence, respect the employee's opportunity to respond, and apply the correct legal provisions. Judicial review is especially necessary where the administrative body that initiates disciplinary action also possesses institutional power over the employee.

Iraqi adjudication also demonstrates the relationship between equity and acquired rights. Where a public employee has obtained a promotion, title, salary status, or other legal advantage under valid statutory conditions, subsequent administrative interference may threaten legal certainty. Judicial protection of such positions prevents public authorities from treating completed legal acts as provisional favors. The administrative law of public employment recognizes that although employees are subject to a statutory regime, their legally established positions are protected within that regime (Al-Khoury, 2004). Equity therefore supports judicial annulment where administrative authorities attempt to revoke valid rights without a sufficient legal basis.

The stability of judicial interpretation is itself relevant to equitable adjudication. Legal protection becomes uncertain if similar disputes receive materially different outcomes without adequate explanation. Scholarship concerning judicial precedent and judicial security emphasizes that consistent interpretation contributes to confidence in the legal system (Qalil, 2021). Administrative courts should therefore take seriously prior legal reasoning, particularly where individuals and public institutions have relied upon established interpretations. This does not make precedent absolutely immutable, but departures should be reasoned and justified. Equity is weakened when legal outcomes depend unpredictably upon the composition of the deciding body rather than upon stable legal criteria.

Reasoned judicial decisions form another essential component of equity. A court must not merely announce a result; it should demonstrate that the parties' arguments, evidence, and relevant legal rules have been considered. Judicial reasoning enables appellate or cassation review and allows litigants to understand why they succeeded or failed. The broader study of judicial reversal shows that higher courts play an important corrective role where lower decisions misapply law or depart from established judicial reasoning (Al-Taie, 2016). In administrative disputes, this corrective function is especially important because an erroneous judgment may leave an unlawful administrative measure in effect and reinforce the already stronger institutional position of public administration.

Procedural equality before administrative courts requires judges to recognize the informational and organizational advantages possessed by the administration. Governmental bodies normally hold the documents, files, correspondence, and internal records relevant to the disputed decision. The individual claimant may know only the external result. A purely passive judicial model could therefore reproduce the inequality of the underlying administrative relationship. The role of the administrative judge may require more active examination of the record and demands for relevant administrative documents. Comparative scholarship on administrative adjudication emphasizes that the judge's function differs from ordinary private litigation because effective review sometimes requires intervention to complete the factual record (Al-Eisawi, 2014). Equity supports this approach insofar as it seeks to create a genuine opportunity for both sides to present and test the material relevant to the dispute.

The right to a fair hearing is equally significant. Fair adjudication requires valid notice, sufficient time to respond, an opportunity to present evidence, and consideration of the parties' arguments. General fair-trial principles confirm that procedural rights are essential to the legitimacy of judicial outcomes (Tarawneh, 2007). In administrative litigation, these guarantees have additional importance because the claimant is challenging a decision already made by a public institution and often already producing legal effects. Proper notification ensures that neither party is deprived of participation, while the right of defense prevents procedural efficiency from becoming a justification for deciding disputes without meaningful adversarial engagement.

Iranian administrative adjudication displays many of the same principles but operates through a distinctive institutional framework centered on the Administrative Justice Court. The Court plays a major role in reviewing administrative decisions, actions, and regulations and thereby gives institutional form to the constitutional requirement that administrative power remain subject to law. Scholarship examining the types of claims that may be brought before the Court demonstrates the importance of jurisdictional boundaries in determining the practical availability of judicial protection (Emami & Soleimani, 2013). A

broad but legally disciplined conception of administrative action is necessary because governmental measures may affect rights even where they do not take the classic form of an individual administrative decision.

Judicial review of general administrative regulations is particularly important in Iran because an unlawful regulatory measure may affect large numbers of individuals simultaneously. Administrative adjudication therefore operates not only as a mechanism for resolving individual grievances but also as a means of maintaining the hierarchy of norms. Regulations, instructions, and administrative resolutions must remain consistent with superior legislation and constitutional principles. Iranian administrative scholarship emphasizes the rule-of-law function of subjecting administrative authority to judicial control (Aghaei Togh & Lotfi, 2019). Equity contributes to this review by directing attention toward the practical effects of administrative norms, especially where apparently neutral requirements produce unjustified restrictions or unequal outcomes.

The question of immunity from judicial review demonstrates the tension between administrative autonomy and equitable protection. Certain decisions of high-level councils or institutions may be granted special protection from ordinary complaints. Such arrangements may be defended on grounds of institutional competence or policy sensitivity, but they also risk creating zones in which individuals cannot obtain ordinary judicial scrutiny. Iranian scholars have criticized the exclusion of particular council resolutions from review by the Administrative Justice Court because of its implications for the rule of law and protection of rights (Safaei & Darvishzadeh, 2022). From the standpoint of equity, limitations on judicial review require careful justification because effective remedies are a central component of administrative justice.

Interim relief constitutes another significant manifestation of equitable adjudication in Iran. A final judgment annulling an administrative measure may be ineffective if the claimant has already suffered irreparable or extremely difficult-to-remedy harm during the proceedings. Expedited judicial mechanisms therefore permit courts, in appropriate circumstances, to suspend or temporarily restrain implementation until the merits can be determined. Comparative research on expedited proceedings demonstrates their role in preserving the practical effectiveness of judicial protection (Mousavi, 2008). Such relief reflects a quintessentially equitable concern: legal rights must be protected in practice, not merely recognized after the damage has become irreversible.

The right to be heard also plays an expanding role in Iranian administrative law. Administrative fairness requires that persons affected by governmental decisions have an opportunity to participate where their rights or substantial interests are at stake. Research on the development of this principle indicates movement toward broader recognition of hearing rights within administrative processes (Fallahzadeh, 2013). Administrative courts can reinforce this development by treating serious procedural deficiencies as legally significant rather than as harmless formal defects. A decision reached without allowing an affected individual to respond may be substantively inaccurate and procedurally unjust even where the administration possessed general competence over the subject matter.

The Iranian system also includes supervisory mechanisms outside ordinary adjudication. Institutions such as the Article 90 Commission and the General Inspection Organization perform functions related to governmental accountability and administrative performance. Comparative studies of Iranian supervisory institutions show that these mechanisms share certain functional similarities with ombudsman models while differing in institutional structure and legal powers (Mousazadeh, 2012). Broader comparative research on ombudsman systems emphasizes their value in resolving complaints and encouraging administrative reform (Gorji & Babaei, 2012). Equity in administrative governance is therefore not dependent upon courts alone, although judicial adjudication remains indispensable where binding remedies such as annulment or suspension are required.

A notable difference between Iraq and Iran concerns the areas in which equity appears most visibly within administrative adjudication. Iraqi practice is strongly associated with public employment, disciplinary rights, acquired rights, and settled legal positions. This emphasis reflects the importance of employee litigation within the country's administrative jurisprudence and the need to control governmental interference with statutory employment rights. Iranian administrative adjudication displays a broader emphasis on review of administrative norms, individual administrative measures, procedural guarantees, transparency, and the legality of conditions imposed by governmental authorities. The difference is one of emphasis rather than fundamental principle. Both systems confront the same underlying problem: how to preserve necessary administrative authority while preventing legal privilege from becoming arbitrary power.

Equity also affects the remedial dimension of administrative adjudication. Annulment of an unlawful decision restores legality, but the consequences of administrative action may require additional consideration. State liability for lawful or unlawful administrative acts raises complex questions concerning the distribution of public burdens. Classical analysis of state liability recognizes that individuals may sometimes suffer exceptional harm even where governmental action pursues lawful public objectives (Madani, 1952). Although not every adverse consequence creates a right to compensation, the equitable principle underlying administrative liability is that the burdens of public action should not always fall disproportionately upon a particular individual when the wider community receives the benefit.

Administrative adjudication thus converts equity into practical legal safeguards through review of discretion, interpretation of ambiguous rules, protection of acquired rights, enforcement of procedural guarantees, control of administrative regulations, interim protection, and reasoned judicial remedies. Courts must remain within their institutional role and cannot use equity as a basis for contradicting explicit legislation. Yet within the broad field of administrative interpretation and review, equity enables judges to ensure that governmental power remains connected to its legal purpose. It prevents legality from becoming merely formal and helps maintain a legal order in which public administration can function effectively without escaping accountability to the individuals whose rights and legal positions it affects.

5. Conclusion

The comparative analysis of Iraq and Iran demonstrates that the principle of equity performs a significant but carefully limited role in public administration and administrative adjudication. Equity cannot be separated from the principle of legality, nor can it operate as an independent authorization permitting administrative authorities or judges to disregard clear statutory rules. Its principal function is supplementary. It gives practical direction to the exercise of powers that legislation has lawfully conferred, assists in interpreting ambiguous administrative rules, and provides a framework for reconciling governmental authority with the rights and legitimate interests of individuals. In this respect, equity does not compete with legality. It helps legality achieve its substantive purpose by ensuring that the administration's formal possession of power does not become a sufficient justification for arbitrary or disproportionate action.

The importance of equity is particularly evident in relation to administrative discretion. Modern public administration cannot operate without discretion because governmental institutions constantly confront circumstances that legislation cannot regulate exhaustively in advance. Administrative authorities must evaluate facts, determine priorities, select appropriate measures, and respond to changing public needs. Nevertheless, discretionary authority creates the possibility of unequal treatment, irrelevant considerations, excessive restrictions, and misuse of public power. Equity provides a normative standard for distinguishing legitimate administrative flexibility from arbitrariness. It requires that discretion be exercised rationally, consistently, and in connection with the legislative purpose for which it was granted. It also requires that burdens imposed upon individuals remain reasonably proportionate to the public objective pursued.

The comparative examination further shows that equality is one of the most important expressions of equity within administrative practice. Equality does not require identical treatment in all circumstances. Rather, it prohibits unjustified differentiation between persons who occupy comparable legal positions and requires differences in treatment to rest upon objective and legally relevant considerations. This requirement is particularly important where public authorities apply broadly formulated conditions relating to employment, qualification, eligibility, discipline, or access to public benefits. Vague administrative criteria can generate considerable discretion, and equity requires such discretion to be exercised in a manner that remains faithful to the statutory purpose rather than becoming a mechanism for arbitrary exclusion.

Protection of acquired rights and stable legal positions constitutes another major aspect of equity, particularly in Iraqi administrative practice. Valid individual administrative decisions may create legal positions upon which persons reasonably rely. Public employees, for example, may acquire rights relating to promotion, grade, salary, professional status, or other employment benefits once the governing legal requirements have been satisfied and the competent authority has issued the relevant decision. Allowing the administration to revoke such positions freely would weaken legal certainty and transform lawful rights into revocable administrative privileges. Equity therefore supports the stability of validly acquired rights while still permitting the correction of unlawful decisions according to the procedures and time limits established by law.

The Iraqi experience demonstrates that equity has a particularly strong relationship with public employment and disciplinary adjudication. The institutional position of the administration gives it substantial authority over employees, including powers relating to investigation, discipline, promotion, and employment status. Because of this imbalance, procedural guarantees become essential. The right of defense, proper investigation of facts, valid notification, consideration of evidence, and the opportunity to contest adverse claims help ensure that administrative efficiency does not become a justification for unfair treatment. Iraqi administrative adjudication therefore transforms equity into concrete protection by scrutinizing whether administrative authorities have respected both statutory requirements and the legal positions already established in favor of employees.

Iranian administrative law demonstrates a somewhat different but complementary pattern. Equity is particularly visible in the interpretation of administrative norms, judicial review of decisions and regulations, procedural justice, transparency, and access to administrative information. The Administrative Justice Court occupies a central position because it enables individuals to challenge exercises of executive and administrative authority and provides a mechanism for reviewing general regulations as well as individual measures. This institutional structure demonstrates that administrative justice is not confined to correcting isolated disputes after harm has occurred. Judicial review can also influence the broader conduct of administration by clarifying permissible standards, invalidating unlawful administrative norms, and encouraging public institutions to exercise their powers consistently with rights and procedural fairness.

Procedural equity is indispensable in both systems. A legal right has limited practical value where the affected person is denied the opportunity to know the case against them, respond to allegations, inspect relevant information, or challenge an adverse decision. The right to be heard, the right of defense, proper notification, access to relevant documents, and reasoned decision-making therefore form essential components of equitable administration. These procedural guarantees also improve administrative quality by reducing the likelihood of factual error and compelling authorities to articulate the reasons underlying their decisions. Procedural fairness consequently serves both individual rights and effective administration.

Reason-giving should be understood as particularly important to the future development of equitable administrative governance. When an authority explains the factual and legal basis of its decision, the affected person is better able to understand the measure, correct misunderstandings, and determine whether judicial challenge is necessary. Courts likewise obtain a clearer basis for evaluating whether discretion was exercised lawfully. A culture of reasoned administration can therefore reduce arbitrariness without eliminating administrative flexibility. It also strengthens public confidence by demonstrating that governmental decisions are based upon identifiable legal and factual considerations rather than unexplained institutional preference.

The comparative analysis also reveals the importance of transparency. Public authorities possess substantial informational advantages over individuals because they control administrative records, internal correspondence, and institutional documentation. Without adequate access to information, individuals may be unable to determine why a decision was made or whether similar cases were treated differently. Transparency reduces this structural imbalance and supports meaningful judicial review. It is therefore closely connected to equity even where it is regulated through separate legal provisions. The stronger the mechanisms for obtaining relevant administrative information, the more realistically individuals can exercise rights of objection, defense, and judicial challenge.

Interim judicial protection constitutes another necessary dimension of equitable adjudication. Administrative acts may produce consequences immediately, while judicial proceedings can require considerable time. A final judgment has limited practical value if irreversible damage has already occurred. Temporary judicial measures therefore help preserve the effectiveness of the right to judicial protection by preventing serious harm until the merits of the dispute are determined. The availability of such remedies should remain carefully controlled to avoid unnecessary disruption of public administration, but their existence is essential where continued implementation of a contested decision would make eventual judicial relief ineffective.

The comparison between Iraq and Iran indicates that the principle of equity has developed through different areas of emphasis rather than through fundamentally incompatible conceptions. Iraqi practice emphasizes employment-related rights, acquired rights, disciplinary fairness, and protection of stable legal positions. Iranian practice places greater emphasis on judicial review of administrative decisions and regulations, interpretation of administrative standards, procedural participation, and transparency. These institutional differences reflect the particular development of administrative law in each country. They

also demonstrate that equity is capable of operating through different doctrinal mechanisms while pursuing the same fundamental purpose: preventing the legal superiority of public administration from becoming unjustifiable domination over individuals.

Neither legal system should attempt to transform equity into a vague doctrine capable of overriding legislation whenever a decision-maker regards a statutory outcome as harsh. Such an approach would weaken the rule of law and replace legal certainty with subjective judgment. The stronger approach is to define the contexts in which equitable considerations legitimately operate. These include the interpretation of ambiguous provisions, exercise of discretionary powers, assessment of proportionality, protection of acquired rights, procedural fairness, reason-giving, transparency, and the selection of appropriate judicial remedies. Within these areas, equity can function as a disciplined legal principle rather than an unrestricted appeal to abstract justice.

The future development of administrative law in Iraq and Iran would benefit from clearer legislative standards governing discretion. Administrative statutes should, where possible, identify the relevant considerations governing important discretionary decisions and require authorities to avoid discriminatory, disproportionate, or arbitrary measures. Greater clarity would assist both administrators and courts by reducing uncertainty concerning the permissible limits of governmental choice. Such reforms would not eliminate discretion, which remains indispensable to modern administration, but would make its exercise more transparent and legally accountable.

Both systems would also benefit from stronger statutory protection of validly acquired rights and individual legal positions. Rules governing withdrawal, revocation, and correction of administrative decisions should distinguish clearly between unlawful acts that may be corrected and lawful acts that have created stable rights. Consideration should also be given to the passage of time, good-faith reliance, and the seriousness of any defect affecting the original decision. Such a framework would enable public institutions to correct genuine illegality without undermining confidence in administrative stability.

Procedural safeguards should similarly be strengthened. Individuals affected by serious administrative measures should receive proper notice, sufficient information concerning the grounds of the proposed action, a meaningful opportunity to respond, and access to relevant documents subject to legitimate confidentiality restrictions. Significant administrative decisions should ordinarily be accompanied by reasons adequate to explain their legal and factual basis. These requirements would improve decision-making at the administrative stage and potentially reduce litigation by enabling errors to be corrected before disputes reach the courts.

Judicial review must remain effective, accessible, and capable of addressing both individual administrative decisions and general administrative norms that affect rights. Administrative courts should possess appropriate powers to obtain relevant governmental records, examine procedural compliance, control misuse of discretion, and provide interim protection where delayed relief would be ineffective. At the same time, judicial review should respect the institutional distinction between adjudication and administration. Courts should control the legality and fairness of administrative choices without assuming responsibility for decisions that legislation has properly entrusted to administrative expertise.

Ultimately, equity should be understood as a principle that civilizes administrative power rather than weakens it. Effective administration and individual rights are not inherently contradictory. Public institutions require authority, flexibility, and organizational capacity, but their legitimacy depends upon the lawful and fair exercise of those powers. Equity strengthens administration by connecting governmental authority to reasoned justification, consistent treatment, procedural integrity, and respect for established legal positions. In both Iraq and Iran, its most valuable contribution lies in helping maintain this balance. The principle of legality establishes the boundaries of public power, while equity helps ensure that power exercised within those boundaries remains compatible with justice.

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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