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Complacency In The Application Of Criminal Texts And Its Effect On Deterrence - A Study In Criminal Philosophy –

By

Assist Prof Dr. Nawar Daham Matar Zubaidi
Dean of the College of Law at Al-Bayan University
Email: nawar.daham@albayan.edu.iq

Abstract

It is really sad that there are crimes and violations without punishment, as illegal practices and behaviors are often committed and people get used to systematically violating the law and the violation becomes a way of life and the application of the law becomes not a priority and perhaps some agencies concerned with law enforcement in general and criminal law in particular take sham steps that represent only a small manifestation of the rule of law, which makes those interested in legal and societal affairs in embarrassment and pushes them to seek and demand the agencies Administrative and executive at times and from the judiciary at other times by taking a clear and serious position on the flagrant violations of the law.

In general, we can say that law enforcement agencies must enlist themselves to serve the rule of law and maintain legality, and in any case the claim that these, The agencies perform their duty in a systematic and integrated manner, which may lack accuracy, as the performance of duty is often accompanied by failures in prosecuting and prosecuting the perpetrators, which means that the failure to apply the criminal texts or laxity in their application will lead in the end to non-compliance and daring to the law publicly and gives violators of the law immunity that paves the way to continue violating the law and that everyone does what he likes without any deterrence from the law.

In relation to the matter, the criminal laws that do not leave their impact on the behavior of individuals and secure their commitment to them and guarantee them their rights in a clear manner will produce a conflict between the will of the organization and the tendency to chaos, as the result of criminal texts aims mainly to organize public life and protect the basic interests of the state and individuals by imposing punishment or measure on violators to enhance the power of legal deterrence and direct a message to what is rejected of individual or social actions and condemn it. Since it is the duty of the state, represented by its official authorities, to commit to the application of laws, to investigate suspicions of violating laws, to prohibit assault, and to exhaust legal means and means in investigating, following up and investigating against suspects or accused of committing prohibited violations with high professionalism, transparency, integrity, publicity and immediacy, preceded by feasible and effective procedures and being entrusted with preserving the rule of law, so the first step lies in trying to prevent the commission of acts contrary to the law, followed by deterrence as a next step.

Accordingly, this study represents a qualitative effort and monitoring of many criminal texts contained in the laws that are tolerated in their application continuously and in various practices such as condoning or leniency or circumvention or fraud or legitimization and this represents a bitter reality that negatively affects the rights of victims of failure to apply the law.

In order to take note of this topic, we have dealt with it from a philosophical point of view according to the following division: -

Introduction

The first requirement: - The conceptual framework for negligence in the application of criminal texts.

Subchapter I: The Linguistic Meaning of Complacency.
Subchapter II: The Idiomatic Meaning of Negligence
The second requirement: - The sources of complacency and its link to the philosophy of deterrence
Subchapter I: Ambiguity of Criminal Texts
Subchapter II: Wrong Interpretation and Ijtihad
The third requirement: - Examples of negligence in the application of laws of a penal nature
Subchapter I: Traffic Laws
Subchapter II: Municipal Laws
Subchapter III: Financial Collection Laws
Subchapter IV: Health and Environmental Laws
Subchapter V: Arms Laws
The end. Conclusions and recommendations

First Requirement

The conceptual framework of negligence in the application of criminal texts

It is not doubtful that the conceptual framework of any subject represents the cornerstone in knowing the cognitive limits of the subject of research, accordingly we will determine the framework within the linguistic and terminological concept of the meaning of complacency, as described in the following two sections: -

First branch

The linguistic meaning of complacency

What is meant by complacency language: despise the thing and underestimate it, it is said: insulted, humiliated, and negligent matter: if underestimated, and despised, and the name: humiliation and humiliation and a man in whom he is humiliated, that is: humiliation and weakness. Complacency, in the sense of inability and laziness to do something and negligence in performing it properly. It is narrated in the words of the Almighty, and you think it is easy, and it is great with Allaah, and the saying of the Prophet (peace and blessings of Allaah be upon him): "Whoever leaves three gatherings to neglect them, Allaah imprints on his heart. (1).

Section II

The idiomatic meaning of complacency

Negligence in terms of terminology means: negligence, negligence, inaction and lack of due diligence, and it is contained in the sense of indulgence and indifference. As far as the subject of the research is concerned, what is meant by it, indifference to the application of legislation, regulations and instructions issued by the competent authorities in disregard of the will of the legislator, who imposed sanctions on those who violate them in terms of

subject matter or in terms of procedures, and whatever the degree of this negligence is blameworthy in any case, the negligence of the easy is a cause for a big mistake.

This leads us to the conclusion of establishing the philosophical truth of complacency in the application of legal texts, which we believe that complacency will undoubtedly constitute a state of neglect and chaos resulting from the apparent violation in the glorification of legal texts, especially criminal ones, and will create an outlet for the weak souls to evade responsibilities from those who do not find in themselves embarrassment of violating their application, Which will lose the effect for which the legislator enacted these texts. Then it will be a cause for prejudice against the legislating and enforcing authorities.

These criminal texts will be lifeless. As it is known to us that these texts, which are plagued by negligence in the application, will be emptied of their content and do not reach the desired purpose. Perhaps it goes without saying that the aim behind this research is to clarify the impact of those interested in legal studies and in the criminal field in particular by developing the concept of deterrence in its philosophical aspect in the light of the apparent approach in understanding and clarifying some of the facts associated with it.

Deterrence is built, as is known, on the premise of the threat associated with the infliction of material or moral punishment or both together for those who commit acts or behaviors that harm others, and from here the legislator may resort to several methods to discourage the addressees of the criminal legal rule or of a criminal nature to obey its ruling, ranging from the threat of inflicting punishment or imposing measures to confront what is considered dangerous or potentially dangerous acts. It is beyond doubt that talking about the philosophy of deterrence is not a modern topic, but traces its origins back to time immemorial. Deterrent philosophy was famous among the Greeks, Romans and Chinese. (2).

Hence, the philosophy of deterrence, which is negatively affected by negligence in the application of criminal texts, is based on scaring the criminal addressee by reminding him of the consequences that he may reap from violating the provisions of the criminal text. In other words, the criminal text includes a clear warning that leads to prevention based either on conviction or on the fact that the social reaction will be more than the returns expected by violators and violators of the provisions of the law, and then if the individual addressed by the penal text feels that the possibility exists that the societal reaction will be greater than the benefit that he will gain from the violation, the deterrence will be achieved. This has become a feature that correlates with criminal texts and ensures the safety of their application. It may be the most appropriate way to avoid unwanted behaviors and actions. We believe that the penal texts, if mastered, were really the best way to achieve a balance between conflicting interests, private and public, and to deliver signals to the addressee of the criminal rule of the seriousness of violating it, and that the criminal legislator has the ability and ability to reach the goals and objectives of legislation through the imposition of sanctions that serve as a natural response to the violations committed. What we want to prove here is that where the state, with its legislative, executive and judicial bodies, is able to convince the public of its ability to inflict appropriate punishment on those who violate criminal texts in a way that exceeds the ability to predict, then the concept of deterrence will be achieved, which will represent a chance of success for the application of criminal texts without compromise. (3).

Third Requirement

Sources of complacency and its link to the philosophy of deterrence

There is no doubt that negligence in the application of criminal texts is fully linked to the philosophy of deterrence, as the legal texts in general and criminal texts in particular, but

include a teleological goal by virtue of the sanctions associated with the criminal rule, which distinguishes it from other legal rules that belong to other branches of law, hence the need to identify the sources of negligence that will inevitably lead to overlook or underestimate the application of these rules, which we will address in the two sections the following:

First branch

Ambiguity of criminal texts

The ambiguity of the criminal text is one of the important reasons that feed the negligence in the application of the criminal rule and that comes from several aspects, and before proceeding to explain these aspects, we have to highlight the concept of ambiguity in the penal text, or in other words when is the penal text ambiguous? To answer this, we say that penal legislation in general must be characterized by accuracy and clarity of the words and meanings used by the legislator in determining and limiting acts and behaviors that constitute crimes or violations so that individuals and those addressed by the criminal rule can understand what is meant by it in order to avoid falling under the penalty of responsibility imposed by the criminal text on violators.

However, the legislators are not equal in the accuracy of expression and the solemnity of the meaning, as the penal text may suffer from the failure to reach the meaning that the legislator wanted, and this may be due to his inability to use the appropriate linguistic tools, it is known that language is a vessel of meanings, if the legislator does not find the use of appropriate language in the drafting of criminal texts, this will be a cause for ambiguity of the text, which will refrain from its application by the judge and the executor, the reason for this inability may be due to the legislator's attachment to similar texts contained in other laws, which generates a contradiction between them that is necessary for negligence in their application, where the legal concepts that govern the same subject are mixed or perhaps the legislator is one of the advocates of being influenced by comparative laws, so he takes from their texts what he likes, imitates them in an unprecedented way and adapts the texts in a way that is not commensurate with reality, so that the gap becomes vast between the text that was taken from him and the text that was added to it, so that a distorted text is born that is not applicable.

Section II

Wrong interpretation and diligence

Since the legal texts in general and the criminal texts in particular need to be interpreted, it is expected that the interpretation of the penal text will be either from the legislator himself who issued it, which is called the legislative interpretation when the legislator notices that a confusion in the application has occurred, which requires intervention on his own in issuing an interpreted text that removes the ambiguity that marred the original text. The authority concerned with the application of the law, which is the judicial authority, with its skill and skill in the interpretation of criminal texts, sensing the need to prove the truth and revealing the subjective and objective components of the text. This is known as the indispensable judicial interpretation, however, it is not correct at all that what the criminal courts of all kinds do in terms of interpreting the penal texts in the course of dealing with the issuance of judgments in criminal cases applies according to the parallels and mental and logical standards, some of which are incorrect and not based on the correct law. This opens the door for the higher criminal courts, which is the Federal Court of Cassation or the courts of appeal in their discriminatory capacity for the rulings of misdemeanor courts in accordance

with the decision of the dissolved Revolutionary Command Council No. 104 of 1988, as well as the criminal courts in their discriminatory capacity for the decisions of the investigating judge to respond to the source of the correct interpretation of the criminal text as it has jurisdiction to reveal the contents of criminal texts and a point of guidance and guidance for the right for those who are inferior to them than the courts.

Although this duty falls on the shoulders of the criminal courts to clarify the ambiguity of the penal text by virtue of being a cost of applying the finite criminal texts to the infinite criminal facts, but the margin of abuse is contained, which places a burden on the shoulders of the jurist concerned with addressing the explanation and comparison, and this is expressed in the jurisprudential interpretation of criminal texts, where legal jurisprudence is represented by explanations, comments and necessary writings. . It is inevitable to recognize the criminal jurisprudence today that it exercises a fundamental role in the interpretation of criminal texts, subject to what this matter leads to emphasize the ambiguity in the penal texts and to unveil the shortcomings of the text that clearly affect the desired deterrence and provide an opportunity to put forward alternatives to complement its role in probing the depths of legal texts in words, meanings and connotations. Hence, criminal jurisprudence, as usual, in the successive detection of the problems raised by the application of criminal texts and the consequences that will negatively affect the goals and objectives of criminal texts in deterrence. The criminal jurist chooses his approach based on his subjective and objective advantages that enable him to master his doctrine and his way of thinking based on experiences and the ability to formulate, present, respond and criticize opinions.

Third Requirement

Examples of negligence in the application of penal laws

It is worth mentioning, we will present in this requirement limited models of laws that fold the organization of the public interest represents complacency in the application of its provisions is very dangerous, and it is one of the most usual laws to be violated, which means that leniency in its application will shake confidence, so that the need for restraining is more worthwhile, and without that, the option available as an alternative to leniency in its application is chaos that leads to dire social results.

First branch

Traffic Laws

Traffic laws are of great importance in ensuring the right of transport and moving from one place to another in a safe manner, and despite this importance enjoyed by traffic laws, but what distinguishes these laws, despite the penalties contained in them aimed at ensuring the flow of traffic and regulating the movement of vehicles and the use of pedestrians of the road safely, that what is being applied of penal provisions in them, does not live up to the level of ambition, statistics have shown that there is great negligence in their application, which this led to the emptying of these criminal texts contained in the law of their content, and this indicates the seriousness of the fact that affects the safety of individuals from road users and vehicles, not to mention the size of the damage and material losses in vehicles and their users, as the official statistics for the year 2021 on traffic accidents in Iraq indicated the volume of traffic accidents quantitatively, qualitatively and qualitatively, as well as the increase in deaths due to traffic accidents and the real and potential foreseeable losses due to negligence in the application of what is included in Traffic Law No. 8 of 2019 of penal provisions, which lost its value in legal deterrence and greatly affected the level of legal compliance with traffic rules. (4).

The penal provisions contained in Chapter Ten (Articles 25-42) of the aforementioned Traffic Law, which includes penalties ranging from fines, imprisonment and imprisonment according to the gravity of the traffic crime, and what was referred to in the reasons required in the law of the necessary requirements to regulate the provisions of the passage of vehicles and the safety of road users and the application of penalties to violators in line with the gravity of the violation. Now the reality refers to the size of the increasing traffic crimes without any concern for the penalties contained in the law resulting from weakness in the follow-up of the implementation of the law and its instructions by the concerned agencies and rebellion against traffic systems and laws and the weak response of the citizen himself, and this is only for the clear negligence in the application of his fasts, which lost his deterrent value, and this can be deduced through the annual reports issued by the Ministry of Interior and the Ministry of Health on the size of traffic violations and their effects (5).

It seems that traffic crime is still seen as a minor offense, which has increased its number, especially the underestimation that led to more horrific accidents. Source (6).

It is noticeable that the traffic law legislator founded the idea of criminalization and punishment in the traffic law on the ideas of danger and damage, as the traffic law is only a tool in the hands of the legislator to regulate traffic and the best way to use vehicles in a way that does not harm or endanger their lives and money, public order and the public interest. (7)

Section II

Municipal Laws

Municipal laws are one of the regulatory laws that individuals must abide by to ensure the aesthetic splendor of cities, villages and countryside by regulating the determinants of land uses, type of construction, areas of housing units, constructions and their types, streets, roads and alleys, where the Department of Municipal Units implements activities related to the cleanliness and beautification of the city, granting building permits, land use and construction, monitoring violations, holding violators accountable and collecting the revenues of the secretariat. (8).

The municipal laws actually consist of a large number of relevant legislations such as the Municipal Administration Law No. 165 of 1964, the Basic Design Law of the City of Baghdad No. 156 of 1971, the Law and Law of the Municipality of the Capital Baghdad No. 16 of 1995 and the Law of Governorates Not Organized in the Region No. 21 of 2008, and in the midst of the events that accompanied the weakness of control in the application of these laws, which raised the question of the effectiveness of these laws in light of excessive negligence in dealing with the volume of violations committed, especially after the issue of violating municipal laws turned into a prevailing culture through the seizure of many lands belonging to the state and its institutions and the infringement of public property is tolerated, taking advantage of the crisis of the absence of proper application of the law and the overlap in powers between law enforcement agencies, which resulted in a blur in reaching the desired purposes of the application of these laws and lost the deterrent value of their texts under the pretext of the need for housing, public services, or providing job opportunities and the like.

Section III

Financial Collection Laws

The taxes and fees imposed represent an importance because of the revenues they represent that benefit the state and the citizen together, the Tax Law No. 113 of 1982, which indicated in its second article the sources of income on which the tax is imposed, namely business profits, interest, commission, agricultural land rent allowances, profits resulting from the ownership of the property, or the transfer of the right to dispose of it, even once, by sale, barter, gift, assignment, removal of commonality, liquidation of the endowment or salaries, wages, bonuses and any other source not subject to exemption under this law or any other financial law. The law allocates Chapter Twenty-Eight to crimes and penalties. (9).

However, the reality indicates that the financial collection authority in charge of requiring taxes or fees imposed on professions or violations that occur creatively to the provisions of the law is often negligent, and even the criminal courts, especially misdemeanor courts, are almost devoid of tax-related cases for those who have been proven to have refrained from paying them by representatives of the financial authority. This constituted an easy attempt to commit violations of a penal nature, which in fact is an important tributary of the country's general budget financing. And so on fees of various kinds and other fiscal fines such as water and electricity fees and violations of a financial nature. etc

It is indeed unfortunate that there is no real fulfillment of the requirement to pursue financial violations, as the provisions and texts remain far from the proper application of the law. This reluctance to apply laws leads to a loss of credibility and rationality, but such violations should not be overlooked and should be present in mind when addressing this type of violation of financial laws.

Although the criminal provisions contained in these laws are acceptable, they may not meet the ambition to achieve the requirements of legal deterrence, especially with the difficulty of assessing their impact and effectiveness, which vary from one place or time to another. Based on the above, the process of predicting the effects of punishment may lead to preventing its occurrence, and this means that sanctions play an important role in alienating criminal acts, not to mention the immediacy in the rhythm of punishment, which represents the natural reaction to these legal violations. This generates a sense of fairness when applied to violators and makes laws more effective. It is clear that, apart from the legal relationship that governs crimes with penalties, it is incumbent upon those who apply legal texts to facts, actions, acts or behaviors to clearly identify the way in which they can properly apply the law and undoubtedly lead to better respect for the law.

In light of the philosophy that it is necessary to revive efforts to combat crimes and not to escape punishment, punishment must be seen as an important means in rationalizing individual and collective behavior regarding the importance of applying criminal texts, avoiding deviation, accepting responsibility and complying with the rules that ensure the conduct of judicial procedures. It seems that the general principle today tends to think seriously about the seriousness of the effects resulting from negligence in the application of criminal texts and the concept that violators of their provisions cannot escape punishment. Noting the practical difficulties of putting this principle into practice.

It is clear that we see some difficulties in the immediate application of some penal texts due to the length of the procedures that follow the commission of the crime, which sometimes deserves to search for other measures of an administrative nature that must be

applied in addition to the criminal penalties imposed to strengthen the effectiveness of the criminal sanction. Therefore, the punishment in this case should not be seen as having been stripped of its effects, which invites us to say that legislators must discover other ways to apply the law that are compatible with the traditional methods of access to prompt justice and in a way that ensures complementarity in the roles between the punishment and the set of measures imposed in the quest to combat crime and ensure deterrence.

Section IV

Health and Environmental Laws

Health and environmental laws are one of the laws governing the provision of the right to an appropriate healthy environment and ensuring the quality of life, and therefore the Iraqi legislator singled out a law for public health No. 89 of 1981 that included the most important aspects of protection for the right to public health and approved legislation to protect the environment No. 27 of 2009 and perhaps many of the behaviors that are committed may cause fundamental and fundamental changes in the environment directly or indirectly. This really requires the adoption of a successful legislative policy that ensures an enabling environment. Because of the seriousness of health crimes, legislators often make every effort to ensure livable life under adequate health and environmental conditions. To ensure the effectiveness of deterrence, health and environmental laws must be supported by deterrent measures to control all that affects health and the environment and confront violators. Although some health and environmental crimes may amount to felonies and misdemeanors in terms of penalties imposed, However, there is a clear negligence in the application of this package of laws, whether at the official or popular level, and this has produced serious results on the future of maintaining public health and the environment in terms of high cases of illness as well as environmental pollution that accompanied it, reducing health and environmental problems requires describing the problem and its causes and providing effective solutions and treatments. Thus, the strategy of protecting health and the environment must come in two directions, the first is a deterrent based on the principle (polluter pays), where the violator bears the responsibility of addressing the damages caused by his activities that affect health and the environment by bearing taxes, fees and costs of removing the polluting factor. The second is motivational that seeks to reduce activities that are not harmful to health and the environment, all in order to reach the best solutions to protect health and the environment and change behavior towards respect for all components of health and the environment.

The question revolves around the penalties for violations contained in health and environmental laws, It is really surprising that the reports documented by the figures issued by the official health authorities show the size of the real and potential risks surrounding the environment of human life, despite the fact that Iraq had joined and ratified most of the international health and environmental conventions, surpassing and racing many countries that joined at later dates. In reality, however, the legal provisions have not balanced the balance of penalties, not to mention the length of litigation, especially for large and environmentally influential enterprises.

Although the success of penal laws in general is measured by the extent to which they provide protection of social interests and in line with the rapid scientific developments at the local and international levels, this does not seem clear in the health and environmental fields in terms of not parallel with the administrative and legislative development of the country, as these legislations have remained stagnant in place and they derive their philosophy from

legislation that does not fit with the modern view of environmental protection as an absolute priority.

A quick look at the amended Penal Code No. 111 of 1969 and Public Health Law No. 89 of 1981 find that many of their texts do not amount to the size of the health crime, as many of the penalties contained are still not applied realistically, but that the criminal courts lack such type of criminal cases, or that there is a noticeable scarcity in the number of cases considered before the criminal because of crimes that violate the sound standards of the environment or public health.

There are many examples of indifference to health and environmental standards and determinants, including the phenomenon of burning landfills and garbage, in addition to the lack of serious attention from law enforcement authorities and accountability for industrial emissions, black car exhaust and untreated waste thrown by factories, facilities and hospitals on the Tigris and Euphrates rivers without accountability. (10)

The criminal texts that do not deter health and environmental crimes reflect negatively on law enforcement agencies, especially those that did not lack sufficient qualifications to work in this field, and accordingly it is valid to call for the need to review penalties and health measures in line with the seriousness of the crimes in question, train health and environmental law enforcement elements and provide appropriate material and human equipment and equipment.

Section V

Gun Laws

The Weapons Law No. 51 of 2017 is one of the important laws in ensuring social peace by regulating the carrying, possession and use of weapons in accordance with legal regulations, instructions and controls. (11).

It is worth noting that despite the availability of this law on the punitive texts in Articles (24-26), but the application of the provisions of this law on violators is still weak and not deterrent, and it seems that the matter indicates an unreasonable danger for complacency in the application of its provisions, which reflected negatively on the levels of deterrence. What gives calm and reassurance in societies is the preservation of human life and dignity, as the possession of unlicensed weapons is dangerous to individual and societal security and often leads to a large number of crimes and raising concern among people. Thus, lax enforcement of the law will encourage others to continue to violate the law carelessly. It is clear that the risk of the proliferation of unlicensed weapons is increasing with the volume of violations, which increases day after day due to miscalculation accompanied by intense competition for the acquisition of these weapons without the relevant law enforcement agencies taking their real role in tracking crimes that violate the provisions of the law. It seems that balancing the adoption of legal deterrence, with its need to comply with and strictly abide by the provisions of the law, will adequately ensure the requirements of deterrence. In other words, the success of deterrence depends on the desire to prevent the commission of crimes and the threat of punishment on violators of the provisions of the law and carries a clear message to the general public who will put themselves before legal accountability if they think of violating the provisions of the law. Hence, we recall that the Supreme Judicial Council had decided that the act called (tribal bench) is covered by the provisions of the Terrorism Law No. 13 of 2005 because of the threat this act represents to innocent lives and throwing terror among people. He instructed the law enforcement

authorities represented by the Ministry of Interior and the official agencies supporting it and the Public Prosecution to follow up the implementation of this important decision, because it is related to protecting the security and safety of citizens, thus putting an end to this barbaric and dangerous practice that threatens peace and community security. (12).

It should be noted that there is a phenomenon of firing shots on happy or sad occasions, which is also no less dangerous than the previous one in terms of raising fear and panic for the population, and official statistics issued by the Ministry of Health and the Ministry of Interior indicate the size of this growing phenomenon, which invites us to say that the Supreme Judicial Council should adopt the same approach in re-adapting this behavior in parallel with its seriousness by inflicting innocent victims and including the provisions of Article II of the The law of terrorism in order to trim these bad social practices and norms that are no longer commensurate with the development that has occurred in society and to take serious steps to modify inappropriate behaviors, And the threat of prosecution and the application of strict punishment against anyone who violates the provisions of the Weapons Law and the Penal Code, hoping that the judiciary will contribute positively to the decline of this social phenomenon. (13) .

Conclusion

From what has been presented, on the subject of negligence in the application of criminal texts, it is clear that a number of conclusions and recommendations have been made, which we have chosen to present in the following manner:

Conclusions:

1- Complacency in the application of the law has, unfortunately, become a natural state that has been accustomed to for quite a few laws, which greatly affected the ability of these laws to achieve the desired deterrence.

2- The laws that were exposed to through the research as practical examples of the complacency that occurs in the application of their texts, but they represent limited images of the issue of complacency. Since there are many laws that cannot be mentioned that have the same characteristic, and although these texts that appear in these laws are acceptable to a large extent, they may not meet the ambition to achieve the requirements of legal deterrence, especially with the difficulty of evaluating their impact and effectiveness that differ from place or place. time to time

3- Negligence in the application of penal texts will allow the possibility of violating laws and will encourage individuals and groups to violate them, and at the same time sow the seed of fear, hesitation and despair in the hearts of people who find no refuge other than the law when they feel that the law does not meet their ambition to ensure their personal and community security. And then the concept of legal security is empty of its content.

Recommendations

1- The need to give the subject of complacency in the application of legal texts the attention it deserves in more research and studies, because it is linked to many important legal ideas such as the rule of law, the principle of legality, deterrence, and so on.

2- The criminal texts must lead the perpetrators of crimes to acknowledge their responsibility for violating the law, and thus help in deepening more societal awareness of the importance of respecting laws.
3- Reconsidering many of the legal provisions contained in criminal laws or in special laws of a criminal nature, by tightening the prescribed penalties to ensure the maximum amount of legal deterrence.
4- The Iraqi criminal judiciary must take its role in raising societal awareness of the importance of the law and not be complacent in applying criminal texts or seeking excuses or conditions that mitigate the severity of penalties in order to ensure deterrence.
5- Requiring law enforcement agencies to ensure the application of legal texts and not to be complacent, which results in weakening the deterrence feature.
6- Work to rehabilitate the individuals responsible for the application of criminal texts in an appropriate manner, so that their preoccupation is to ensure the application of the law and to be a ruler over the behavior of individuals in a way that brings the apparent benefit to society and greatly reduces the bad social effects resulting from leniency, tolerance and complacency in the application of criminal texts. It loses its deterrent value and makes the texts of punitive legislation a dead letter.

Margins

See: Muhammad Ibn Yaqoub, known as Firuzabadi, Al-Qamoos Al-Muheet, eighth edition, Al-Risala Foundation, p. 1240. See also, Ibn Manzoor, Lisan Al Arab, Part Thirteen, Dar Al Maarif, Edition 2005, p. 438. See also, with the same meaning, Muhammad bin Ahmad Al-Azhari Al-Harawi, Tahdheeb Al-Lugha, Part VI, Dar Revival of Arab Heritage, first edition, 2001, p. 232.

See: Lindsay, Joel R, deterrence as a practical problem and a theoretical concept, 2016, p.167

See also d. Abd al-Rahman Badawi, Hegel's Philosophy of Law and Politics, Cairo, Dar Al-Shorouk, 1996, p. 72.

See stephenl. quackenbush, deterrence theory, Cambridge university press, 2011, p.749-759.

This law was published in the Iraqi Gazette, Issue 4550 on 5/8/2019.

It is worth noting that the World Health Organization had issued a report in early June 2022 stating that traffic accidents claimed more than one million and three hundred thousand lives. In the same context, the General Traffic Directorate in Iraq announced in September 2022 that the recorded traffic accidents amounted to about (4800) accidents. And the year 2021 is considered one of the deadliest years in the lives of Iraqis, compared to what was recorded in official statistics, when (8,286) traffic accidents were recorded, in which (2,152) people were killed.

See: D. Ramis Behnam, The Theory of Criminalization in Criminal Law, Al-Maarif Facility in Alexandria, 1966. Pg. 101 and beyond. Also see d. Mahmoud Mahmoud Mustafa, Economic Crimes in Comparative Law, Cairo University, University Book, Second Edition, 1979, Part One, p. 109.

See: D. Ahmed Mohamed Khalifa, The General Theory of Criminalization, Dar Al-Maarif in Egypt, first edition, 1959, p. 35 and beyond, d. Mamoun Muhammad Salama, Penal Code - General Section, Dar Al-Fikr Al-Arabi 1984, p. 181.

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See Articles (56-58) of the Tax Law No. 113 of 1982, as this law was published in the Official Gazette, Al-Waqe' Al-Iraqiya, No. 2917 dated 12/27/1982.

See: In detail, our research by Prof. Dr. Nawar Daham Matar, Criminal Protection of the Beach Environment from Pollution, submitted to the House of Wisdom, Department of Legal Studies, on 9/24/2019.

This law was published in the Official Gazette, Iraqi Gazette, No. 1438 on 3/20/2017.

See: Decisions and minutes of the meeting of the Supreme Judicial Council in Iraq at the twelfth session of 2018 on 8/11/2018.

Tribal attack means: attack using weapons as a response to the commission of a natural or criminal accident accompanied by a verbal and actual threat by the members of a tribe or clan against an individual or group belonging to another tribe or clan. On behavior that violates the law and is controlled by emotion, chaotic reaction and undisciplined collective mood without regard to the consequences that accompany the commission of such behavior with the occurrence of victims, serious injuries or damage to property.

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