

Abstract

The constitutional judiciary is the specialized type of judicial system in any country which is governed by specific rules of law, the constitution, and in view of the distinction of the Constitution and the superiority of other legal rules according to the traditional hierarchy in the legal rules, and this also reflected the impact on the status of that judiciary and make it the highest judiciary. The constitutional judiciary is based on several philosophical foundations, all of which are in the service of constitutional legitimacy and guaranteeing it. Among these are the protection of the democratic system and the rule of the constitution, ensuring respect for public rights and freedoms, and satisfying the evolving needs of society. To achieve political FH and legal stability.

The constitutional judiciary is the highest and highest level of public law, in which one of the litigants is usually the defendant. It is the authority of the public, so that it alone and without other judicial bodies have the task of adjudicating the constitutional issues and disputes determined by the constitution or the law. To all State authorities, including courts of different degrees in the hierarchy of the judiciary, which contributes to the issue of a unified and final solution.

The Constitution establishes the legal systems that combine the legal principles and rules governing the political life of the people. The Constitution is the supreme law that establishes the rules and principles on which the system of government is based. It defines and defines the public authorities, sets the limits and restrictions on their activities, The

constitution provides for the protection of the constitution, and the constitution is therefore distinguished by a special nature that confers on it the status of sovereignty and equality, as guarantor of freedoms, its believer, the pillar of constitutional life, the basis of its constitution and the right to its rules. The primacy of the rules of public order as the highest *jus cogens* of which the State has a duty to comply with its legislation, its judiciary and its executive powers, without distinction or distinction in the area of obligation between the three public authorities (legislative, executive and judicial) The powers of an institution established by the Constitution derive from its existence and entity in the determination of its functions, and thus all are considered before the Constitution on a par with each other and on the same footing with each other on the basis of their constitutional function, cooperating among themselves within the prescribed limits, subject to the provisions of the Constitution, The state may be subject to the principle of the rule of the constitution.

Therefore, the judiciary may be established to adjudicate constitutional disputes as it exists in Germany, Italy, France and Egypt, and may be entrusted to the Supreme Court at the top of the Authority. As is the case in the United States of America, Switzerland, Libya and Iraq, which is distinct from any kind of judicial system, but has a constitutional status: that the Constitution determines the status of this judiciary in terms of existence and organization and function to be independent of other public authorities that include In addition to that, most of the legislation that leads to the waste of the right or the confiscation or the reduction or at least make it difficult and exhausting exercise and therefore inconsistent with the social reality, and since the

Constitution of the State is the basic law and represents the highest place in the hierarchy of law requires a power that protects and ensures compliance with it. It is an independent authority whose decisions are binding on all the authorities. Therefore, to ensure that the constitution is respected and respected, constitutional justice is a fundamental and important mechanism in this respect. In effect, the idea of establishing a constitutional judiciary is expanding and trying to impose itself in countries that have not yet done so.

The study dealt with an introduction, a preliminary study and four chapters, and concluded with a set of conclusions and recommendations. The introductory section dealt with the definition of constitutional judiciary in terms of concept, the nature of the constitutional judiciary, its objectives and foundations, and the international organization of human rights and freedoms in international covenants and constitutions.

The first chapter deals with the guarantees of human rights and freedoms, which are legal and constitutional guarantees as well as political and social guarantees and how to ensure their organization.

The second chapter deals with the statement of the organization and jurisdiction of the constitutional judiciary in the development of rights guarantees political freedoms through the formation of the Federal Supreme Court in Iraq constitutionally and how to establish the constitutional case and follow the legal procedures before the Federal Supreme Court.

The third chapter deals with the role of the constitutional judiciary in the development of guarantees of freedom of expression in terms of concept and the limits of the legislation regulating freedom of expression and constitutional control.

The fourth chapter deals with the role of the constitutional judiciary in the development of guarantees of freedom of election and candidacy in terms of the concept of election, its legal nature, substantive and procedural guarantees, the position of the constitutional judiciary, its foundations of electoral systems and constituencies, the role of international organizations and civil society institutions, and the positive role of religious reference in preserving and protecting the rights and liberties of Iraqis. And to ensure them legally and constitutionally.