

Legal and Judicial Capacity of Minors in Iraqi Laws

Dr. Abbas Ali Salman

College of Law Al-Bayan University, abbas.s@albayan.edu.iq

Abstract

The granting of eligibility varies in countries of the world according to important criteria, including the legislative policy of the state, or what it adheres to from the public order governing the behavior of society, and the behavior of a lack of eligibility entails the criteria set by the ruling authorities in the countries, and in Iraq, the age of majority is one who has completed eighteen years. However, the Iraqi legislator grants eligibility to those who have not completed the aforementioned legal age, for humanitarian motives, And public interest aware of Iraqi laws, and determines the position of the judiciary on Iraqi legislation, its causes, and its powers Iraqi law.

Introduction

The provisions of eligibility are considered part of the public order, which may not in any way be compromised, and for the sake of an interest that is more important in the care, some legal legislations go to adopt provisions that exclude the general principle of eligibility, as if there is a paramount interest in granting the minor the capacity to marry or trade in some funds. And in order to shed light on the transformation and change of eligibility with the legal rationalization system and its implications, this topic will be divided into four demands: In the first of them, we discuss the concept of legal rationalization, and in the second requirement, a statement of eligibility granted according to the Iraqi Personal Status Law No. (188) for the year (1959). The average, then in the third requirement we discuss the granting of eligibility according to the Law on the Welfare of Minors No. (78) for the year (1980), And the fourth of the demands will be devoted to granting eligibility in accordance with the Iraqi Civil Code No. (40) for the year (1951) amended, and the Iraqi Trade Law No. (30) for the year (1984).

The first requirement

The concept of granting eligibility (legal rationalization)

Legal legislation has not been exposed to a definition of the concept of legal rationalization of the minor, but some legal scholars have been exposed to clarify this concept, and in order to clarify it, we will present a statement of its definition and a statement of the wisdom of its legislation as follows:

Section one: Defining legal rationalization.

The French jurist Planiol, and the jurist Ripert, went to define rationalization as: “a legal act that allows a minor before reaching the age of majority to conduct his own affairs and manage his business.” The following notes can be made on the definition():

1- Rationalization is a transformation of eligibility, and this transformation requires a transformation of the capacity of the minor from a deficient to a full-fledged, The aforementioned definition is limited to legal permission to conduct its affairs and manage its business.

2- It is understood by defining that this permission can be taken away from him, depending on the origin of this legal act, according to the well-known rule of the one who has the right to appoint in the hand of the dismissal, and therefore the legal permission can be temporary, and we see that this saying is contrary to the reality of the full capacity that cannot be withdrawn and granted Except for an interest that outweighs or equals the interest of public order.

While others went to the definition of rationalization of eligibility as: “the grant in which the minor gets rid of parental and guardianship authority”().

In this definition we see the following notes:

1- Restricting the minor to get rid of the parental authority in granting him capacity by two assumptions, one of which is the parental authority, and this imposition can be disposed of by the minor with the death of the parents or their loss of capacity; Therefore, getting rid of patriarchal authority is not limited to taking away patriarchal authority in the law, but it is possible in others as well.

2- Assuming the death of the parents or the forfeiture of the authority from them, the guardianship authority of the minor can also be forfeited naturally, and by virtue of the law if the distinguished minor performs actions that are purely beneficial to him, as this forfeiting is assumed from the minor, especially the incompetent.

Another aspect of the jurists went to the fact that granting capacity is a legal system that aims to grant a minor who has reached a certain age the capacity of majority.” to legislative chaos and prejudice the higher values of society().

The second subsection: The wisdom of granting eligibility (rationalization)

The system of granting eligibility aims to protect the minor and his money in the main, as it imposes some social and economic conditions to exceed the legal age barrier required by laws in general. Integration into social and economic life. Legislation generally seeks to establish guarantees for all parties that deal with it, especially if this party has not reached the legal age, and granting eligibility is not limited to the male person only, but also includes natural persons (male or female), The principle of protecting the minor in Iraqi laws was consistent with the principles of universal child protection. In order to make the minor who possesses the full qualifications stipulated in the laws for integrating him into society, the Iraqi legislator decided in its various laws to grant those who are under the legal age the capacity necessary to practice actions; In order to get him out of self-quarantine; For the qualified person to exploit his energies that would make him take advantage of the opportunities that are offered to him from forming a family life, and reaping profits and earning, and at the same time the rehabilitation seeks to integrate him into society and build it; lest he be dependent on him, and perhaps the fact that the minor’s money and the minor himself remain as the minor is, will lead to his deprivation and damage to his financial liability().

The second requirement

Granting the capacity to marry in the Iraqi Personal Status Law No. (188) for the year (1959).

Marriage is not limited to the full actual capacity, but it can transcend to someone who is less than the one who reached it, as the general rules can be excluded by special rules according to the fundamental rule “there is no common but exclusive”, and since the personal status law with its rules in it governs the relationships that are related In the family, the legal age for marriage must be stated in those rules, and the Iraqi legislator did not go beyond this norm in clarifying the legal age for marriage, as he went in Article Seven of the Iraqi Personal Status Law No. (188) for the year (1959) amended to clarify this age This is by saying: “In order to complete the legal capacity for marriage, reason and the completion of eighteen years are required”.

According to the aforementioned article, the eligibility for marriage is clear in the condition that the young child reaches the age of

eighteen completely, and not by reaching it from the first day of the mentioned age, but this generality does not escape from specialization, as the eighth article of the aforementioned law went to the permission to grant permission to marry. For those who are under the legal age mentioned, as stated in Article Eight of the Iraqi Personal Status Law No. (188) for the year (1959) amended:

“1 - If a person who has completed fifteen years of age requests marriage, the judge may authorize him, if his capacity and physical ability is proven to him, after the approval of his legal guardian. Considering the judge authorized the marriage.

2- The judge may authorize the marriage of a person who has reached the age of fifteen if he finds an absolute necessity that calls for that, and the permission is required to achieve legal puberty and physical fitness.

In order to clarify the aforementioned article, it is necessary to address the matters mentioned in it, as follows:

First: The request submitted to the court should be by the minor person alone, and this is contrary to the directions of the Iraqi legislator and his judgment of accepting and submitting requests by the minor who did not obtain the legal permission to complete his eligibility, since before the permission there is no eligibility mentioned, as the article goes (3) From the Iraqi Code of Pleadings No. (83) for the year (1969) amending the obligation to accept cases before the Iraqi courts must be issued by those who have the capacity to litigation, as stated in the aforementioned article saying: “It is required that each party to the lawsuit enjoys the capacity necessary to use the rights to which the case relates, otherwise he must be represented by someone who takes his place legally in the use of these rights”.

On the aforementioned basis, the Federal Court of Cassation confirmed in its decision that the act issued by a person who is not legally qualified according to Iraqi laws is incorrect. It is considered a public order and it is not permissible to violate this system, even if he reaches the age of eighteen years, but he got married without the permission of the court, and accordingly, it is not possible to grant him legal capacity; And the aforementioned court decided, in his conduct, to appoint a lawyer to defend him is invalid, and the aforementioned court obligated the necessity of the intervention of a third person (his guardian) in submitting an application to the competent court().

It may be said in directing the intended purpose of the application submitted to the court, not by the minor, but by his guardian, and this is answered with two possibilities:

1- The request is submitted by the guardian or his legal representative, then there is no need to use the term for the minor to submit a request to the court, so the legislator should say and submit a request to the court.

2- If we come down and say that the application is submitted by the guardian or someone who takes his place legally, what is the benefit of including the guardian's consent or not if the guardian has submitted the application, isn't submitting the application an implicit approval of the guardian's desire to marry him? If we assume that the guardian submitted the application and did not agree to his marriage, then the submission of the application and the approval of the guardian or not, becomes a foregone conclusion, so the Iraqi legislator should pay attention to the problems that appear in the text of the aforementioned article.

Second: By following the legal text in the aforementioned article, it appears that the capacity of the minor is verified, and the judge's decision is only revealing; And that is through the words used in the aforementioned text saying: "If his capacity and physical ability is proven," as the phrase suggests that the capacity is verified and the judge all that he does is to verify it with the evidence that indicates his capacity, and according to our knowledge, we did not find a judicial decision or directive from One of the judges accepted the method by which his capacity is inferred, and the judge is supposed to test his capacity by means of experience or witnesses from the soundness of his behavior in terms of rights and performance of the obligations imposed on him; ; By virtue of the fact that capacity is one in the definition, it is: "A person's authority to have rights related to him or him, and to personally undertake legal and judicial actions related to these rights" ().

The qualifications that must meet the conditions of dispositions in a person are those behaviors between benefit and harm; By virtue of the fact that marriage entails family financial and social consequences that may be harmful to both spouses, or one of them, as well as for the wife from the existence of financial benefits regarding her dowry, alimony and gifts, and at the same time saying about the gifts that the spouses can obtain through the contract that occurs between them from relatives and loved ones().

Third: Article (8) of the amended Iraqi Personal Status Law No. (188) for the year 1959 differentiates the marriage of a minor between those who have completed fifteen years of age and those who have reached fifteen years of age, as it stresses the conditions that must be met by those who have completed fifteen years of age. From his age, especially from ensuring his eligibility, while he did not stipulate the conditions that must be met by those who reached fifteen years of age, as he stipulated in the latter the condition of legal puberty,

i.e. the Emirates that can be evidence of puberty and are a place of concord between the different Islamic sects, The different Islamic sects depend on the signs that pertain to the male and the female with the slight difference between them. If the court finds one of these signs, this person is considered an adult and has the capacity, which are as follows:

- 1- Emission of semen naturally, in imagination, or during sleep.
- 2- The appearance of pubic and armpit hair.
- 3- Menstruation in relation to a girl.

4- If these signs are not shown, the Islamic legislator resorts to specifying a specific age, but it differs according to different sects and their jurisprudential vision in imitation, as the Hanafi jurists go to the fact that the age of puberty is eighteen lunar years for males, and for females it is seventeen years. According to the majority of Muslim jurists at the age of fifteen years, As for the girl in the Maliki religion, the age of majority is eighteen years., and as for the Shia jurists, they mentioned the age of puberty for males to be fifteen years, and for females to be nine lunar years().

We believe that it would have been more appropriate for the Iraqi legislator in the aforementioned Personal Status Law not to differentiate between these two types of minors, or he could have established common conditions between them, and reformulated the legal rule in this regard.

The third requirement

Granting eligibility in the Iraqi Minors Care Law No. (78) for the year (1980).

According to the legal rule contained in Article (6) of the Iraqi Civil Code No. (40) for the year (1951) amended, the age of majority is eighteen years (), and below this legally determined age, the behaviors that are issued by the privileged and non-distinguished minors are not valid, especially the behaviors The circle between benefit and harm, and according to the Law on the Welfare of Minors No. (78) for the year (1980), the minor is subject to the actions that refer to him to the aforementioned law().

The Iraqi Minors' Care Law clearly stated in Article (3) of it the categories to which the law applies, as it was stated in it:

First - This law applies to:

A- A young child who has not reached the age of majority and is fully eighteen years of age, and who is considered to have completed fifteen and who has married with the permission of the court with full capacity.

B - the fetus.

c- The interdicted person whom the court decides is incompetent or incompetent.

D - absent and missing.

Second: For the purposes of this law, a minor is meant the young, the fetus, and whoever the court decides is incompetent or incompetent, absent and missing, unless the context indicates otherwise.

What concerns us from the aforementioned article is the first paragraph /a, which came to clarify who is the minor who is subject to the aforementioned law, and it brought out the minor who had completed fifteen years of age who had married with the permission of the court and promised him full capacity, and did not indicate or did not separate and differentiate between those who completed fifteen , or whoever reached it in violation of Article (8) of the Iraqi Personal Status Law, which differentiates between those who have reached the age of fifteen.

In a clear sense also, the text came absolutely in that the completeness of the capacity of the minor is in his marriage with the permission of the court, and this statement: The legal actions, including the obligations or rights of the married minor, are absolutely valid from him also, and a question may arise that: If the marital bonds are broken by annulment, divorce, or Death and similar legal and legal situations, does a person who gets married with the permission of the court remain fully qualified? Or is it due to its deficiency, and the law on the care of minors becomes one of the laws that are applicable to the behaviors related to it?

The answer to this question lies in noting a number of things, which are as follows:

1- The Iraqi legislator did not address in all its laws the case of the marrieds' relapse to the previous state of eligibility, and the legislator's failure to address such a case reveals by way of companionship that the full capacity of the married minor remains with the court's permission, and his actions result in the consequences of the actual full capacity, contrary to what the legislator has addressed The Iraqi in its Civil Code No. (40) for the year (1951) in the case of permission to trade, and as we will see later in the third requirement.

2- In order to preserve the acquired rights in accordance with the principle of stability of transactions and legal conditions, as it is legally, morally and psychologically illogical to find someone who was yesterday managing a family and the head of a family entrusted with a great responsibility in managing one of the building blocks of society becomes a minor and limited behavior, and following these

explanations It must be judged that his capacity is complete and is only limited by the general symptoms and impediments stipulated by the laws().

3- In confirmation of the foregoing, the Iraqi Court of Cassation, in its decision, upheld the decision to grant full eligibility in accordance with Article 3 / A of the Law on the Care of Minors, That he is fully competent and legal actions are valid from him, including judicial litigation, as the aforementioned decision states: “Based on the provisions of Paragraph (A) of Article (Third / First) of the Law on the Welfare of Minors No. (78) for the year 1980, a litigation is valid for a person who has completed fifteen years of age. of age and married with the permission of the court, as he is fully competent”(), As it appears through this judicial decision that the court acted by launching Article 3 of the Iraqi Minors Care Law No. (78) for the year (1980), and as a result of this decision, a married minor, with the court’s permission, will be able to perform all legal actions, including selling. Purchasing, litigation, power of attorney and the like of legal actions and actions.

It is worth noting that the third article of the aforementioned Iraqi Minors’ Care Law granted full eligibility to those who have completed fifteen years of age without their attainment, and thus the Iraqi legislator in the Iraqi Minors’ Care Law turned to the distinction between those who reached fifteen and did not decide on special provisions for them, And between the one who has completed fifteen years of age and his full eligibility().

Referring to the third article of the Law on the Care of Minors No. (78) for the year (1980), we find that the aforementioned article excluded the granting of full capacity from the application and implementation of the law on him, as it is noted in the statement confirming the lack of capacity of the person granted full capacity by saying: “First - it applies This law applies to: a- A young child who has not reached the age of majority and is fully eighteen years of age, and is considered a person who has completed fifteen and who has married with the permission of the court, with full capacity.

As for those who have reached fifteen years of age, the law remains valid for him even if he marries with the permission of the court, and at the same time, the aforementioned law directed that there are groups that may become deficient or devoid of capacity with the permission of the court, but it did not direct or did not stipulate that full capacity can be It has the right to become a full-fledged civil servant, and the one to whom it is granted is entitled to legal disposals of resources without other resources.

On this basis and the legal and jurisprudential building, the Iraqi courts have violated their decisions in granting full capacity for all

legal actions, at least to those who have completed the fifteenth year of age, as the actions carried out by the marriage official are related to the marital status only, as it was stated in the discriminatory decision Baghdad Court of Appeal - Al-Rusafa in its discriminatory capacity - No. (1609) (H.A, 2000) on (6/9/2000), which stated: "The distinguished (-) at the age of fifteen is considered an adult with regard to personal status, As for financial and commercial issues, he is still considered a minor".

We can make notes on the aforementioned decision, as follows:

1- With great respect for the decision and its application, however, the decision is devoid of correctness, as the jurisprudential principles and their rules remain rules of general application unless specification is required, in other words:

The exception contained in the court's decision requires a legal text that excludes the powers granted to the full capacity contained in the Minors' Care Law No. (78) for the year (1980), and this means control without evidence.

2- It is noted in the esteemed court's decision that it did not differentiate between those who have completed fifteen years of age

And among those who have reached fifteen years of age, since the former is fully qualified and its provisions are considered part of the public order and it is not permissible for any person, whoever he is, to touch those provisions().

3- The Law on the Care of Minors No. (78) for the year (1980) is a special law restricting the civil law, which is a public law (the private restricts the public); Thus, the minor has full capacity in all actions, including the cycle between benefit and harm and purely harmful, in addition to the purely beneficial.

4- On the other hand, what the discriminatory decision went to contradicts the nature of the special qualification in the actions granted with the permission of the court in the specified amount of money and in accordance with Article (98) of the Iraqi Civil Code No. (40) for the year (1951) amended in which it was stated: The guardian, with the permission of the court, may hand over to the discerning young child, if he reaches fifteen, an amount of his money and give him permission to trade as a trial for him, and the permission is absolute or restricted.

The license from the guardian is clear in the aforementioned article, and it may happen without him sometimes in business.

5- In addition to what was mentioned above regarding his being considered an adult in relation to personal status issues, there are actions and behaviors that do not protect him from the unbridled

capacity of a minor who is not permitted to act in them if he is a minor, such as harmful behaviors that are purely harmful and within the scope of personal status, so how can they be resolved according to the decision The aforementioned, For example, what is related to the financial aspects related to his personal status, such as the money spent for divorce, in the divorce of financial giving and the assignment of gifts, gifts and marital furniture()

Fourth requirement

Granting commercial eligibility in the Iraqi Civil Law No. (40) for the year (1951), and the Iraqi Trade Law No. (30) for the year (1984).

Business activities require practical experience and skill in managing business deals; Because of the profits and losses that it entails, and they are in this description, business is classified within the behavior that revolves between beneficial and harmful business, at least, and it is necessary to carry out these full civil actions, and the minor, whether he reaches fifteen years of age or reaches it, may wish to do business, and by the nature of In the case, the laws do not allow him to do so, but in order to legitimize the minor to do business, the legislation goes to giving permission and with special conditions, and among the most important of these conditions is the completion of the fifteenth age, the guardian's permission, and allowing the practice of some work for the experiment in order to protect the minor and the money from loss and loss().

And the amended Iraqi Trade Law No. (30) of (1984) did not address the provisions of the minor qualification, but it was exposed to the eligibility to practice trade in general in Article (8) of the aforementioned law by saying: "The merchant is required to have the capacity."

And the commercial capacity that is intended is the person's capacity to become a professional business, with the consequences that it has as a result of practicing these businesses().

In advance, and before we address the content of the article that grants permission to those who have completed fifteen years of age, we must confirm that the Iraqi legislator stated explicitly and in a peremptory rule that cannot be violated that the age of majority according to the general rules is one who has completed eighteen years of age. Article (106) of the amended Iraqi Civil Code No. (40) for the year 1951 says: "The age of majority is eighteen complete years." The age has all the legal actions and behaviors, and any behavior is valid from him, whether this behavior is civil, commercial or otherwise.

Based on what was stated in the above-mentioned paragraph, the direction and responsibility for the correctness of the behavior is

adulthood, and in the promise of granting eligibility in the Iraqi Civil Code No. (40) for the year (1951) amended, the eligibility granted to a person who has completed fifteen years of age is not granted a partial leave eligibility. Rather, eligibility in it is granted to maturity, which is the basis for complete legal actions, as it was stated in Article (99) of the Iraqi Civil Code No. (40) for the year (1951) amended:

This relinquishment mentioned in the aforementioned article is a real and not a judgmental one because of the consequences of one of the actions that the judiciary granted him with the adult adult, and according to this meaning there is no difference between the license between the whole and the part, nor on the absolute and limited trade limited by experience().

The exception of a minor from practicing trade is not granted to a person who has reached fifteen years of age, but is given to a person who has completed fifteen years of age, on the condition of discrimination, as it is possible that the ownership of a commercial store or a share in an individual project or shares in a joint stock company may be transferred to a boy who is not Distinguished, but this property does not grant the privileged youngster the authority to act and participate unless he completes fifteen years of age, in addition to the non-distinguished, as the restriction is clear in Article (98/paragraph 1) of the Iraqi Civil Code No. (40) for the year (1951) amended, which It stated: "The guardian, with a license from the court, may hand over a discerning youngster, if he reaches fifteen, a sum of his money and give him permission to trade as a trial for him, and the permission is absolute or restricted.

We note on the aforementioned article a number of notes, which we mention as follows:

1 - It appears from the linguistic point of view that the money delivered to the youngster is from the money of the youngster exclusively because the pronoun in the word (from his money) belongs to the money to the youngster, but it does not preclude giving the guardian from his own money.

2- Restriction of the license from the court for the guardian of the minor. It appears from it that the license interferes with the guardianship of the guardian, and this interference may have two important reasons:

A- Commercial businesses are among the businesses that run between benefit and harm according to Article (97) of the Iraqi Civil Code, and the probability of harm is greater, and this possibility is not justified; Because this authorization makes all acts of this nature lead to the intervention of the court, and this was not said by anyone by virtue of the fact that the actions of the distinguished boy that are

under this title require the permission of the guardian, neither more nor less().

b- Commercial business is a dangerous business and the practice of such business by a non-licensed person will lead to the loss of the rights of the transacting parties, especially the minor protected under national laws and international norms().

It is worth mentioning in the event that the authorized minor fails to trade and for any reason whatsoever, his capacity is withdrawn and he is placed under quarantine, similar to the adult interdicted for his foolishness or defamation until he reaches maturity, by virtue of the fact that the capacity is from public order, and the basis for controlling it or the reason for its existence is adulthood. What we adopt is not arbitrary, but we infer from it important matters, which are as follows:

1- Through Article (101/Paragraph 2) of the Iraqi Civil Code No. (40) for the year (1951) amended, as it says: “2- The court may, after permission, re-quarantine the minor.

As it is clear from the aforementioned article, that the legislator, after giving permission to the court to clarify the capacity of the authorized minor in Article (98), if he completes fifteen, is authorized to trade with him and his capacity becomes complete, and if this capacity is lost, the judge has the right to stone the authorized because he is fully qualified, not because he is young; By virtue of the fact that the child is interdicted for himself, and it is not said that the stone here refers to Article (94) that the child is interdicted for himself, then the repetition of the text becomes absurd and meaningless, and this is contrary to the wisdom of legislation in the one law. The youngster has become fully competent and has necessitated, due to his foolishness or unawareness, a stone is placed on him().

2- The provisions of eligibility are part of the public order, whose provisions may not be changed and manipulated. Therefore, the legal legislator in general is granted an unconditional restraint on the one who has completed the capacity without giving him the opportunity to degrade his eligibility; Thus, the legislator united the provisions related to the stone, which allowed this for the judge to place the stone on the youngster until he reaches the age of eighteen, and this is a good deed calculated for the Iraqi legislator in unifying the provisions of the stone().

3- The establishment of eligibility is the original and its loss and robbery is an exception to this principle, and this principle is established by law, as it came in Article (93) of the Iraqi Civil Code No. (40) for the year (1951) the text: “Every person is qualified to contract unless the law decides incompetence or limitation thereof.

Findings and Recommendations

It is necessary to conclude our research with a number of results and recommendations, which are as follows:

First: the results

1- According to the legal rules mentioned in the various Iraqi laws, the Iraqi legislator went to grant full eligibility to those who have reached the age of sixteen, but he tightened the restrictions in the event of a marriage request for a person who has completed his fifteen years of age, and eased them for those who have reached the age of fifteen.

2- The eligibility granted to a person who has completed fifteen years of age in commercial trade is incomplete within the limits of the authorized commercial activity.

3- The Iraqi judiciary contradicted between two different rulings regarding a person who completed fifteen years of age, between granting him full capacity and a restricted (incomplete) capacity.

4- The capacity granted to a minor is limited to the one who married in the corridors of the court, but if the marriage was outside the court, there is no capacity and he remains a minor even if his condition is married.

5- Marriage has two aspects for the minor, the first: marital life and the formation of family life, and this is what the law grants eligibility to, and the second is the financial aspect, and the law and the judiciary fluctuate in granting it or not, because marital life contains many financial issues such as alimony, dowry, compensation and the like. Among the matters that affect and pertain to marital life, so the acts of marriage are a cycle between benefit and harm, in which it is necessary to grant the capacity to perform these two aspects.

Second: Recommendations

1- We recommend the Iraqi legislator to repeal Article Five of the Iraqi Personal Status Law, in which the text contains a contradiction in the verification of eligibility between the eligibility of the law and the eligibility of Islamic legislation.

2- We recommend the Iraqi legislator to amend Article 8 of the Personal Status Law in a manner commensurate with the unity of Iraqi legislation in determining the age of eligibility.

3- We suggest that the one who married outside the court, as well as the one who got married in the court, should be fully qualified for what is required by the same interest in both, especially from the Iraqi legislator's going to not prejudice the public order and the capacity is counted from him. In whom he married.

Bibliography

- 1- Dr. Brik Faris Hussein Al-Jubouri and Faris Hashem Hussein Al-Jubouri, full eligibility before legal puberty, a comparative study, Journal of Legal Sciences and Politics, Volume 8, Issue One, 2019.
- 2- Dr. Muhammad Sami, Explanation of Commercial Law, Part 1, House of Culture for Publishing and Distribution, Amman.
- 3- Dr. Ismail Ghanem, The General Theory of Commitment, Sources of Commitment, Abdullah Wahba Library, Egypt, 1966.
- 4- Dr. Al-Mu'tasim Billah Al-Ghariyani, Commercial Law, New University House, Alexandria, 2007.
- 5- Dr. Suleiman Morcos, Al-Wafi in Explanation of Civil Law in Obligations, Volume 1, Theory of Contract and Single Will, 4th Edition, 1987.
- 6- Dr. Samiya Al-Dawla, The Age of Adulthood in the Legal System, Journal of Judiciary and Legislation, May issue, 2008.
- 7- Dr. Abbas Ali Salman, Public Order and its Impact on Personal Status Issues (a comparative study) PhD thesis submitted to the Council of the College of Law, University of Baghdad, 2020.
- 8- Dr. Abd al-Razzaq al-Sanhouri, Explanation of the New Civil Law, Theory of Contract, Islamic Scientific Academy, Publications of Muhammad al-Day, Lebanon.
- 9- Dr. Ismat Abdul Majeed Bakr, Legal Provisions for the Care of Minors, Ministry of Higher Education and Scientific Research, Baghdad, 1989.
- 10- Dr. Mohamed El-Sayed El-Feki, Commercial Law, 2nd floor, New University House, Egypt, Alexandria, 2010.
- 11- Dr. Mustafa Kamal Taha, The Foundations of Commercial Law, 2nd Edition, Al-Halabi Human Rights Publications, Lebanon, 2012.
- 12- Dr. Hani Dowidar, Commercial Law, Al-Halabi Human Rights Publications, Lebanon, 2088.
- 13- Aziz Al-Akaili, Mediator in Explanation of Commercial Law, Part 1, Edition 1, Dar Al-Thaqafa for Publishing and Distribution, Amman, 2088.
- 14- Judge Nasser Omran, a married minor, with the permission of the court, between legal protection and civil liability
- 15- Planiol (M) et Ripert (G) : " traité du droit civil François", T1, les personnes . par planiol (M), L.G.D.J, 1952, p 677, n°615 .
- 16- Aubry et Rau : "Droit Civil Français", 7ème éd. Par Esmein (P) et ponsrd (A) - T.1, parandré ponsard, librairies techniques, 1964, p871, n°535..
- 16-Delestrain (P. DUP) : " Droit civil : capacité ", D.1984
- 17- Iraqi Civil Code No. (40) for the year (1951) amended.
- 18- Iraqi Personal Status Law No. (188) for the year 1959, amended.
- 19- The Iraqi Pleadings Law No. (83) for the year (1969) amended.
- 20- Minors' Care Law No. (78) for the year 1980
- 21- Judicial Bulletin issued by the Supreme Judicial Council, fourth year, third issue, 2011.
- 22- <https://iraqcas.hjc.iq/pdf1/5/2018.19.3144.pdf>
- 23- (<https://www.hjc.iq>).