



**أسلوب الدعوى المباشرة  
لإلغاء القانون غير الدستوري في العراق**



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**ملخص:**

**Abstract:**

The Constitution sets out the rules of the provisions and principles binding both rulers and ruled alike, for each of the public authorities and the target audience to its work public authoritarian binding, those provisions and principles-proclaimed all of my sect rights and freedoms, so as not to have any of the public authorities and bodies on her exit them or violated but they are binding on the contrary, to maintain them and to ensure the provision, and through this idea prevailed logic state authorities restrict the provisions of the Constitution, because it represents the essence of the idea of going out on the constitutional control.

Despite the delivery of many countries, the right of the judiciary in the control of the constitutional, but they differed in determining the method that is through him trigger the unconstitutionality of a particular law in front of the competent judicial authority, palace some countries this road on the sub-payment, while permitting some of them to resort to a direct lawsuit.

It allows some countries to resort to the method of direct suit in raising the dispute before the competent

judicial authority control over the constitutionality of laws, so that may be the case raises starting in front of that judicial authority, and without having to be unprecedented to pay in a lawsuit pending before a court, in accordance with this method is that attack the concerned law students canceled, it means an offensive carried through which to attack the law and challenged in a direct path independent of any other conflict, and be outcome cancel the offending law to the Constitution, this study addresses the direct lawsuit as a way to repeal the law unconstitutional in Iraq has been divided into three sections, as we had in the first part of what the abolition of the law is constitutional, the constitutional jurisdiction of the judiciary, and we have dedicated second topic the legal regulation of the abolition of constitutional law it is the direct path of the lawsuit, and we studied in the third section of the scope of the provision to abolish the law unconstitutional.

**مقدمة:**

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**المبحث الأول: ماهية إلغاء القانون غير الدستوري واختصاص**

**القضاء الدستوري**

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المطلب الأول: مفهوم إلغاء القانون غير الدستوري:

الفرع الأول: المقصود بإلغاء القانون غير الدستوري:

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**الفرع الثاني: ذاتية إلغاء القانون غير الدستوري:**

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**المطلب الثاني: الجهة المختصة بإلغاء القانون غير الدستوري:**

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**الفرع الأول: المرحلة السابقة لتأسيس المحكمة الاتحادية العليا:**

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**الفرع الثاني: اختصاص المحكمة الاتحادية العليا بإلغاء القانون**

**غير الدستوري:**

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**المبحث الثاني: التنظيم القانوني لإلغاء القانون غير  
الدستوري بطريق الدعوى المباشرة:**

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**المطلب الأول: موقف الدستور وقانون المحكمة من أسلوب  
الدعوى المباشرة**

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**المطلب الثاني: شروط قبول دعوى إلغاء القانون غير**

**الدستوري:**

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**الفرع الأول: الشروط الشكلية والإجرائية لإلغاء القانون غير**

**الدستوري:**

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**الفرع الثاني: الشروط الموضوعية لإلغاء القانون غير الدستوري**

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**المبحث الثالث: نطاق الحكم الصادر بإلغاء القانون غير**

**الدستوري:**

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**المطلب الأول: حالة البطلان الجزئي لبعض نصوص القانون**

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**المطلب الثاني: حالة البطلان الكلي للقانون:**

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**Haratyunyan & Mavcic, Constitutional Review (system of constitutional review in countries with a federal state structure), Armenia, ۲۰۰۴, p. ۱۳.**

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**ثانياً. الأطاريح والرسائل الجامعية:**

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**ثالثاً. البحوث والمقالات:**

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**خامساً. الجرائد:**

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**سادساً. أحكام وقرارات المحاكم:**

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**سابعاً. البحوث المنشورة على شبكة المعلومات العالمية (الإنترنت):**

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<http://www.iraqja.iq/> :

**ثامناً. الندوات والمؤتمرات:**

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**تاسعاً. المصادر الأجنبية:**

Haratyunyan & Mavcic, Constitutional Review (system of constitutional review in countries with a federal state structure), Armenia, .