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BİNGÖL UNIVERSITY
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CITIZEN'S TRUST IN THE JUDICIAL AUTHORITIES
IN THE KURDISTAN REGION-IRAQ

Prepared
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SOSYAL BİLİMLER ENSTİTÜSÜ

SOSYOLOJİ ANABİLİM DALI

**IRAK'IN KÜRDİSTAN BÖLGESİNDEKİ
VATANDAŞLARIN ADLİ MERCİLERE DUYDUKLARI
GÜVEN**

Hazırlayan

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YÜKSEK LİSANS TEZİ

Danışman

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BİLİMSEL ETİK BİLDİRİMİ

Yüksek Lisans tezi olarak hazırladığım [Irak'ın Kürdistan Bölgesindeki Vatandaşların Adli Mercilere Duydukları Güven- Citizen's Trust in the Judicial Authorities in the Kürdistan Region- Iraq] adlı çalışmanın öneri aşamasından sonuçlanmasına kadar geçen süreçte bilimsel etiğe ve akademik kurallara özenle uyduğumu, tez içindeki tüm bilgileri bilimsel ahlak ve gelenek çerçevesinde elde ettiğimi, tez yazım kurallarına uygun olarak hazırladığımı bu çalışmamda doğrudan veya dolaylı olarak yaptığım her alıntıya kaynak gösterdiğimi ve yararlandığım eserlerin kaynakçada gösterilenlerden oluştuğunu beyan ederim.

/08/ 2017

İmza

Bestun Omer Ali SURCHI

THESIS ACCEPTANCE AND APPROVAL

This thesis entitled “CITIZEN ’S TRUST IN THE JUDICIAL AUTHORITIES IN THE KURDISTAN REGION-IRAQ” presented by Bestun Omer Ali SURCHI under the supervision of Dr. Ahmed Emin OSMANOĞLU in the Sociology department has been accepted as a Master Thesis according to the rules of Higher Education Institution of Republic of Turkey on / 08 /2017 with unanimity of the member of jury.

Chair: Asst.

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Signature:

This thesis has been approved by the committee of the institute of science on
/.../..... with decision number/.....

Signature

Assoc, Prof. Dr. Yaşar BAŞ

DEDICATION

Before everybody this thesis presented to who are trusted to humanity. I present this thesis and efforts to assist. Prof. Dr. Ahmed Emin OSMANOĞLU and my beloved parents, whom they continuously encouraged and backed me during my life, and my wife Shawbo Hiwa, Madina and Dina



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ÖZET

Yargı makamı, yetkilileri Kürdistan bölgesi/İrak'ta ayırma temelinde kurulan üç otoriteden biridir. Topluluk, otorite ve bireyler arasındaki sorunları çözmeye yetkili otoritelerden oluşur. Bu nedenle, bu otoriteye güvenin sağlanması, toplumun istikrarı sağlandığı için en önemli şartlardan biridir.

Bu araştırmanın temel amacı, Kürdistan bölgesi / Irak'taki adli makamlara halkların güven düzeyini tespit etmek ve aynı zamanda adalet otoritesinde yer alanların güvenini ve sonucunu keşfetmektir. Böylece, araştırma iki teorik bölümden ve açıklama yaklaşımını kullanarak bir anket yoluyla bir alan denemesinden oluşuyordu. Erbil şehri bir araştırma topluluğu olarak seçildi ve ankete 383 kişi katıldı.

İnsanların yargı makamlarına olan güvenlerinin çok düşük seviyelerde olduğu ortaya çıkıyor. Bu otoritenin bağımsızlığını etkilemekte ve bu otoritenin kurumlarına başvurmaktadır. Buna karşılık, alternatif olarak, insanlar karakterlere, siyasi ve sosyal merkezlere başvuruyorlar. Çalışma ayrıca adli makamlara olan güven düzeyinin sürekli olarak azaldığını keşfetti. Dahası, siyasi partilerin etkileri yargı kurumlarının zayıflatılmasında, yasalara, hakların ve adalete aykırı davranmanın ilk etkenidir. Bu sonuç tüm sistem ve toplum için tehlikeli ve korkutucu etkiye sahip. Bu nedenlerden dolayı, bu çalışmanın vatandaşların yargıya olan güveni güçlendirmesine, kurumlarının gelişimine ve yaşam toplumunun tüm yönlerine katkıda bulunacağına inanılıyor.

Anahtar Kelimeler : Vatandaşlar, Güven, Adli Merciler, Kürdistan Bölgesi\İrak

ABSTRACT

The judicial authority is one of three authorities, which has been established on the base of differentiating the authorities in the Kurdistan region/ Iraq. It is composed of competent authorities in solving the issues between the community, authority and individuals. Thus, the availability of trust in this authority is one of the most important requirements because of the stability of the community is accomplished

The main aim of this research is finding out the level of peoples trust in the judicial authority in Kurdistan region/ Iraq as well as discovering the causes and outcomes the trust of citizens in the judicial authority. Thus, the research consisted of two theoretical section and a field experiment through a questionnaire for by utilizing the description approach. The Erbil city was chosen as a research society and 383 individuals participated in the questionnaire.

It is revealed that people's trusts in the judicial authority are at a very low level. This has effected on the independency on this authority and resorting to the institutions of this authority. In contrast, as an alternative, people resort to characters and political and social centers. The study also uncovered that the level of trust in the judicial authority are declining continuously. Furthermore, the impacts of the political parties are the first factor in weakening the judicial institutions and violating law, rights and fairness. These conclusion are dangerous for the whole system and society and have frightening impact, For these reasons, it is believed that this study will contribute to strengthen citizens' trust in the judiciary and the development of its institutions and all aspects of life society.

Key Word: Citizen, Trust, Judicial Authorities, Kurdistan Region-Iraq.

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INTRODUCTION

One of the most important authorities in any state is the judicial authority, which is required for the generation of social justice, Any deficiency in trusting, the authority can be a problem and require scientific research because the security and the stability depends on this authority and how people trust it, People criticize and chide the authority in every corner, thus felt that there are deficiencies in the authority in Kurdistan region/Iraq. The sensitivity of the issue motivates us to go back to people find out the extent of the trust by this authority.

The importance of this research is that because of peoples trust in the judicial authority provide the security and peace for the in terms of economic and politic. This is a part from providing psychological peaceful for individuals and providing their rights. The judicial authority as a vital institute in the resolving the issues and problems in the community eradicate the illegal conflicts and make the life stages systematic. The judicial authority is one of the authorities in the community as it is described by Jan Jack Rouso that individuals concede or give up some of their rights for in charge peoples and limits their freedom boundaries. This is for the purpose of general interest and state management. (Rouso 2005, p 79)

The level of the relation between the judicial institution and the individuals determines the trust between these two sides. The treatment of the judicial institutes according to law, which includes not differentiating between individuals, establishing boundaries for freedom, rights and duties of the other authorities and the institutions in accordance to law. In addition, not violating the rights and protecting the interest according to judicial principles, lead to the establishment of a strong trust between the individuals and judicial authority and resorting to this authority when needed. On the other hand, neglecting the above principles results in the loss of trust in this authority which could have negative impacts in terms of economy, society and psychology such as spread of crime, infringement of the rights and duties between the individuals and the institutions and authorities, empowering the political, economic and social forces, not resorting to this authority (individuals revenge by them self). Moreover, in the

individual level, doubtful and psychological instability, loss of rights, the privacy infringement and other are among the negative impacts that produce instable community. Thus in this research the main question is that do the citizens of Kurdistan region of Iraq trust the judicial authority? If they do trust this authority, what is the level of trust, and what are the factors and impacts of the level of trust?

This research consisted of three main chapters. The first chapter is research methodology, in this chapter discuss related topics, which help us to complete academic research, It is covered the importance of the issue, methods, theory, community and main question of this study. The first chapter also includes the previous studies, which are related to the topic of this study.

The second chapter is conceptual and theoretical frame, In this chapter we discuss related topics, which help us to complete academic research, it is comprised of trust, social capital, and its relation with trust, is showed at the sociologists “Bourdieu, Putnam, Coleman and Fukuyama...” thinking, citizenship in Kurdistan region /Iraq, citizen’s duties on the judicial authority, law and judgment, the history of law and judicial authority in Kurdistan region/Iraq. All of these subjects are discussed theoretically depending on the scientific sources.

However, the third chapter of this research is the field experimental part of the study, in which directly inhabitants of the Erbil City, the Capital City of Kurdistan region/ Iraq through a questionnaire about the topic of the research by the descriptive method. In this research the researcher has taken citizens opinions through a questionnaire. Through this approach, the researcher can reach to the appropriate data and scientific conclusion.

At the end of the research, the researcher suggested several suggestions and recommendations. For the purpose offering academic values and some other practical and scientific benefits and ultimately benefitting the whole humanity.

CHAPTER ONE: RESEARCH METHODOLOGY

In this chapter discussed related topics, which help us to complete academic research, it is here research methodology, topic of the research, the importance of the research, aims of the research, method of the research, the community of the research, hypothesis of the research and literature review.

1.1. Topic of the Research

Trust is the expectation from others, thus the others might ordinary people or institutions and others. If the high level of trust between ordinary people, for example, two friends or husband and wife, leads to strengthening the social relation strengthening and uniting the social system, low level of citizens trust in the institutions, including judicial institutions as sensitive authority, has good impact at the time of positive and frightening impact on the institutions, the systems and individuals live in the community the time of negative, because Judiciary that is endowed with the authority to interpret and apply the law, adjudicates legal disputes, and otherwise administers justice.

In this point of view, after the withdrawal of the entire governmental institutions by the central government in the Erbil, Sulaimaniah and Duhok in 1991, the local authority in Kurdistan region/ Iraq has established from start. Consequently, the citizens' trust in the new experience of this ruling including the judicial system and judicial institutions has started from the beginning. Therefore, for understanding the real trust of citizens in the authority, scientific studies are required.

The researcher thinks that the subject of the research is a problem for the research. However, it is not simple issue, it is a complicated issue. The simple issue is to identify the level of citizens' trust in the judicial authority. However, the researcher is trying to identify why the level is high or low? What is the source of trusting and not trusting? Which of the political and social forces are the most effective on this authority and citizens? What is impacts trust on the institutions and systems of the community? These are and tens of other questions which at the end of this research reach to the answers.

The reasons of choosing subject of the research, There is no doubt that when the researcher select a topic for research, he has to have background and knowledge on the topic. This is to reach the conclusions by utilizing academic and scientific mechanisms through the stages of the research. The researcher briefly expresses the reasons for selecting this topic in the following points: The importance and sensitivity of subject for academic and scientific centers to thoroughly and precisely comprehend the research topic and follow its results. The recommendation and results of this research is essential for the reality of today's judicial institutions in Kurdistan region/Iraq. The specialization of the researcher because he has a bachelor in sociology and a bachelor in law which the topics of the research required both specialists, and the researcher has 10 years of working experience as a lawyer and researcher in the judicial institutions which was a good motivation for conducting this research.

1.2. The Importance of the Research

The importance of this research appears, the necessity of its results demonstrates the value of this research, and it fills a big gap in terms of in terms of twice knowledge and science. Thus, it plays a great role in the development of the society. Therefore, The topic of the research is one of the important topic today's society and authority, because there is no doubt that up to date the ruling experience in Kurdistan region/Iraq requires more expertise and working to play a role of democratic and justice authority. In this field, great steps have been taken, however it has numerous other stages to take. Therefore, the results of this experiment are extremely valuable for the judicial authority, because demonstrates the degree of peoples trust in this authority. In addition, it also indicates the associated factors and some recommendations. This is related to stabilizing of the duties and rights between judicial authority and citizens, organized in accordance to legislation in Kurdistan region/Iraq, which has a direct impact on amount of peoples trust in this authority and identify rate of resorting, especially in the fateful and vital cases, the importance of this research, practically and theoretically, is exhibited in the followings:

- This research has its theoretical importance which is producing the scientific knowledge in the sociology on the general and in Kurdistan region/ Iraq specifically, because this topic of sociology is one of the poor topics and has not been focused appropriately in Kurdistan region/ Iraq.
- As much as the researcher knows, in the sociology context and by the scientific methods under this title in Kurdistan region/ Iraq, no researches have been conducted. Thus, it the first time that a group of thorough scientific results about the topic of the research are demonstrated and become a part of produced scientific results.
- The trust is new topic sociology, thus the study exhibits the level citizens trust, in general, in the system and the institutions specifically. It is useful for the comparison to the past and future and in other places.
- The researcher thinks that more researches are required in the field of legal sociology and this research can be utilized as a base for separating a new branch of judicial sociology.
- Practically, the novelty of the subject of the research has increased the importance of the research for the current situation of the judicial authority and law in the Kurdistan region/ Iraq and advancing this authority in the society. As the condition and system of this authority has an effect the other authority and the whole society. Thus, the researcher is attempting to conduct a scientific and objective research in this field.
- This research as legal-sociology demonstrates that according to active law in Kurdistan region/ Iraq, what are the citizens right on the judicial authority in Kurdistan region/Iraq, in return what the citizens' duty toward this authority. Thus, the extent of the execution of these duties and providing these rights indicate the level of trust between them.
- Demonstrating the level of citizens trust generally and their trust in the system and judicial institutions specifically.
- The suggestions and recommendations of this research can be a guideline in for other researchers in the field of social capital generally and trust in specific, because it is highly essential for strengthening the social system.

1.3. Aims of the Research

In this section the aim of our research is demonstrated, because every scientific research has one or some special aims, which the researcher would like to accomplish in his research. This research has the following aims:

- The main aim of this research is demonstrating and identifying the extent of trust of the citizens of Kurdistan region/Iraq in the judicial authority in the region.
- Defining the trust and the judicial authority in Kurdistan region/Iraq. After that identifying the effect of the forces and characters in the society on this trust. Do they have negative or positive effects? Then, peoples viewpoints about them and their counteraction.
- Recognizing the principle of citizens' trust and cause fluctuation of the level of trust in the judicial authority and its reflection on the lives of people and society.
- Another aim of this research is attracting the attention of associated institutions for the factor and outcomes of the extent of the citizen's trust in this authority, wishing to work on it.
- The researcher attempts to indicate the effect of this subject human rights specifically and the society in general.

1.4. Method of the Research

Scientific aims and purposes cannot be achieved without appropriately and accurately applying the methodology. This depends on the researcher and the nature of the research topic. In general, method is a style and guidelines for recognizing the facts and avoiding the inappropriate utilization (Sarokhani, 2007, 22)

The research method is a reliable approach for resolving the studied issues by utilizing scientific approaches. This depends on objective and proper understanding not just guessing and logic. In addition, the nature of the phenomenon and research issue has to motivate the researcher to choose the right method through which he can achieve the purpose of the research. Sometimes, because of the insufficiency and limitations in a

method, the researcher utilized several other methods. This process called scientific compound method (Geddens, 2009, 741).

In this study, the descriptive method, because we think that it will target the aim of the project more precisely, In terms of data collection tools, we utilize questionnaire form which consists of a series of written questions for the purpose of reaching the aim of the research by considering some measurements and principles and measurements. The purpose of questionnaire is obtaining information about the subject of the research, an event or specific phenomenon, from a person. Therefore, we employ this method for analyzing the results of the research more precisely and describe the data and information scientifically.

1.5. The Community of the Research

The research community includes all the individuals, phenomenon, event and others which are comprise the issue of the research (Alsirfy, 2001, 185). A small group, which we observe is the sample of this big group that we generalize all the subjects about it, called research community. Our research community is Erbil city in Kurdistan region/ Iraq.

The sample of the research is consists of Cluster pyramid which is the fourth type of pyramid samples. In this type, the researcher selects the sample through several stages. In the first stage, the research community is divided into several commission and groups according to specific measurement. After that, one commission or group is selected randomly. The other unselected groups and commissions are excluded ultimately. In the second stage, the selected groups and commissions are divided again into several secondary commissions and groups. A group or commission is selected randomly among these secondary groups or commissions.

Accordingly, the researcher continues till he reaches the final group in which the sample is selected (Obaidat, 1999, 39), It also defined as survey sample, because it is selected according to geographical survey. This is by considering geographical field or enlargement of the community multiplicity of place and branches (Hussein, 1999, 238).

Therefore, in the humanitarian field, our research covers the citizens of Erbil city in Kurdistan region/ Iraq. For our research, we send out 320 survey forms randomly on citizens of both sexes, in different ages and occupations in several suburbs in Erbil city. This process conducted from 29/ 04/ 2017 to 07/ 05 /2017. Some of the forms were not returned and some contained inappropriate or incomplete information, which were excluded. Thus the total number of the forms became 283, after that, the collected information was computerized and by utilizing (SPSS) program data were obtained and started to analyze the results.

1.6. Hypothesis of the Research

As a result of rereading and working experience in the context and the field of research topic, the researcher exhibits some hypothesis:

- The level of trust of the citizens of Kurdistan region/ Iraq is very low.
- Social forces in general and political parties specifically have great effect on the judicial authority and citizens.
- A lot of violation samples in citizens' rights will be demonstrated by the participants in research.
- The trust of citizens in Kurdistan region/ Iraq in judicial authority is at low level.
- When having an issue, people rarely turn to the institutions of this authority less, however they resort to non-official and social institutions frequently.
- Characters and social and party institution have a role in weakening peoples trust in this authority.
- the level and the power of this authority in terms of the legality and institutionally are low in comparison to the other authorities, this has impacted the weakness of peoples trust in this authority and the superiority of the other authorities of the state and society.

1.7. Limitation of the Research

This research was conducted in the Kurdistan region/ Iraq, in Erbil the capital city of Kurdistan region/ Iraq. In this study, 283 individuals were participated the questionnaire, in which their point of view were taken about the research topic. During

the conduction of this research, as any other research, the researcher has encountered many obstacle and difficulties including the lack or unavailability of the resources or previous researches about the peoples trust in the judicial authority in Kurdistan region/Iraq. In addition, there was also security issues in distributing such questionnaire form in Erbil. Thus, the researcher has spent a week in granting the approval from the related institutions. Another obstacle was the difference between the educational system, reading and writing between Kurdistan region/Iraq and Turkey. Moreover, studying in a foreign language (English) has regularly complicated the process of reading writing and understanding. Finally, travelling and living far from your country were also an obstacle both economically and emotionally.

1.8. Literature Review

As we have two variables trust and the judicial authority in this research, we attempt to discuss some research about the judicial authority. However, the focus will be on the trust, because the content of this research is totally sociological subject, It is tried to cover various researches in different languages and states.

Surchy's study (2013) "The Rule of Law in People Vision"¹ was carried out in 2012 in Erbil. The opinion of 100 people was taken randomly in 10 suburbs on the rule of law in the Kurdistan region/ Iraq. The theoretical part of the research focuses on the necessity of law and the rule of law and its interaction with the society. In the practical chapter, description method was applied. Furthermore, in a questionnaire for, several questions on the rule of law have been asked and numerous outcome, suggestion and recommendation have been demonstrated. The outcomes of the research reveal that only 20% of the participants trust the judicial authority for solving problems. In addition 10% think that the law court is independent and the majority thinks that the parliament dose not observes the execution of issued laws. Therefore, 90% of people think that their rights are not preserved!

¹ Surchy, Bestun. (2013) the ruling of law in the peoples vision, Erbil, Parezer magazine, issue 26, p.p. 45.

This research has focused on the ruling of law in the vision people of Kurdistan region/Iraq while our research attempt to identify peoples trust in the judicial authority in this region, Institutionally, our research broader, however both researches utilized same method, mechanisms and the same research community Erbil.

Ruiz-vega's study (2012) "Crime and Erosion of Trust Evidence for Latin America" This analyzes the potential interrelationship between individual victimization and several measures of trust, including trust in formal public institutions and trust in informal private networks. It is based on a representative sample of individuals in 19 countries in Latin America. The empirical strategy is intended to mitigate overt biases and assess sensitivity to hidden biases. The results show that victimization has a substantial negative effect on trust in the local police but no robust effect on informal Institutions, Governments may henceforth need to redouble efforts to reduce victimization and the resulting erosion of trust in public institutions. Crime has tangible economic costs. It also has less understood and likely sizable intangible costs. In particular, widespread crime has the potential to weaken trust between citizens and institutions, undermine government reform efforts, and become an obstacle to development. Yet, the impact of crime on trust remains relatively unexplored in the literature.

Al Barghothy's study (2006) "About the Judicial Authority and System of the Justice" this research has been conducted according to the descriptive method about the judicial authority in Palestine. This research focused on the stages of judicial in Palestine, legal aspects, material and philanthropic structure for elevating the level of justice relying on the data and information obtained from the related institutions about the judicial authority. This research has demonstrated some results, suggestions and recommendations. The research connected all of these by serving and establishment of relationship between the authority and judicial system with people as the main concentration of the investigation is serving, and providing and preserving the human rights.

The inference of this examination is that alteration and political instability and the presence of colonized forces affect the development of judicial authority. In addition,

the social and political characters have adversely impacted the peoples trust in this authority. Additionally, the relationship between the judicial institutions and justice directories are imperfect. Thus, for better services and building trusts, it suggests issuance of some regulations, minimizing the effects on the courts, improving human capacity and higher budgeted.

Shafroth's study (2007) "The Ethical GPS, Navigating Everyday Dilemmas" the Virginia Municipal League and the Virginia Association of Counties provided encouragement and support for a graduate class in public administration at George Mason University, comprised of senior employees of Northern Virginia local governments, to create a guidebook, tool kit, and other support materials for Virginia local government officials on ethics. The students elected to accept this challenge and selected three outstanding editors to lead this effort: Megan Kelly, an Assistant County Attorney from Prince William County; Kara Van Graafeiland, of the Arlington County Fire Department; and Tracy Gordon, Senior Aide to Prince William County Supervisor Marty Nohe. This publication and related materials are an extraordinary testament to their work, their commitment, their creativity, and their dedication to local government. It was an exceptional honor to be able to learn so much from these public servants and students who gave so much more than was asked or even expected. It is difficult to imagine any issue more essential to good government than trust and respect. To gain those requires elected and appointed servants of the people to embrace ethics in creative, responsive, and positive ways -- rather than to put together a list of "Thou shalt nots." Our democratic values are premised on honor and respect -- values to be earned. This publication seeks to help find ways to constantly help all local officials earn such trust. We hope these pages, these tools, and these materials will help you to demonstrate how very, very good local governments can be.

Meyer and Ward's study (2009) "Rework the Sociology of Trust: Making a Semantic Distinction between Trust and Dependence" Trust, as a sociological construct, has become increasingly important in recent times, but an agreed definition is yet to be found. A potentially useful way of 'defining' trust is by distinguishing it from other semantically similar concepts. Niklas Luhmann has provided semantic distinctions

between trust and familiarity, and trust and confidence. The purpose of this paper is to provide empirical evidence of a further semantic distinction between trust and dependence. This distinction allows us to further define trust and also to investigate the difference between 'trust' and 'dependence'.

Hashim, and Al-Abadi's study (2009) "The Impact of Organizational Trust in Strategic Performance Utilizing the Balanced Scorecard Model" In this research, researchers have carried out an economic experiment, which consisted of several practical and theoretical sections, on the impact of trust on the production. The trust among workers and between workers and their employers administratively were evaluated in the Cement Company in Kufa/ south of Iraq.

Depending on the a questionnaire distributed on the workers and their answers, the researchers found out that the trust between workers and their managers and among each others are in a decent level. This has an effect on the workers positive view and increasing the production of company and later increasing financial benefits. This is a part from improving the product quality as results of workers invention and conciliating workers. Ultimately, these serve the strategic performance. These results are similar to those in Coleman in the diamond business and Putnam in his research on Italy. It is revealed from both studies that trust positively affect the production quantity and benefits. The similarity of this study with ours is that both studies are conducted theoretically and practically. However, the variation is that our study is attempting to discover the level of trust in judicial authority, and those studies focused on the Impact of workers trust on the production and financial benefits.

Dallara, and Piana's study (2015) "Networking The Rule Of Law" The research question addressed in this work can be phrased as follows: "Have the policies of rule of law and quality of justice promotion ended up with a convergent pattern of justice administration? Which forces are driving the processes of change triggered by these policies?"

We deem the European Union as a profitable and promising terrain for answering these questions. Several reasons explain this choice. First of all, the European

Member States share a common framework of fundamental rights and are all subject to the jurisdiction of the transnational courts, especially the European Court of Human Rights. Second, in the last two decades, the European Union has made an unprecedented effort to promote the rule of law in incoming members in the Central and Eastern part of the continent and in the Balkans and to support the quality of justice in all members, included the old Member States. Of all the different examples of regionally integrated systems we can observe today in the world, none can witness such a highly intensive and massive commitment in the justice sector. Third, and most importantly, the European Member States display different national legal cultures and feature different models of judicial governance. This means, in a nutshell, that they have followed different paths in bridging the institutional ideal of the rule of law and what we can call “rule of law in action.” Therefore, the institutional and organizational differences that do exist among the States are variables that should be taken into account by a comparative design aiming to test if the rule of law and quality of justice promotion leads to a pattern of convergence.

Therefore, the explanandum considered here is the rule of law in action. By saying this, we refer to the well-known distinction made between law in books and law in action. The latter can also be defined as the assemblage of all organizational and institutional norms, practices and routines, aiming, altogether, to ensure an impersonal and an impartial application of the law for EU citizens. This is what happens in practice. If a European citizen travels across the EU and, for the sake of our argument, interacts with at least one judicial office in each EU Member State, she will sense several differences which depend not only on the differences displayed by civil and penal procedures, but also on the different strategies of division of labor, human resources management, training, communication with the public, etc. that have been adopted punctually in European judicial offices. A myriad of local practices, partially institutionalized and partially at the early stage of experimental attempt, mostly aiming to improve the administration of justice with a user-oriented approach, are now vibrant and living organizational material existing all across the EU without any homogeneous shape if observed at the systemic, i.e. macro, level. At the same time, the policies promoted in the incoming members, designed on the basis of a “European conception”

of rule of law, have been implemented with a context-sensitive approach. Not only can a citizen easily detect the differences in the capacity of the courts to enforce her fundamental rights dependent on where the court is located but also the same citizen can sense the difference between the judicial governance adopted before the country joined the EU and after membership has been obtained.

Therefore, the rule of law in action does not refer to the formal setting of legal systems nor does it refer to the formal definition of competences, as it comes from the constitutional and the legislative texts adopted in the EU Member States. We are here speaking of the rule of law in action as it comes out of the judicial governance put into motion in the daily activity of the courts and the public prosecutors across the domestic borders of the EU. Of course, this would refer to a broad and multiple phenomenon, which covers almost all policy sectors as long as each of them impinges upon the enforcement of fundamental rights. In order to narrow down our empirical field and analyze it in more depth the choice made joins a flourishing research agenda, i.e. the study of the judicial policies and the transformations undergone by the judicial institutions in the contemporary age. The rule of law in action is therefore what results from the rule of law as an institutional idea once it is put into motion through the vast range of institutions among which the judiciary play a key and crucial role. Observing the rule of law in action means observing the output of the long and complex process by means of which the rule of law is put into motion. For if the rule of law is nowadays deemed multi-dimensional, scholars and policy makers cannot any longer consider only the rule-driven rule of law, but need to observe also the output oriented rule of law. Accordingly this volume is concerned specifically by the rule of law to the extent and in the way it refers strictly to the judicial sector and the justice administration.

The process we are going to reconstruct is the “rule of law networking.” This phenomenon started in the EU in the late nineties, triggered by two distinct, but progressively interrelated vectors. The first consisted in the promotion of legal and judicial guarantees of judicial independence as the most viable solution to entrench

Hobbs's study (2016) "Hybrid Tribunals and the Composition of the Court: In Search of Sociological Legitimacy"² Sociological legitimacy is a critical yet undertheorized element of a successful international criminal tribunal. This Article examines the link between sociological legitimacy and the composition of hybrid courts by analyzing the practice of five international criminal tribunals: the ICC, ICTY, ICTR, SCSL, and the ECCC. It finds that the presence of local judges on international criminal courts offers a firmer normative basis for enhancing their legitimacy among the local community. However, the Article also finds that despite impressive scholarly efforts to demystify the "homogenous" international community, international judges are not sufficiently particularized. The solution I offer is both principled and pragmatic. The appointment of international judges should prioritize individuals from regional states provided the states were not involved in the conflict, those of the same legal tradition, and individuals who speak a language of the affected state. This solution pays greater respect to national sovereignty and enhances the prospect that judges sensitive to local customs will be involved, increasing the likelihood that the court will be regarded as legitimate. The court's sociological legitimacy, in turn, heightens the court's prospect of success.

Barakat's study (2014) "Mutual Social Trust, The Students of Al Quds Open University Have A Light Some Variables"³ This study aimed to identify the level of interpersonal trust in students at Al-Quds Open University, Tulkarem Branch in the light of variables: sex, specialty, academic achievement, and place of residence. For this purpose, interpersonal trust scale was applied on a sample of 220 students. The results showed that the level of interpersonal trust among the subjects of the study was moderate, and that there are no statistically significant differences in the level of interpersonal trust among the subjects due to the independent variables of the study. Results were discussed in the light of the theoretical and framework and the researcher proposed several recommendations to strength social gatherings between the university

² . **Hobbs**, Harry (2016) "Hybrid Tribunals and the Composition of the Court: In Search of Sociological Legitimacy" Chicago Journal of International Law, Volume 16 Number 2 Article 5, pp. 481.

³ . **Barakat**, Ziad (2014) Mutual social trust, The students of Al Quds Open University have a light Some variables, Al - Quds Open University Journal for Research and Educational and Psychological Studies, pp. 343.

administration and students, and to initiate cooperation between the university and local community institutions in order to increase the level of social interaction among students.

Callens and **Vanschoenwinkel**'s study (2012) "Judicial Trust" Research has shown that trust is a very important variable for the performance of institutions at different levels: macro-economic, inter-organisational, organisational, and individual. Therefore, it seems obvious that trust optimisation should be at the forefront of government reform initiatives. This general finding is also true for the institutions of justice. Trust is a necessary condition for the legitimacy and the effectiveness of the judicial system. Research has demonstrated however that trust in justice is rather low and has severely deteriorated as a result of crises such as e.g. the Dutroux drama and Fortis. Moreover, because of the system of checks and balances, a certain degree of "distrust" is also an important condition for the performance of the judicial system. Based on the model of **Bouckaert** 2011 on trust in public administration, we can distinguish three clusters of trust relationships for the judiciary.

Table 1: Mutual Social Trust

Trust	Subject	Object	Label
T1	"Society"	"Judiciary"	Societal trust in the judiciary
T2	"Judiciary"	"Society"	Judicial trust in society
T3	"Judiciary"	"Judiciary"	Internal trust within the judiciary

Most of the research thus far, both in Belgium and abroad, has dealt with T1, notably through research on public opinion and public attitudes vis-à-vis the justice system. The current project, however, will focus on two other aspects that have thus far

remained in the shade: one is T2, namely the trust of the judiciary in society, the other is T3, i.e. trust within the judiciary itself. With regard to T2 we will especially focus on social groups and collectivities in the judicial system rather than on individual citizens. Thus, the units of analysis of this research are: trust relations between the judiciary and other actors within the judicial system eg. The administration, practicing lawyers, the High Council for the Judiciary,... (=T2) and trust relations within the judiciary eg. judges vs. public prosecutors; public prosecutors vs. investigating judges; first instance vs. the level of appeal (=T3).

Morrone and Others's study (2009) "How Good Is Trust? Measuring Trust And Its Role For The Progress Of Societies" This paper investigates the notion and role of trust in modern societies as a first step towards the construction of indicators that could better inform our understanding of societal progress. Trust is commonly viewed as a proxy indicator of social capital, and a high level of trust is considered a factor that can enhance economic growth and social well-being. Indicators of trust inform about the quality of people's interactions with others, hence on their assessment of the extent to which other people in the community are perceived as potential partners rather than as rivals.

The paper, starting from the various notions and theories of trust provided in literature, discusses different definitions of trust, its various dimensions (*i.e.* interpersonal and institutional trust), their relation to the broader notion of social capital, and the different factors that affect it. It then overviews the measures currently used to assess trust, discussing their advantages and disadvantages. Questions assessing the degree of trust of respondents towards other people and institutions have been asked in dozens of large-scale surveys worldwide, and these data highlight systematic relations between trust and various dimensions of economic and social well-being. The paper concludes by noting the limits of available evidence and the scope for improvements through better survey design and more comparable survey questions.

Sherman's study (2011) "Trust and Confidence in Criminal Justice" the Nation's criminal justice system is far less partial, lethal, and racially unfair. It is arguably more effective at preventing crime and is certainly more diverse; women,

African-Americans, Hispanics, Asians, and other minorities fill the ranks of what in 1960 was an all-white, male preserve. The Federal Bureau of Investigation has shifted from a policy of refusing to investigate complaints against local police to actively mounting undercover investigations of judges, prosecutors, and law enforcement agencies and officers. Ivy League university presidents no longer declare it impossible for a black person to get a fair trial. However, these improvements have had little impact on Americans' attitudes toward the criminal justice system. Understanding this paradox of progress better results but poorer opinions of the work involved in obtaining them is central to improving public trust and confidence in the criminal justice system. The paradox provides the basic answer to the U.S. Department of Justice's (DOJ's) mandate for this paper: two broadly framed questions, each with subsidiary questions:

What does the public expect from the criminal justice system? Are these expectations reasonable? How does the public perceive various components of the criminal justice system? Is the system considered fair? Is the system seen as effective? How does the public judge criminal justice agencies? Where do citizens get their information? How much of public opinion is rooted in personal experience? What factors currently affect public confidence? What has been learned about the way public confidence in the criminal justice system is built? Determining whether the system is fair and effective begins with the question, "Compared with what?" Compared with historical benchmarks, the criminal justice system is probably more fair and effective than ever. Compared with public expectations, however, the system falls far short in both areas.

Whether public expectations are reasonable is also a matter of comparison. In a hierarchical world that treats all people of lower socioeconomic class as inferior, expecting criminal justice officials to serve every citizen equally and effectively is unreasonable. But in a radically egalitarian world with perhaps more equality than ever before high expectations of the criminal justice system seem as reasonable as the expectation of prompt service at a restaurant.

Therefore, the factors affecting public confidence in the criminal justice system have as much or more to do with changes in society and culture than they do with the

conduct of criminal justice officials. If compared with communications technology, the system's performance improvements during the past 40 years have equaled the technological leap from telegraph to telephone; the public, however, is demanding Internet capacity, which is leaving the criminal justice community struggling to meet rising expectations.

Alsaghier's study (2009) "Conceptualising Citizen's Trust in e-Government"⁴ In e-government context, trust plays a vital role in helping citizens overcome perceived risks. Trust makes citizens comfortable sharing personal information, make online government transaction, and acting on e-Government advices. Thus, trust is a significant notion that should be critically investigated to help both researchers and practitioners to understand citizens' acceptance to e-Government. Prior research in trust has focused mainly on consumer's trust in e-Commerce. Most of existing literatures on trust in e-government focus on technical perspective such as PKI. This paper contributes by proposing a conceptual model of citizens' trust in e-Government. The proposed conceptual model of citizens' trust in e-government is integrated constructs from multiple disciplines: psychology, sociology, e-commerce, and HCI. The research is aimed also to develop items in order to measure the theoretical constructs in the proposed model. The pool of items is generated based on literature review. Q-Methodology has been utilised to validate the generated measurement items. The outcome of two Q-sorting rounds resulted in developing a survey instrument for proposed model with an excellent validity and reliability statistical results. Keywords: e-government, trust, perceived risk, citizens' participation, technology acceptance model.

Walle's study (2009) "Trust in the Justice System: A Comparative View Across Europe"⁵ When we report that levels of trust in the justice system are not just influenced by the functioning of the justice system itself, but also by other factors e.g. life satisfaction, this should not be interpreted by policymakers and practitioners within the justice system as a reason to give up responsibility. While the reasons for distrust are

⁴ . **Alsaghier**, Hisham (2009) Concept Ualising Citizen's Trust in E-Government: Application of Q Methodology, Journal of e-Government Volume 7 Issue 4, pp.295.

⁵ . **Walle**, Steven Van (2009) Trust in the Justice System: A Comparative View Across Europe, Prison Service Journal no.183Erasmus University, Rotterdam, Netherlands, pp.22.

hard to grasp, its consequences are very real. Where confidence and satisfaction are low, citizens will be less likely to report crimes and to use the courts to seek redress. They may also become less willing to serve as jurors or act as witnesses²¹. On top of this, a bad reputation may damage the justice system's ability to attract the best and the brightest as its staff, which may in turn have an effect on its efficiency and effectiveness.

Citizens' attitudes based on their own direct experiences with the justice system can be entirely different from their attitudes towards the justice system in general. Even a series of positive experiences with the justice system does not necessarily ensure a positive perception of the justice system as a whole. Previously held attitudes may lead citizens to interpret their own experience as being exceptional, and not sufficiently significant to alter any previously held general opinions. The implication of this is that citizens can, at the same time, be quite satisfied about their own experience, yet also retain little confidence in the justice system more broadly. Likewise, dissatisfaction with a partial aspect of the justice system does not necessarily lead to denial of the legitimacy of the system as a whole. We therefore need to distinguish in the analysis between general attitudes towards the justice system and attitudes towards specific elements. Attitudes towards the justice system consists of many related, and sometimes contradictory elements. Relying on a single poll to jump to conclusions about declining trust in the justice system therefore makes no sense.

This article has shown that, internationally, trust in the justice system in the UK is not particularly high or low. It has also shown that trust in the justice system has declined in recent decades. But it is not at all clear whether this is due to changes in the functioning of the justice system. Reforms of the justice system have to take citizens' opinions into account, but these opinions have to be interpreted with care.

CHAPTER TWO: CONCEPTUAL AND THEORETICAL FRAME

In this chapter we discuss related topics, which help us to complete academic research, we researching here conceptual and theoretical frame, as: trust, trust and the theory of social capital, citizen and citizenship, citizenship in kurdistan region/ iraq, the necessity of laws and justice in the society, the history of justice and the justice in the kurdistan region/ iraq.

2.1. Trust and the Theory of Social Capital

With the existence of human societies and its development, the subject of trust has also developed. In another word, existence of the former, leads to the appearance of the later. However, it is firstly taken into consideration and discussed in the psychology. Nevertheless, it was later evaluated in the social context.

Both ethno methodologists and integrationist sociologists such as Erving Goffman have detailed the pervasiveness of this trust. Ethno methodologists exposed the degree of routine, background intersubjective trust by carrying out breaching experiments in which volunteers questioned the routine good faith of people they interacted with. Their interactions soon ground to a halt, with the growth of automated technological systems this routine trust has come to be extended to gadgets and networks which people do not understand.

We now routinely give confidential information on-line with only the sketchiest idea of why an on-line bookstore can be trusted with our credit card details. For Anthony Giddens this need to put our trust in systems over which we have no control gives rise to the unease that characterizes advanced modernity (Bruce, and yearly, 2006, 306).

He thinks that generation and development of trust are related to individual's experience. He also believes that trust is positively correlated with the development of technology. Lewis and Weigert see trust as a symbol, which is a homologous treatment with expectation of others to them, Lewis and Weigert define trust as 'observations that indicate that members of a system act according to and are securing in the expected futures constituted by the presence of each other for their symbolic representations.'

They, too, characterize trust in terms of actions that conform to expectations (Jones, 2002, 225).

Table 2: Definition of trust

Sociologist	Definition
Dugan, Gilson, Hall	Trust is the optimistic acceptance of a vulnerable situation which is Based on positive expectations of the intentions of the trusted individual or institution (Meyer and Ward, 2009, 3).
Wilson	Trust, that when I need help my needs will be met. Generalized reciprocity is based on a sense of belonging to a larger circle and a long Time-cycle, with trust in ultimate equity. Social capital not only produces an atmosphere conducive to economic activity, it provides the cultural will to solve community Problems collaboratively (Wilson, 1997, 747).
Putnam	People who trust each other are thought to be more likely to interact and cooperate with one another, and these increased levels of cooperation, in turn, enhance economic exchange (Putnam, 2000, 134).
Coleman	Social trust an element of social capital. The latter is constituted through individual's relations with one another and denotes the assets or benefits e.g. information, material resources, and social support, status that flow through networks of connected and interdependent actors (Coleman, 1988: 100).

I find the definition Putnam as the most appropriate definition for trust. In addition, I do think that the trust establishment in individuals originated from the experience that the individuals society going through. Sometimes, it attributed to the support that relied on which is created a social structure. For example, when an individual establishes relationship with another individual, the trust is higher if they

were from the same country. Whenever the common points between them are higher, the trust is higher too, especially in the network and social relations such as same religion, relative, tribal and sectional.

On the other hand, in my view, the stability of the community in all aspects of security, economy and society has a strong impact on the extent of the trust between its individuals and individuals in the institutions.

For the purpose of obtaining more knowledge on both terms, several definitions are displayed in order to inter to our main topic. Social capital cannot be materialized in one portrait, because it refers to several social relationships and contracts which develop in the context of social development. In addition, a group of values and measurements such as trust, respect, obligation and assistance are produced from. All of these are bare values which are difficult to be measured in terms of quantity and differentiated. Therefore, some believe that social capital is a complex and complicated term.

Social capital lacks a general agreement upon a unified definition. The differences between multiple definitions and measurement methods stem from various sources, levels and approaches. With regard to the sources of social capital, the scientific literature most commonly refers to networks Coleman, Burt, Putnam, Granoveteer, norms Portes, Putnam, social beliefs Nahapiet, Ghoshal and rules Adler, Kwon. The authors differ not only in the significance that they ascribe to respective sources, but also in the level at which the analysis is conducted, and may either be the level of an individual e.g. Coleman, an enterprise e.g. Baker, a geographic region e.g. Putnam, a nation e.g. Fukuyama or a network e.g. Burt (Keseljevic, 2006, 3).

Because defining and determining this term is complicated, we exhibit some definitions that we think they comprehensively define social capital, For example: On Putnam's view social capital includes features of social life – networks, norms and trust – that enable participants to act together more effectively to pursue shared objectives (Putnam, 1996, 210).

Priest refers that social capital comprises all the networks, values and mutual understanding between which acts towards building trust between individuals and groups and work together. In addition, it includes relationships, contracts networks between national organizations and institutions.

Nonetheless, Jones thinks that the social capital is volunteer participation with others in the community, which minimizes the refrain and establishing social networks. In addition, he also refers that the cooperation with others depends personal dexterity for strengthening this cooperation (Hawala and Al Shuraiji, 2014, 514).⁶

Writing about social capital does not have a long history. Every writer and researcher looks at the topic from different angle, which generates different opinion and viewpoint. Hence, in this section, we attempt to focus on the opinion of these researchers and writers who are discussed the topic of social capital in general, and specifically those who discuss trust as a main topic of social capital. As this is related to our topic of research, we discuss the social capital and trust in general.

Researchers think that the first person who describes the capital was Tocquevil. He talked about the democracy in America in the nineteenth century and referred to the social interconnection and the participation of people in public live. However, some others believe that the initial of social capital is connected to Hanifain in 1916, who talked about the non-materialistic principle in everyday living such as Friendship, sincerity and social relationship, this means that social capital directly related with peoples social live.

After that, both Jean kaloob and Laurie Jeremy have discussed that subject however till the end of the nineteen seventies with book issuance Pierre Bourdieu 1930-2002 another stage of social capital has started. Then, James Samuel Coleman 1926-1995, in eightieth talked about the social capital in the context of connecting the social capital to social phenomenon and economic development in the theory of rational

⁶ . **Hawala**, Soheir Mohamed and Hind Sayed Ahmed Al Shuraiji (2014) Social Capital, Its Components and Constraints, Journal of Educational Sciences, Issue 3, Constraints, Journal of Educational Sciences, Issue 3 Cairo, p.p. 514.

choice. He thinks that social capital is appeared in several aspects which are beneficial in the social structure. Moreover, social capital differed from the other types of capital, as it is not present in materials and personal (Ramadan, 2012, 3-4). Here, the compound and specifications of social capital are demonstrated:

- Social construction is extended from family to neighbor, friends and others such as the institution of civil society and others.
- A group of connection and social relation in this context, which are based on some general principle such as obligation between the members and duties.
- The individuals of these groups owing some human commodities.
- These individuals enter the construction interestingly when they are interested in cooperating each other's. This benefits both sides. Mainly, bigger advantages are taken from the groups that entered.
- There are several aims and objectives that the individuals of a group trying to achieve. These aims might be related to a group or the community (Abdul Hamid, 2010, 19).

Robert David Putnam in the book of Making democracy work in 1993 talked about social structure, they think that compound of might include trust, cooperation and networks. Through these compounds, the developments can be accomplished inside the society which either on individuals, groups and institutions (Putnam, 2006, 206-209).

In 2000, Putnam has published the book bowling alone. It describes the social capital as an indication of the presence of the relationship between individuals and social networks. The measurements are connected to trust and the reciprocity. In this book, Putnam has connected the social capital with civil virtue. He expresses that the groups communities that there is trust between their individuals are stronger and more effective in obtaining the achievements compared to groups that there is no trust between their individual (Putnam, 2000, 406).

Commonly, there are two visions for social capitals. The first vision is led by Bourdieu. In this vision the social capital is analyzed based on class. In addition, he thinks that social capital supports social balance in the relations and symbols which

impacts the material capital. Social and cultural supports the transported across, collected and utilized as a materialistic capitals.

The second vision is appeared when it is accepted by the organizations who take into account the development. The sociological and class visions were eradicated from the social capital. In addition, social capital was remodeled in the boundary of economic behavior. This is clearly seen in both Coleman and Putnam. The first author thinks that social capital is like assistance for individual. In respect to its value can establish relation within the social construction according to the expectation and outcomes. On the other hand, Putnam looks at social capital in terms of identifying its specifications which become assistance in organizing the sociality. Moreover, the assurance of the presence of positive aspects in the specifications is highly appreciated (Faraj 2010, 237).

In Putnam's writings, three main compounds are illustrated which are behavioral and measurements obligations, social values especially trust and social networks particularly voluntary groups. Consequently, we can see that the research of social capital has been changed from individual level to groups and communities. The compounds of social capital have social organization which the community can be enhanced through it (Hamad, 2015, 145).⁷

Additionally, he asserts that societies that trust between their individuals are more capable and effective in their achievement compared to other societies. For this purpose, he called some societies as revolving debt communities which consists of a group of people who agreed on specific amount of money that to be accumulates by one of them. Then this action repeated periodically until all of them get the same amount of money. All the participants in these groups acknowledge the danger of such project. However, the previous experience, trust and good reputation of the other members eliminate these fears made it easier for the group supervisor to collect the money. (Ramadan, 2012, 8)

⁷. **Hamad**, Esaaf (2015) Social Capital: A Developments Approach, Damascus: Damascus University Journal, Volume 31, No. 3, pp. 145.

Therefore, Coleman believes that because of the trust between individuals, sometimes a person without any confirmed information performs an action just depends on the trust that he/she has in other people. Thus, Coleman thinks that the trust is voluntary action between two more people and it is necessary that one side demonstrates their trust to the other otherwise both side will be uncertain in their Transactions. This is associated with time and their Transactions which cause the establishment of trust.

In addition, Coleman has conducted a comparison research between social capital and material capital. He took an example of the pearl business in the United States of America. He observed that apart from the availability of material capital, social capital is an effective factor in improving products and escalating production. Thus, pearl dealers have facilitated their transactions based on social relations and known values social capital, without resorting to written and complex legal contracts. This will save a lot of costs, efforts and time and ultimately leads to higher production and benefits material capital. This is the same outcome that Putnam reached in his investigation on Italy. He monitored that even though northern and southern Sudan utilized the same production instruments and has the same, the political and economic development is greater in the south compared to the north. Putnam believes that this development is a result of accessibility of social capital in the south (Abdul Hamid, 2010, 79).

Generally, Putnam has defined the social capital based on trust measurement into two types: The transit social capital: this type of social capital consists of various relations and associations in different social structures. In this type, the relationships and social networks are not established based on classical connections such as religion, instinct and parentage rather these group members are connected via specific targets. Also, in this type the generalized social trust are produced when citizens share their community works, and The connective social capital: in this kind of social capital, the connection and relationships are produced in closed social structure, because network and social structural relied on the classical connections, the members of these network does not like participate and share outside of their groups. Therefore, the individual or personal trust could not be generated.

On the other hand, Mark Grano Phip thinks that there is no separation line between connective social capital and transit social capital. Therefore, the connective social capitals can alter to transit social capital under the effect of social compound and commingle, for instance, in some small commercial projects which managed by a group of people who have mutual social relations such as relatives, neighbors, friends connective social capital. In this way all its requirements are filled. However, by the time and the development of the project, it is obliged to obtain some expertise and instruments outside the classic group (Ramadan, 2012, 9).

The opinion of Francis Fukuyama about the theoretical trust culture is that the trust the essence of social capital because trust is the relationship that diminishes the private interests. To prove this, he provides the opinions of several scientists such as Jorge Semel who asserts that the trust is one of the strongest compounds of the society because without trust the society sickens and lost its compliment. In addition, Nicolas loman mentions the trust is necessary for current and future of society, specifically in the modernized society which specified by complexity, uncertainty, fears. In the vision of Fukuyama and base on social connections, he classified the societies to various types such:

- The societies that do not have trust in between them: There is no trust between their individuals in one side and between the individuals and the state on the other side.
- Father surrogate societies: in these communities all the social movements are in the classic context and individual relationships are within the same community border.
- The societies that have high level of social trusts: these societies have wide spread and strong trend for murdering others. In these societies, there is a wide relation networks with voluntary institutions and social structures, by this, the social relations are going outside the classical type.

Fukuyama thinks that all the societies are on a line between the first and the third type. This is depends on the accepted balance, for social capital and there level of

development in terms of economy, society and politics. For example, if trust is prevailed between workers of commercial project depending on a group of mutual principle and measurements, it leads to minimizing the cost of economic activities. Consequently, the society can produce several activities and styles base on trust (Fukuyama, 2015, 108)

On the other hand, Fukuyama thinks that syndicates and organization of the civil society have a great role on social capital. However, they are not entirely social capitals only, but these organizations become a cause for strengthening the trust and political and economic treatments (United Nations, 1997, 9).

The view is close to Putnam's view who thinks that the presence of institution of civil society is evidence on the existence of the balance of social capital in the society. This is an indication of democratic community by the participation of their members in the process of political development through a group of specific principles and measurements. This membership of the individuals in these institution increases and the level of trust in the individuals the surroundings to reach to the level that Putnam called the trust of the society (Abdul Hamid, 2010, 5).

As Giddens thinks that we are living postmodern era which can also be called late modernization, where the institutions and our lives are globalized and derived from the culture. In addition, the social live has been altered; old industrial societies stepped toward the frightened societies. Sometimes the postmodern societies are called chaos world where the stability and value of live are absent. Thus, in this field, Giddens describes the trust another danger, which is the hope that individuals expected from individuals and institutions. He thinks that as results of globalizations, the trust like live of local communities is altered. Lack of trust, subsequent the new revolutions in culture and scary world, has created uncertainty (Giddens, 2009. 802-803).

Therefore, Giddens inquires groups and social activities to put pressure on the mechanism of classical politics especially in the field of human rights and outspread the democracy and social justice. Moreover, he also asks for refurbishing the institutions, environmental protection, protecting the right of consumption and working on the level

of civil society. These are all for the purpose of retaining equity equation in the society (Giddens, 2009. 374)

Fukuyama thinks that social capital play two great role, which are economic and political. Economically, as a result of trust, the expenses of production and commodities are reduced. This is because of the unofficial contracts that depend on trust between business men without returning to complicated laws. Through this cooperation the unofficial social relations are created sustained in the modern economy rather it escalated with increasing the complexity of economic activity (Abdul Hamid, 2010, 70).

Furthermore, the negative impact of individualism of American individuals, such the increase of crime rate and the dissolution of family fundamentals, have stimulated American individual move towards the connection to the community. This is clearly appeared in n the establishment of syndicates and voluntary groups. Consequently, The American economy and democracy are highly affected. This process causes the generation of trust between individuals and this trust develops the social relations and they help each other content of social capital. Thus, the production cost is reduced and production level increased (Fukuyama, 2015, 464).

In addition, in terms of politics, he asserts that on the opinion of Alexis de Tocqueville, who lately called the art of civil obligations which the same as social capital. Furthermore, Fukuyama demonstrates the importance of organizations in producing strong and balanced civil society as a result of protecting civil rights put pressure on the state (Abdul Hamid, 2010, 71).

It has to be mentioned that these researches are related to social capital and its effects on Angelo- American which are divided into two parts: Functionalist: is led by the writings of Coleman, and normative: is led by both Fukuyama and Robert Putnam.

If we look at the opinion of Bourdieu, we can see that worked on the term capital on the Marx theory, He treats the term capital as classical economic term but has not maintained this term materialistic limit however he divided the term into cash capital materiality and non-cash capital non-materiality. The materiality capital refers to the

accumulative wealth same as Marx"1818-18183" opinion. However the non-materialistic capital have different types such as cultural capital the dominant culture of the community, symbolic capital this available commodity that individual obtained from the norms such as fame and dignity and social capital this is different analysis for social phenomenon. Bourdieu thought that social world can be looked at as multidimensional space.

Bourdieu expressed that the social capital of any class and stratus is connected to its class. According to this, alteration is occurred on non- materialistic capital in contrast to Marx who thought that conflicts happened between the stratums because of material capital. However, he thinks that the conflicts also occurred between the classes that owe different social capitals. In this regard, he illustrates the terms of Habitus which is live of individual instead of its different capital (Hamdawi, 2015, 3).

Even though, the social capital less clear in comparison to economic and material capital, it similarly has several genres. It is similar to social capital, it gives a value to its holder, gathered and accumulated and might be invested to get benefits, He thinks that the social capital is network of social relation which connects the individuals with others family, nation, a group or political party that the individual can strategically get economic benefits. These relations provide a social power to the individual and establish trust. For example, when someone has a strong social relation network, he occupied and promoted more easily in comparison to others (Abdul Adhim, 2011, 64)⁸.

Generally, Putnam defines social capital as "features of social organization, such as trust, norms, and networks that can improve the efficiency of society by facilitating coordinated actions." Most uses of the term in the literature, however, do not limit it to those norms and networks that improve social efficiency. Coleman defines social capital in terms of the quantity of obligations or informal "credit slips" between parties that are likely to be repaid, thus implicating both networks, extent of obligations, and norms,

⁸ . **Abdul Adhim**, Husni Ibrahim (2011) the Body, Class and Cultural Capital, Reading in Sociology of Pierre Bourdieu, Egypt, Journal of Additions Arab Journal of Sociology Issue 15, pp. 64.

which affect likelihood of repayment. Social capital that is productive for some purposes may be useless or destructive for others (Keefer and Knack, 2003, 701).

In addition, the social society can also be defined as the Latent resources of the social structure; it can be reached and utilized in our everyday requirements. In this definition, it is clarified that the balance of social capital can be obtained through the followings: First: the relations the individuals selects for accomplishing specific aims, such as syndicates, parties, groups and all the other relations and networks that established for civil live, Second: the system of the norms, above all are trust, transparency, respecting others, cooperation with others and all the new norms.

Furthermore, we can illustrate the importance of social capital in increasing the level of trust between individuals as a result of norms and mutual aims, the generation of positive relations, exchanging expertise, improving the imaginary capital and achieving commonweal (Faraj, 2010, 233).

2.2. Citizen and Citizenship

There are several definitions for citizen. However, the following definition, which utilized the membership of the individual in specific state as a base, is the briefest and most thorough definition a native or naturalized member of a state or nation who owes allegiance to its government and is entitled to its protection (thefreedictionary.com).

About Citizenship, Citizenship is a legal, political and social term. Subsequent the Westphalia treaty in 1648 and the establishment of nationalist state, the term citizenship and not considering any other measurement for citizenship has been discussed. Therefore, the term citizenship has been defined as the human partiality for specific state which holds its citizenship and observes the law, equally with other citizens of the state; his or her rights are preserved and utilized, in addition to the devoir obligation toward the state (Abu Sunaia and Ghanem, 2011, 5)⁹.

⁹ . **Abu Sunaia**, Awda Abdul Jawad and Hamad, Esaaf (2015) Social Capital, A Developments Approach, Damascus, Damascus University Journal, Volume 31, No. 3, pp. 145.

According to this definition, the citizenship of specific state insure some rights for individuals, on the exchange of that, they have some duties and responsibilities toward the state. Thus, in the following definition has looked at as a contract between citizens and the state. In the lexical of the social idioms, it is defined as a status or social relationship between ordinary individual and the political society state, which the individual has allegiance toward the country and it protects the individual according to law.

The importance of this definition is that this contract and relationship are organized by law which includes the guarantee right protection and execution of the duties. Consequently, each of freedom, equality, justice and social responsibility, is identified as principle of duties and primary rights of the citizenship in a modern state. According to that, every human has the right to free in his or her belief, ideology and visions of live, and has the right of equal and fair treatment with other citizens of the state. In return, the individual has duties and responsibilities towards the society and the state. Certainly, civilians living in a country have several duties towards the country and the society, in return, the country provides several rights. This is importance of citizenship in any state (Ibrahim, 2012, 3-4).

For citizen to practice the citizenship in specific state, it is necessary to perform these duties that are set by the state or society. Therefore, this section briefly discussed the duties of citizen: Obligation duties: the state imposes several duties on every individual such as paying taxes, commitment with laws, protecting the state and its privacy, and Voluntary duties: these duties are conducted without any force such as conducting a project for development and enhancement of the state. The citizenship is established on three duties and norms, which are: Holding the high norms and civilized mutual treatment, Active participation in processing general works, this is locally and internationally, Social rights: like the rights of social and health observation and food security rights, Economic rights: like employment right and membership in the labor syndicates and the right to strike, and Cultural rights: for example, education and the right of cultural, intellectual and technological rights (Iyo, 2006, 79).

Because the impact of practicing citizenship, this section focuses on the importance of citizenship: Strengthening biased and love for motherland, Reaching the equity between the individuals of the state, Building citizens personality, Constructing a civil political system, The sustainability if the state is guarantee when the citizens are performing their duties and the state provides their rights and Living together with others with all the variations based on belonging to the state (Abdul Mutalib, 2009, 4).

2.2.1. The History of Citizenship in the World

Even though the term of citizenship is new, human history has seen many difficulties for the sake of freedom and equity in civilized stable state. The ancient civilization of Greek, Rome, Iraq and Egypt have provided civilian right for the minority of their inhabitant and neglecting the majority, especially women and slaves.

Researchers take the idea of citizenship to the Greek era, as the citizenship was discussed in the cities and it was associated with the cities. The democracy and direct election of people even though just a handful had a right to participate indicates the citizenship of some individuals of the society. Aristo thought that the best citizen for the state is the one that wants the general's favor tries for it. Similarly, Appleton also agreed with him because he thought every individual have rights and also have devoirs and duties (Qarachatany and Rafiq, 2013, 12-14).

In Rome, citizenship was the obligation of the individuals to the Roman laws and participation in structuring the state. This was continued till appearance of the effects of France and American Revolution on Rome. Thus, the term citizenship was developed further. These revolutions were because of the translation of Aristos books and the philosophe of France revolution Jean Jacques Rousseau in the book of social contract which hypothesizes a social contract.

After that, the idea of nations and civilian rights against their duties as civilians in in the nation in the declaration of independence of the united nations of America 1776AD and the declaration of human rights in the France revolution in 1789 AD was

appeared. These became two important watershed points in the history of citizenship in the world. Finally, the human rights declaration in the world in 1948 AD.

After this declaration, it is included in the constitution of the most countries. It is initiated to regulate sections of the human rights act which are providing the principle right of human such as the right of living, freedom, employment, justice, ideas and political (Manna, 2005, 21).

In Iraq Mesopotamia in the era of the king Ur the third who set the law in the human history twenty century BD. He consolidated the justice for civilian rights and assigns several obligations to them. After that in the eras until it reaches to Hammurabi, he worked on this area towards brighter future (Alti Barmagh, 2012, 31).

In the similar manner, the in the view of Islamic religion, citizenship is based on rights and duties between people and state. As it is mentioned in the Quran that there is no difference in treating people as the almighty said “O mankind, indeed we have created you from male and female and made you peoples and tribes that you may know one another” (Quran, Alhujurat, 13).

Similarly, the messenger Mohammad the sun of Abdulla in the city of Medina in the Arabian Peninsula took in to consideration respecting the differences. In the Medina bond as the first written constitution in the mankind history describes the principles of citizenship. The messenger has illustrated the rights and duties and consolidation on the community in Medina regardless to nations and religions (Abdulmutalib, 2012, 5).

In the Ottoman Empire, in the constitution in 1876 AD, equal principles of the rights and duties for all people were admitted. In the periods between 300-1300 the principles of human rights have retreated because of the devastation democracy in Greek and Rome as well as the change in the system of ruling in the Islamic civilization for royal ruling (Iyo, 2006, 85). However, the revolution in seventeen century saved the society from the ruling of classes and church and the declaration for principles of human rights restarted again. For this, intellectual such Thomas Hobbes, John Locke, Russo and

Montesquieu by their writings and suggestions on the social contracts played a great role in remodeling the term comprehension of citizenship stabilizing it in the community:

- Regarding the principles there are three watershed points which resulted in the development of citizenship in the west and set up in the democratic national state, and those are the establishment of national state which happened subsequent the declaration of Westphalia treaty in 1648 AD.
- The political participation of people plays a great role in the relation between royals and authorities on the side and civilians on the other side, from this the idea of independence people implemented practically. Then, taxes and was also appeared. Furthermore, the political participation on one hand and taxes on the other have been an equation.
- Additionally, the ruling of law was the third factor in developing the principles of citizenship modern states. The impacts of declaring the independence of the United States of America 1776 AD and the declaration of human rights and citizenship in France were dispensation of freedom in societies (Manna, 2005, 24).

Every country the principle of citizenship has developed differently. In Britain after signing the Magna Carat treaty in 1615 by the king, there was a big transition from the monarchy authority to respecting human rights and freedom. Especially as the parliament succeeded in signing rights document in 1689, the responsibility of the monarchy subjugated to the law of the state. After that, in 1832 D.C the reform election law gave right to the middle class to participate in election. Furthermore, in 1918 Right of referendum was amended (Abdurrahman, 1996, 239-240)¹⁰.

T. H. Marshall stated that in the eighteenth century civil citizenship is developed in Britain, in the nineteenth century political citizenship and in twentieth century social citizenship have been set up.

¹⁰ . **Abdurrahman**, Barqouq (1996) the individual in Algerian society is a citizen, Algeria Journal of Humanities and Social Sciences, Special issue, pp. 239-240.

In America after the independency, the leaders of American continent declared the human rights treaty; according to this the constitutions of America have accepted many civilian rights and state stepped toward luxury (Giddens, 2009, 406-407).

In France the principles of citizenship has gone three stages:

- The France revolution 1789 AD: this resulted in the declaration of human France civilian rights and France constitution in 1891 AD which admitted the principles of freedom, equity, rule of state and differentiation between authorities.
- Labors revolution the establishment of constitution in 1848 AD: this stimulated the production of freedom, education, social cooperation and the right of gathering.
- The constitution in 1964: it included several new rights such as the rights of freedom, economy and social.

The eastern states and especially Arab stated, generally even though many efforts have been done, up to date human rights have not been set up completely. In addition, in 1966 the united nation group has issued two international treaties announcements about the social, economic, civil and cultural rights (Abdurrahman, 1996, 241)¹¹.

2.2.2. Citizenship in Kurdistan Region/ Iraq

Prior to discuss the justice in Kurdistan region/Iraq, it necessary to briefly talk about Kurdistan region/Iraq, after that demonstrating the citizenship in Kurdistan region/Iraq is also essential. After that, the rights of citizen on Kurdistan region/Iraq are explained.

Kurdistan region/Iraq is federal region in Iraq section 1 in the Iraqi constitutions, which consists of Erbil, Duhok, Sulaimaniah and Halabja province; this is apart from Kirkuk province and a part of Mosel and Dyala province which are set as conflicting

¹¹ . **Abdurrahman**, Barqouq (1996) the individual in Algerian society is a citizen, Algeria Journal of Humanities and Social Sciences, Special issue, pp. 241.

zones between the region and the central government. Geographically, it is located northern Iraq and Iran, east of Turkey and north of Syria (Standard, 2014, 61).

Historically, the history of Kurdistan region/Iraq is going back to the Meeds era. Until the Treaty of Sykes-Picot in 1916 was part of great Kurdistan. After that, the agreement divided the great Kurdistan on Turkey, Syria, Iran and Armenia. Then, according to Treaty of San Remo 1920 and Lausanne 1923, the State of Mosul which is the current Kurdistan region/Iraq and Mosul, was divided from turkey and connected to Iraq (Nawxosh and Abdulkhaliq, 2009, 64-65).

After 1991 Kurdistan region/ Iraq, it stayed in as a federal region in Iraq. However, it was not organized by written constitutions, it was just a defacto. Until the downfall of Iraqi government in 2003 by the alliance and the United States of America, The region officially stated as s federal region in the Iraqi constitutions in 2005 (Iraqi Constitutional, 2005).

Kurdistan region/Iraq as a part of Iraq, it is established within the Iraqi border after a bitter experience. Iraq created numerous problems for citizen of Kurdistan region/ Iraq such as depriving the citizens of Kurdistan region/Iraq from live, killing 5000 people in the city of Halabja by chemical bombs and geocoding and alive burial of 182000 people. The right of citizens was in such a poor condition that in case of punishing someone the whole family members, sisters and brothers were punished as well (Hakim, 2000, 42).

Therefore, since its establishment in 1991 AD, it worked independently in terms of administration. As a result, it can be seen that in development of democratic and citizens right values, the region attempted to adopt its special style, and it was successful to great extent. Examples of such successful development are the issuance of some rules and regulations and the establishment of variety institutions. However, up to date, the lack of constitution is great and substantial space. In addition, in the view of some authors and intellectuals that Kurdistan region/ Iraq could not introduce decent experience internally, how about exporting it to the Arabic Iraq, as many announced that (Alti Barmagh, 2012, 123).

I think even though each of the legislation, judicial and executive authority are independent legally and institutionally and developments in terms of providing human rights and stabilizing the value of citizenship, however in the reality, there are intervention and interaction between the authorities. Sometimes, this has been conducted legally such determining the president of the judicial authority by the executive authority which leads to infringing or not protecting the citizens' rights as demonstrated in the law. Therefore, authors think that the democratic development and the citizens right are political advertisement not existed in the reality. apart from this, in 12/ 10/ 2015 the parliament of Kurdistan region/Iraq has been paralyzed as its president has been banned to inter the capital city Erbil by a party decision (www.gorran.net) .

A amongst the civil, political, economic and social rights, providing the political freedom might be the most outstanding right which to date the report of international monitoring organization is focused on. These reports include tightening the limits of political freedoms, organized cheating in the election, monopolizing the political positions illegal torturing in the security services which administered by party members, for the sake of sustaining in charge. These are discussed about the region in the international reports, and in terms rule of law, the region as a part of Iraq is among the countries of undeveloped world (Alaadin, 2013, 157-159).

Regarding the economic rights, although superficially the economy of Kurdistan region/ Iraq has developed, in fact the economic process in the region is managed randomly and unscientifically. This is because the economic freedom in the investment and business is monopolized by party and government personalities. As a result the middle class is vanished and the poor become poorer and the riches become richer. There were no plans for establishing the good infrastructure and definite economy. Economic issues between the central government in and Kurdistan region/Iraq 2013 have generated an economic crisis for the region. The prime minister has admitted that there was no economic plans, thus it encountered a disaster. All of these factors affect the right of the citizens.

However, I think the social rights are such learning for all religions and different nations and art and cultural activity are offered to some extent, however is revealed from

a field experiment in Kurdistan region/Iraq that 85.1% of people think there is variation in the treatment of the authority with its people, all people are not treated as First class citizen. This is originated from that the 3/4 of the participant thinks that their rights are not equally provided (Qarachatany and Rafiq, 2013, 52).

2.2.3. The Rights of Citizen on the Judicial Authority in Kurdistan Region/ Iraq

The judicial authority is one of the legal authorities in any country, and it is established based on the differentiation of the authorities. For the sake of independency, privacy and embodiment of democracy and justice, it highly serves people (Al Fazl, 2005, 98).

There is no doubt that every citizen lives in any country of the world as a right of citizenship he/she has some rights on the judicial authority. This is for protecting and returning citizens' right at the time of danger. Therefore, the researcher, in this investigation, discusses some of these rights on the judicial authority in Kurdistan region/ Iraq. Some of these rights are the followings:

- The judiciary right: the philosophy of judicial authority is the stabilization of justice. Thus, this right has been admitted, in all the laws and international treaties, that the citizens deserve such judgment, because every citizens in Kurdistan region/ Iraq has the right on the judicial authority to protect their right according to law. When these rights are violated by other authorities or persons, this authority has to defend these rights for stabilizing the justice (Hashish, 2008, 17).
- The right of independent judicial authority: this is the most important and the mother of the other rights. The judicial authority has to independent in its work and not to be affected by politics and society for differentiating the other authorities and achieving the justice. Otherwise, it leads to lose the rights and the security of the community will be at risk (section 1 in rule number 23 in 2007 of the law of judicial authority in Kurdistan region/ Iraq).

- The right of equity in front of courts and law: when looking of at any legal cases in front of the court, the court has to execute the laws regardless to color, sex, nation, religion, ideology, politics, and economic status.
- The right of court hearings discloser: to precede a fair trial far from any illegalities a law violation, the trials have to be disclosed. This to transparently discuss and provide evidence then make decisions (Sleman, 2014, 50).¹²
- The right of having unbiased judge: the judge, as a main character in the court, has to be unbiased regardless to self-interest. In accordance to law claimant has the right to demand changing the judge if the judge proven to be biased.
- The right to criticize the court's decision: for assuring from the legality of the decision, the loser can criticize complain the legality of the decision to higher authority such as The Court of Cassation (section 183 in Iraqi Criminal Procedure Code).

There are several other rights, however we only indicating them without going deeply, such as right of self-defense, accused individual is innocence until proven his guiltiness, the principle of imposing the punishment only on people who committed the crime, not investigating or arresting people without court's decision and the right of having a lawyer. All of these rights are admitted by Iraqi Criminal Procedure Code (Iraqi Criminal Procedure Code, 1969).

2.3. The Necessity of Laws and Justice in the Society

The researcher found it essential to writing about law and justice. As the content of our investigation is on the trust in authority that established based on law, firstly both terms are illustrated and defined, and then we demonstrate the necessity of Law and justice in the society.

Regarding the definition of law and justice there are different opinions and definition. We briefly demonstrate some definitions for both terms, this term is called Law in English, (Yasa) in Kurdish and Turkish language and (Qanun) in Arabic which is

¹² **Sleman**, Dadyar Hamid (2014). The Citizens' Rights towards the judicial authority, Erbil, Payamy Dadwary magazine, issue 2, p.p. 50.

driven from (canon) in Greek. It has numerous definitions; everyone has focused on different aspect of the subject and viewed it in different angles. Some define law as a group of general regulations for organizing the behavior of individuals in the society, which needs to be respected, this is imposed by the public authority, and it utilizes force for setting these regulation when it is required (Hazboun, and al Taraf, 2003, 8).

This definition is recognized by the fact of using force for setting these regulations when it is necessary. The power of each law is in its execution, the execution usually is though utilizing force and authority (Luyd, 2006, 29).

From the above definition and researchers understanding for laws, he came up with the following definition by considering the circumstances of the society. The law in the opinion of the researcher is: Law is the entire active regulations which organize people's relation, rights and duties Moral or natural, this is imposed by the public authority in Kurdistan region/ Iraq for the sake of public interests.

Regarding the definition of justice, many definitions have been demonstrated. We, as previously, discuss some of these definitions: Ibn Khaldun as a great sociologist, defines justice as is the status by which strives in the society finalized and essentially eliminates opposition depending on Sharia provisions in the In the Qur'an and Sunnah, these functionalities are in the order of the Caliphate (Al Mahmoud, 2010, 4).

According to this definition, opposition and conflicts in the society are eliminated by the judicial authority which relies on specific laws. It is obvious that he had turned this law to the Sharia provisions from the religious point of view. Simultaneously, he connected the setting up and the execution of these laws to the Caliphate; however, legal men have defined the justice as resolves the opposition according to the law for preserving social peace (Al Namir, 2010, 14).

The three definitions focused on the elimination of opposition and conflicts through public authority which has the authority on the society, After the human creation and living together as a social being, as well as the establishment of the first society, human starts to think about finding a measurement tool for their relationships, in

addition, identifying their interest, rights and duties. Therefore, different religions, norms, cultures and ideas have been emerged. By enlarging the society, the essential of these measurement tools, until it reaches to the documentation of laws (Luyd, 2006, 30). Therefore, Montesquieu, 1689-1775 describes the law in the community as a phenomenon which originated from the society (Mohsiny, 2007, 118).

The most important factor for the necessity of law is stabilizing the justice and security in the society. This is because of a social contract for selecting a public authority to establish a punishment code for the behaviors and organizing the relations and interest. Certainly, the aggressive behavior requires modification limitation in order not to infringe others border (Al Aani, 2007, 124)¹³. This is the necessity of existence of authority for judicature between people in the community.

It is vital to have a glance on the source of laws, because the sources of power of these laws are originated from the fact that the laws have social agreements. The sources of the laws are different from one to another. Religious laws are originated from God and they are sacred by their followers. However, man-made laws are from several sources such as religion, mores, traditions, judicial regulations and treaties .these laws amended with time and location for imposing higher justice in the community (Al Bakri, and al bashir, 1989, 186). Thus, when the authority stabilizes the law by force, this force utilization has its own validation in the social system as Max Veber 1864- 1920 thought (Mohsiny, 2008, 235).

There are a lot of relations and reactions between law, justice and society. The accepted principles in society are source of law which brings the view of individuals in the society for behavior and subject closer and eliminating problems and issue. Consequently, equilibrium is produced and laws will become one of the products of social treaties in the society (Russo, 2005, 70).

My opinion the riling of law and executing its sections requires a powerful judicial authority. The social, political, civilian institution and media have to play social

¹³ . Al Aani, Dalia Abdel Latif. (2007) the Story of Law, Sulaymaniyah: The Journal of Yasanasi, No. 8, pp.124.

consciousness role. Above all, active institution for issuing proper rules and laws that complies with norms and tradition of the society. This is to accomplish the main aim of the presence of law which is justice, security and respecting the human.

2.4. The History of Justice

There is no doubt that the advancement and survival of any nation depends on advancement of these nations in the social, economic and political live. Certainly, law and fairness are extremely necessary and important for Stability of nation's life.

Thus, the history of law and justice development in the world is significant for today's live. We regarded us an important section for this research therefore it is briefly covered. This section highlights the judicial history in the world and Iraq, and then discusses judiciary in Kurdistan region/ Iraq.

2.4.1. The History of Justice in the World

The history of justice starts thousands of year before b.c, in the ancient time there was a type of law and justice among societies which led to justice between individuals, group and societies. At the Age of power which the its history derived 10 thousand years B.C. the society were consist of tribes and clans which is a group of families. These together generated political society with its mutual religion and norms. All these were to fight in order to stay a life. At that time, punishments were classified. For example, eyes for eyes killing pay for blood, slave. Till reaches to the time where new stage emerged which were peace and agreement, at the religious rituals and habits, new stage was appeared. Swear and mortgagor, have been applied like laws. The sanctity of some types of rituals and habits had significant role in solving some cases.

The forth age before b.c which was the age of writing laws. For instance, at the third age before b.c the kings of western area started to write some habits on the form of laws and some piece of writing for workers and some the social problems. In addition, allocating jury for allegations among people and most of the time by applying the theory of swear to reach to the conclusions (Al Fatlawi, 2010, 77). At these ages the jury has

been changed to the better, and we are here classified and illuminate history of some ages in different areas:

Justice in Mesopotamia

Iraq is the country which is the history of its civilization derived before 5000 before b.c. and named Mesopotamia, its history at the Sumerian age which is the inventor of the oldest language and named Sumerian, followed that Bablian and Ashorian, it has many advanced and systematic justice. These rules were similar as the same as our rules in these days and a perfect language and in some band and in short and general and went through into short law paper. The sources include habits and many documents and rules and finally king's arrangement.

The initial prove paper in Iraq is the Aurnay rule which it rules derived from 2111-2103 b.c by the king of aurnay the inventor of third Aori tribe. This rules southern Iraq and the oldest and longest shira Somrai, later rules Ashona, almost half of era Hammurabi, and rules of lbt Ashtar in 1934-1924 b.c. later rules of Hammurabi in 1792-1750 before b.c. by the Hammurabi the head of Babylon country which its significant has been mentioned above, but the first the rules of jury in 1850 before b.c. in Nqr city near Babylon has been found, which has been mentioned in a murdered case (Al Fazl, 2005, 67-70).

The jury system has been formed before Hammurabi Hammurabi 1750-1792 but he was a religion person selected by many religious people at the God's place. After nominating a new job as a jury and setting up the rules of 282 new era has been witnessed at the stage of judgment and been named as a jury of civilian and for life. The jury has been directly nominated by the king in a special castle at the present many people who are in power at that time like an jury assistant which their job are writing the decisions and preserving documents. Nevertheless, in some cases in terms of vowing, the priests were in charge of jury, typically before Hammurabi era, such as heritages, in addition, the city mayors were taking responsibility and taking charge like a jury solving all issues regarding their cities. For some villages some people have nominated as a jury because the unique form in these places (Al Fatlawi, 2010, 103). In capital there were a

team of judges. They were under the authority of the king. They were ruling some cases which were happening in the remote area and also sensitive cases. In addition, the king himself was in charge when it comes to rule and has an authority to punish some cases like some punishing some people in charge exploiting and bribe cases , also has an authority to announce a general clemency if he wishes (Hussein, and al Majzoub, 2007, 112-113).

On the subject of ways of court decision, almost all the practices have been and still used in our court today. For instance, taking speech from the witnessed and like a confession and vow, which I think at that time, was a great stage at court.

Justice in Nile Country

Egypt or Nile country, the country where its civilization derived from almost three thousands before b.c. but till now in the form of documentary law, highlighted writing law has not been found in the ancient Egypt. In terms of reason for this, parts of the histological people believe that laws have not been written. Ancient Egyptian have societies and religion power, no one has the authority to break the rules and tribe laws, that's why they did not need to write rules (Hussein, and al Majzoub, 2007, 54) , nevertheless, finding documents and written papers are the robust prove that the justice decisions were used at that time.

Tohot was one of significant writer of rules document and he named The God of law. This rules also has been effected by the religion law and build its roots in 4241 before b.c. but there are no more written paper available for today as an evidence. In addition, the amntob hob which is also based on the religion idea was built by the ministry of justice Snosti First which its rules are not available.

Rules of Boxarist are the oldest Egypt which is now available. This is collected by king boxorius. Amendments have been made by the effect of Hammurabi law. This was the step writing down and documenting laws. The difference between this rules with others are the boxoirus rules were civilian not religion idea. One of the alterations in this is this, men and women are the same in their rights. It was free written like when men

have the right to divorce women; women as well have the right to demolish the marriage paper. This rule has been worked until the all residents of Roman Empire got identity paper in 212 b.c.

As the king was seen as God, he had the power of issuing laws, executing, judiciary and religious. Thus, he was conducting the justice by himself. There was justice minister who organizes judiciary action in the ministry. However, in some special cases the king was managing the courts (Hussein, and al Majzoub, 2007, 80), such as the Nobel trial. Outside the big cities, the in charge persons were judging. But, in all cases the judgments were taken under the name of the king (Al Hassan, 2010, 47).

In the field of punishment, for every crime there was a specific penalty. If the offence was against the state, the punishment was stricter, however if the offence was against a person the sentence was lighter. For example, the sentence of publicizing the privacy of the state was cutting the tongue. If a woman did a Zina, her nose was cut, same as Hammurabi law (Al Fazl, 2005, 91).

The Justice in Rome

Rome is the empire that started with the establishment of Rome city in (754) B.C, the monarchy era started and then converted to the republic in (509) B.C. By the death of the emperor jistian in the 284 D.C the empire was terminated, initially, the emperor was judging by the assistance of some priests, then the cases escalated and the emperor could not manage that amount of cases, he employed a person to process these cases. This person was given the title of the foreign bretor who judged between the roman and foreigner (Al Hassan, 2010, 47-49).

The roman system was changing continuously, especially in the third century B.C. the nation's law was issued in which extreme efforts were used to achieve the principle justice. In the era of the emperor, he authorized the judges to not stick to the laws. As he thought that this might be fair. This is made it easier to amend or avoid some of improper laws (Mohammadamin, 2010, 102).

Apart from the bretory and nations laws, many other laws have been issued such as the law of the twelve tables which issued in 450 B.C. this was a long law, which discussed the business, civil treatment, punishment, family and how to judge. In addition, conolia was issued in (445) B.D which permitted the marriage between the Nobel class and other classes in the society. Botlia was issued in 204 B.D in which prevented the utilization the body of the debtor by the creditor. In 286 B.C, the Auculina law was issued. This solved the prejudicing slaves, animals, trees and peoples properties. The atinia in 150 B.C did not allow any individual to be the owner of a stolen item (Al fatlawi, 2010, 185). The source of the law always was the traditions and mores, from these laws, it can be stated that they were in high and developed stage. The laws were thoroughly written so as to achieve the principle of justice as modern laws (Hussein and al Majzoub, 2007, 181).

Justice in Islam

It refers to the Islamic laws and regulation which established by the messenger Mohammad the son of Abdulla in the seventh century D.C in the Arabian Peninsula. After that, in the eighth century border of this authority reached to the continents of Africa, Asia and Europe until the world war one (Kanadi, 2008, 185). State, from its start highly considered the justice in terms of organization and execution practically. Thus, in the books of the majority of scientists special sections have been dedicated for justice. This illustrates the importance of the justice in Islam. It clearly shows the qualifications of judge and process of judgment (Zalmi, Volume 20, 2014, 185). Apart from various personal characters, the conditions of the Caliph was proper Muslim, age, properly hear and see and speech (Al Haj Musa, 2008, 18-19).

This state has agreed on the existence of free ideology and other religions. The minor religions in the location are evidence. Islam stated various guarantees for criminals such as the principle validity of the sentence, clearance and the right to defense (Zalmi, Volume, 11, 2014, 35). It was never allowed to take, the defendant's statements under the force.in addition, it eradicates the slavery (Al Fatlawi, 2010, 395).

Currently, it is the only source or the main source in all the Islamic and Arabic countries. The impact is obviously indicated on the Personal Status Law and civil laws sentence. It also impacted some western and non-Islamic law. For example 40% of Napoleons law was taken from jurisprudence of Maliki (Zalmi, Volume 20, 2014, 137).

The jurisprudence of Islam is broad; there are a lot of ideas and point of view. This was helpful for suitability in different states, nations, doctrines as well as different times. Thus, to the end of this state, the laws was not organized and written or documented. Islamic jurisprudence for different location and time has played an important role in spreading and comprehension of various laws, after 1856 and the emergence of the Humayuni Line, the stage of documenting the laws has initiated under the effect of European law. Thus, the configuration of the courts has been changed. It was divided into Shari'a Courts, regulation courts and special courts. The rights were also divided into the rights that are related to the God, the rights that are related to other people and the rights that are mutual between them (Al Fazl, 2005, 179).

The Islamic sources are Quran, Sunnah, the consensus of the scientists and measurement. The source of the judicial law and philosophy are obtaining the justice and the execution of equity in the society (Zalmi, Volume 21, 2014, 209).

2.4.2. The History of Justice in Iraq

As we discussed earlier, Iraq has an ancient and golden history. It is started from 5000 B.C. in the ancient history of Iraq; the famous laws were Aucojenia reform, Ur-namo laws, Lpb Ashtar, anuna laws and Hammurabi sharia (Al fatlawi, 2010, 109).

In the Islamic era in Iraq, the source of justice and fatwas were the Quran verses and Sunnah. Furthermore, in the Al –Rashidi era 632- 659, after 636 in the era of the second Rashidi caliphate Omer the son of Khattab, Iraq has become a part of this caliphate. The laws were taken from the Islamic sources such as Quran, Sunnah, Consensus and measurements (Al Hfidh and Alnadawi, 1989, 177).

In the era of the Umayyad 849- 661 D.C has substantially settle down, especially in the era of Omer the son of Abdul-Aziz who established Office of the Ombudsman.

This institute had higher authority than the current Court of Cassation. It worked independently, even the Caliph could intrude. There were great judges are Al Hassan Al Basri 641- 728 and Al Qadhi Al shareeh701 in Kufa (Al Mahmoud, 2010, 6).

In the era of the Abbasid caliphate 849-878, the judicial system has improved and the post of Chief Justice invented. He positioned in the capital and his authority was same as the minister of justice. In the era of the caliph Abbas the son of Marwan, the judges were employed by Chief Justice without going back to the caliph (Al Hfidh, and Al nadawi, 1989, 239-241).

In the era of the Ottomans 1532- 1918, the laws continued on the Islamic principles. The judges, as previously, were employed conditionally. The laws were originated from Islamic sources, especially when Sultan Suleiman the first announced the Hannifin doctrine as the formal doctrine. In the 1876, the Judgments magazine demonstrated 1851 legal articles in an introduction and 16 books as European laws. This considered as a significant step in the history of Islamic law writing (Al Haj Musa, 2008, 35-37). After that, in 1917 family law was issues. Under the effect western laws, several other laws were issued. The organizations of judges under the effect of western ideology for courts were divided into: The sharia courts for personal status and the trial that are related to Muslims only, The regular courts, specified for new topics of business, punishment civilization, which were consisted of three section, primary, appeal and Cassation Court, and the special courts which were two types such as doctrine courts and Consular Courts (Al Hfidh, and Al Nadawi, 1989, 248-251).

In 24/4/1913 the law of Judges of Peace was issued. According to this law mobile courts were established for remote areas (Al Mahmoud, 2010, 16).

With the outbreak of the First World War, British government invades the city of Basra in 1914. The judges and the courts withdrew from the city. After one year a law for the invaded lands were published in which British were implemented. However, the sharia subjects were converted to the religious persons. In 1925 the first constitution was issued for Iraq and the Monarchy system commenced (Al Hfidh, and Al Nadawi, 1989, 252-254).

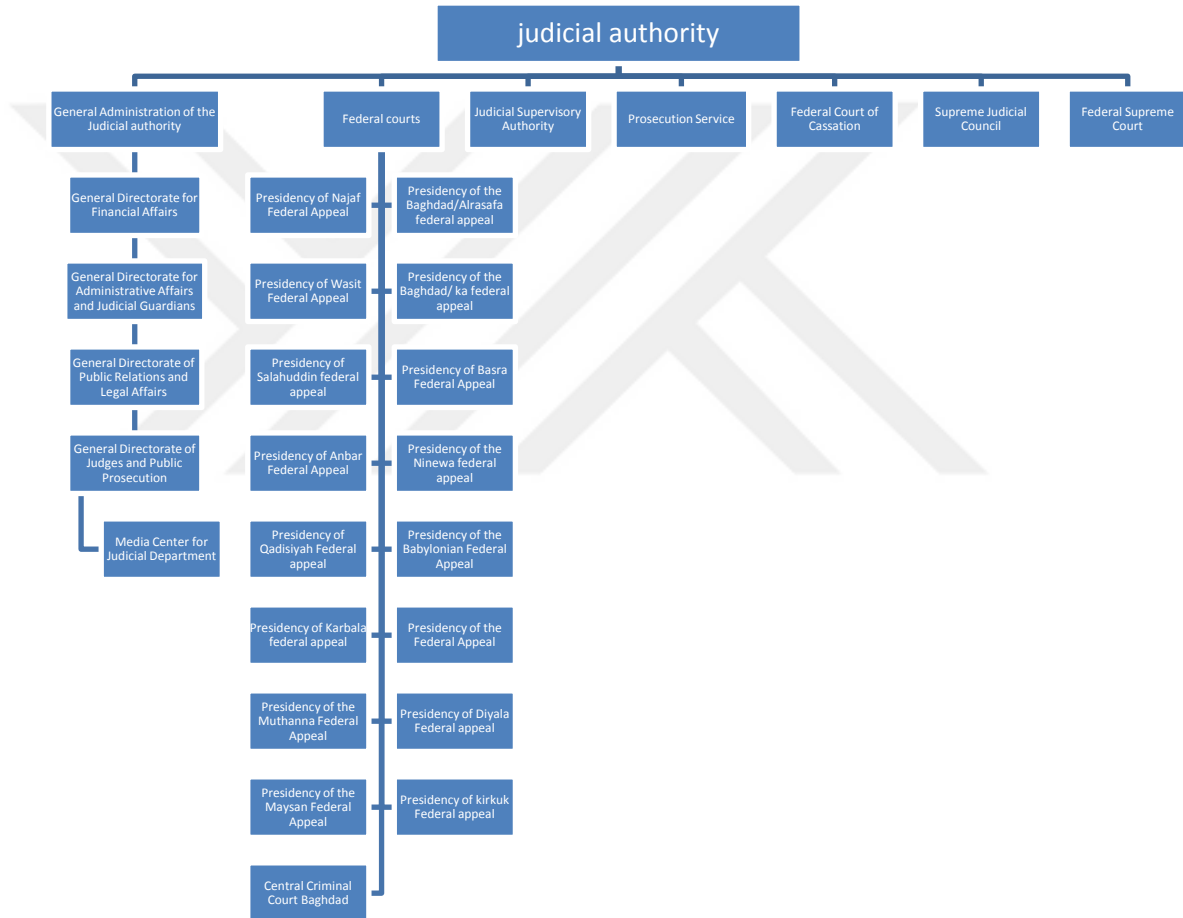
During this period, the reconciliation, cassation, primary and criminal courts were present. In 1929 the first Iraqi law was issued in Bagdad dedicated for judges (law number 31 in 1920). This was considered a significant step in judicial system in Iraq. (Al Mahmoud 2010, 19-20). After that, the (law number 39 in 1932), (law number 68 in 1943) and (law number 3 in 1945) were issued. Then Iraq was divided into six judicial zones (Bagdad, Basra, Mosul, Hila, Dyala, Kirkuk) (section 6 law number 3 in 1945).

The law of judge's number 31 in 1929 was the first step for independency of judicial authority in Iraq. Then the law numbers 39 in 1929, 68 in 1943 and 27 in 1956, have played a great role in the independency of the justice in the context the ministry of justice. Even though the laws were in favor of the independency of the judicial authority, it was implemented in favor the Iraqi government.

Finally, for the first time according the law number 26 in 1963, the judicial authority organized as an independent authority. However, in 1977 in accordance to law number 101 in the ministry of justice, the authority of justice was canceled (Al Mahmoud, 2005, 251).

Thus, the judicial authority stayed under the order of the ministry of justice as execution authority until fall of the Iraqi government in 09/04/2003 by the alliance and the law number 35 in 18/ 09/2003. This has returned the independency of the judicial authority again. After that, the issuance of the law 45 in 2004, the judicial authority has again recognized as independence authority Supreme Judicial Committee. Similarly, it was identified as an independence authority in the permanent constitution of Iraq in 2005 according to section 48 to 98 (<http://iraqja.iq>). This is apart from maintaining some parts of the judicial authority outside the Judicial Committee. The judicial authority in Iraq is as following:

Table 3: The judicial authority in Iraq



(<http://iraqja.iq>)

The former president of this authority believed that for completing the independency of the judicial authority in Iraq , numerous institution, which are connected the executive authority, ought to be added to the judicial authority such as judicial institute, consultative council, executive directorate, notary, juvenile observation directorate and real estate directorate (Al Mahmoud 2010, 98).

2.4.3. The Justice in the Kurdistan Region/ Iraq

Regarding the ancient history of Kurdistan region of Iraq, until currently we did find any sources to thoroughly demonstrate the information. Because the Kurdistan region/Iraq was a part of the Islamic empire, the justice in this region was same as this empire. After the fall of the empire, Kurdistan region/Iraq connecting to the new state of Iraq in 22/2/1921 D.C by the British government (Standard, 2014, 17), Then, its judicial authority becomes same as the system of Iraqi state, However, after 1991 the withdrawal of the Iraqi administrative institution in Kurdistan region/Iraq and establishing kind of independence admonition in Kurdistan region/Iraq. This was under the supervision of the united nations by the law number 688 (Shalian, 2010, 249), the judicial authority has taken special form.

Currently, this authority is processed according to the law, and it is affected by any other authorities. A part from the legislation and execution, it is one of the three authorities in Kurdistan region/ Iraq, for resolving problems and issues between ordinary people and characters. (Law number 23 in 2007 the judicial authority in the region). However, some of these judicial institutions are outside this law and authority. Administratively, this authority is belongs to the ministry of justice. This authority was established by the law number 14 in 1994 which issued in the parliament of Kurdistan region/ Iraq. After that law number 23 in 2007 which issued in this issued in the parliament of Kurdistan region/ Iraq (law number 23 in 2007, the judicial authority in the region).

According the law of the ministry of justice number 12 in 1992, judicial authority is belonging to the ministry of justice; the same rule is stated by the law number 14 in 1992which issued in the parliament of Kurdistan region/ Iraq. The

issuance of the law 23 in 2007 the law of judicial authority in parliament of Kurdistan region/Iraq has given the independency to the judicial authority. However, they are still dependence economically no the execution authority (section, law number 23 in 2007)

It is noticed that, until now prosecutor, judicial institute, notary public and other judicial institution under the order of the executive authority, this is apart from the unavailability of judicial police which the compliment of the independency of judiciary which are the cause of not executing the decisions of the court (recommendation of the conference of developing judicial system in Kurdistan region/Iraq, 2015, 12), (Aziz, 2009, 12)¹⁴.

The legislation in Kurdistan region/Iraq is issued by the parliament of the region in addition to their observation to the executive authority. Since 1992, the Kurdistan region/Iraq parliament has had four rounds and it is in his fifth round. From the start, it initiated legislating and amending the issued laws from the central government, despite the parliament; the presidency of the region has the power to either accept or reject the law and also has power of issuing laws (Balaki, 2013, 51).

In my opinion there continuous efforts for improving, toward the independency, of justiciable, however, till presently the researches in Kurdistan region/Iraq indicated that this authority is under the effect of two powerful parties, this is in spite of the presence of the bureau of legal observation of Kurdistan region/Iraq, Currently the administrative structure of this authority is as the following: The court of appeal, The court of cassation Erbil, Duhok, Sulaimania and Kirkuk/ Garmian, and the commission of judicial supervision its law has not been issued yet (www.krjc.org).

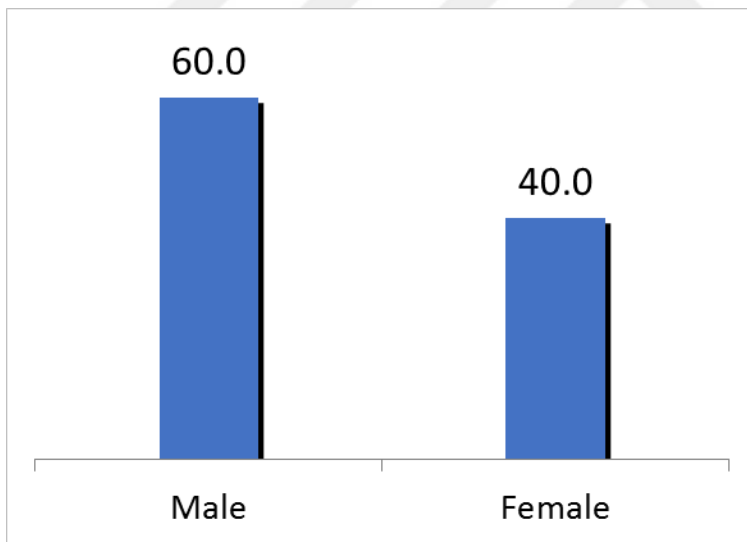
¹⁴ . **Aziz**, Karwan Himmat (2009) the presence of the judicial police, Erbil: rojhalat press, dadparwar magazine, issue 1, pp.12.

CHAPTER THREE: FINDINGS

In this research the researcher has taken citizens opinions through a questionnaire. Through this approach, the researcher can reach to the appropriate data and scientific conclusion. The researcher divided the questionnaire form into two main parts; general questions and specific questions. In the first part we have 5 general questions includes age, gender, occupation, educational level and economic status of the participants. However, the second section consists of 26 specific questions related to the research. These questions are written to academically serve the main aim of the research. Thus, firstly the general questions then the specific are demonstrated by graphics.

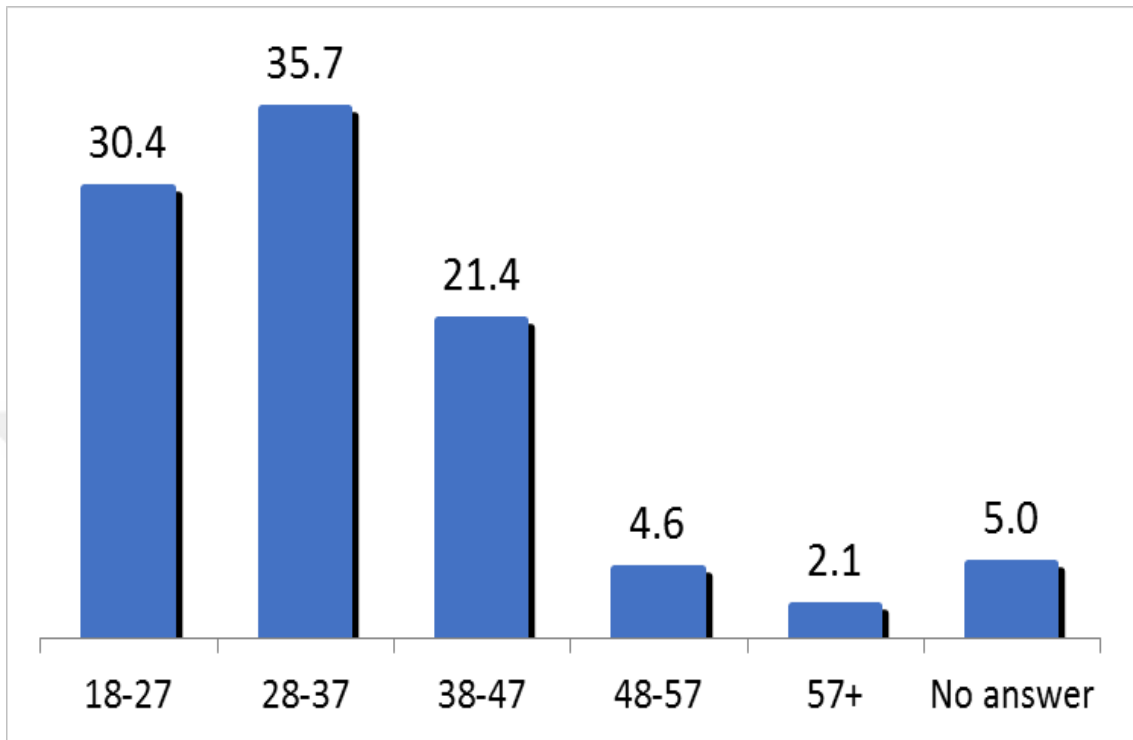
3.1. Social Demographic Profiles of the Participants

Figure 1: Sexes Of The Participants



This graphic revealed that 40% of the participants were female while 60% were male. The reason behind this variation in the participation might be because, in researchers viewpoint, female coming out and participate less in the general live in comparison to female. Even though the researcher attempted to randomly go to some houses in order to take the opinion of this important component of the community, they were less ready to answer the questions. Of course, this might also be as a result of believe, social border such as customs and traditions that has been set by the society.

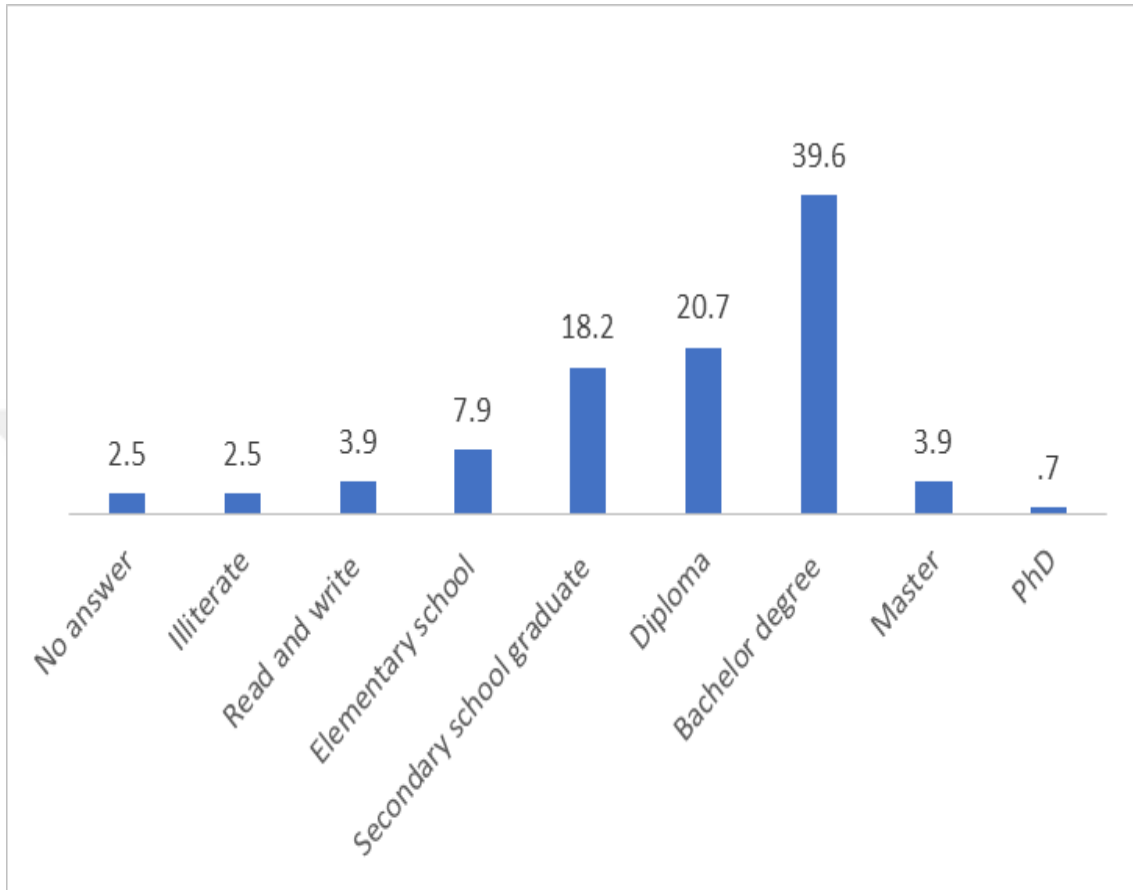
Figure 2: Ages Of The Participants



As the graphic all the age groups have participated in our questionnaire. People who aged between 18- 27 years consisted 30.4%. However, 35.7% of the participant aged between 28- 37 years. These two proportions indicate that our research community is in a young age. Furthermore, 21.4% of the participants were in the age between 38 to 47 years and 4.6 % were in the age between 48 to 57 years. Finally, 2.1% of our research community was older than 57 years.

It can be observed that 5.0% of the participant did not provide information about their ages even though there is no participants name on the form and it was mentioned at the beginning of the form that the information of the form is preserved and only utilized for scientific purposes. However, during the distribution of the forms, the researcher noticed that the majority of participants who did not provide their six were women. The researcher was criticized for asking about age of a woman during filling out and collecting the forms. I have been told, how could you ask women about their age?

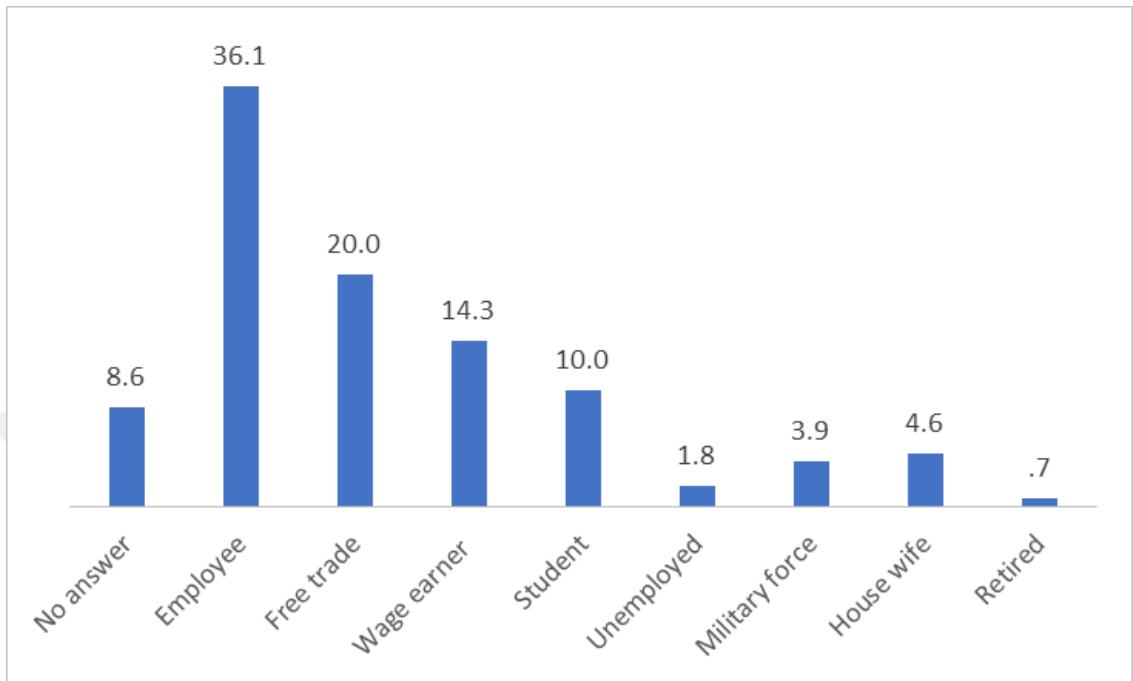
Figure 3: Educational Level Of The Participants



Regarding the educational level of the participants, 2.5% of the participants were illiterate, 3.9% were just read and write however do not have any certificates. In addition, 7.9% of the participants had completed primary school, 18.2% were graduated from high school and 20.7% of the participant hold diploma certificate. Furthermore, the percentage of the participants who have bachelors, masters and PHD comprised around 39.6%, 3.9% and 0.7% of our study sample respectively.

It is observed that 6.4% do not have any certificates and the level of illiteracy is high. In addition, it is also noticed that the percentage of individuals who have bachelor degrees are high. This might be because of the establishment of numerous private and public universities during the last 15 years.

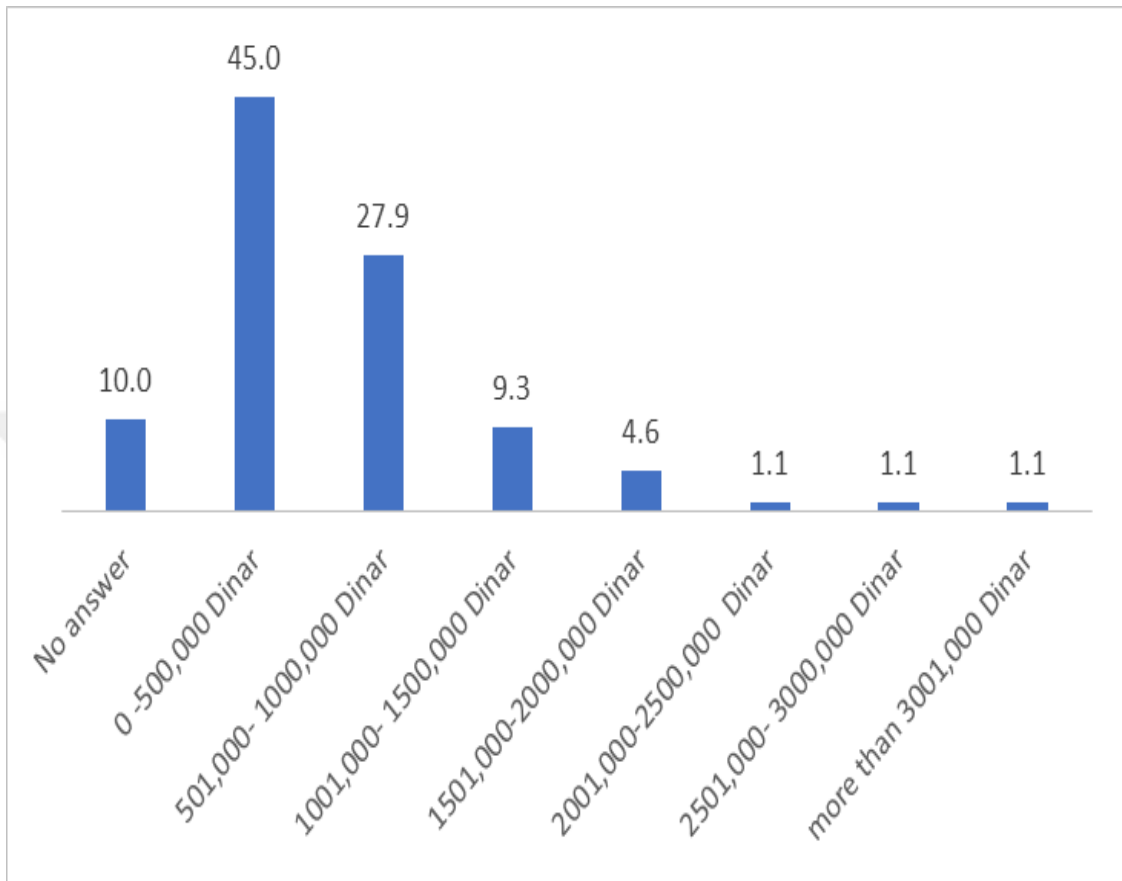
Figure 4: Career Of The Participants



Concerning the occupation of the participants, the researcher has tried to combine the close occupation under one title. In graphic the percentage of 36.1% of the study sample were employees. This class of the community, apart from army forces, is located under the same title. For example, doctors, engineers, judicial investigators, teachers, religious teachers and socialists are classified as civil employees. According to the prime minister of Kurdistan region/ Iraq, there is 1.450.000 of the population of 5000.000 in Kurdistan region/ Iraq. This is the result of inappropriate government policy during the last two decades 6.

In addition, 20.0% of the study populations are those who are doing free business such as lawyers, businessman, company staff, journalists and social activist. Moreover, 14.3 of the participants are wage earners which consist of workers and Professions and 10% are students in all educational levels. However, only 1.8% of the samples of the study are unemployed. In addition the armed forces such as police, security, peshmarga consist around 3.9%, the sample of this investigation include 4.6% of housewives and 0.7% of the participant are retired. Finally, 8.6% of the study sample did not provide this information.

Figure 5: Family's Monthly Income of the Participants



For demonstrating the economic status of the participant, the researcher asked the participant on their economic status. It is seen in the graphic, that the 45.0 % of the participants have a family monthly income of between (0-500.000) Iraqi dinars and 27.9% of the participants ha monthly income between (501.000 -1000.000) Iraqi dinar. In addition those who have a monthly family income of (1001.000 – 1500.000) Iraqi dinars consists 9.3% of the participants and 4.6% of them have a monthly family income of (1501.000- 2000.000) Iraqi dinars. However, the participants who's family income between (2001.000- 2500.000), (2501.000- 3000.000) and more than 3000.000 Iraqi dinars composes around 1.1% separately. Furthermore, 10.0% of the participant did not provide information regarding this question.

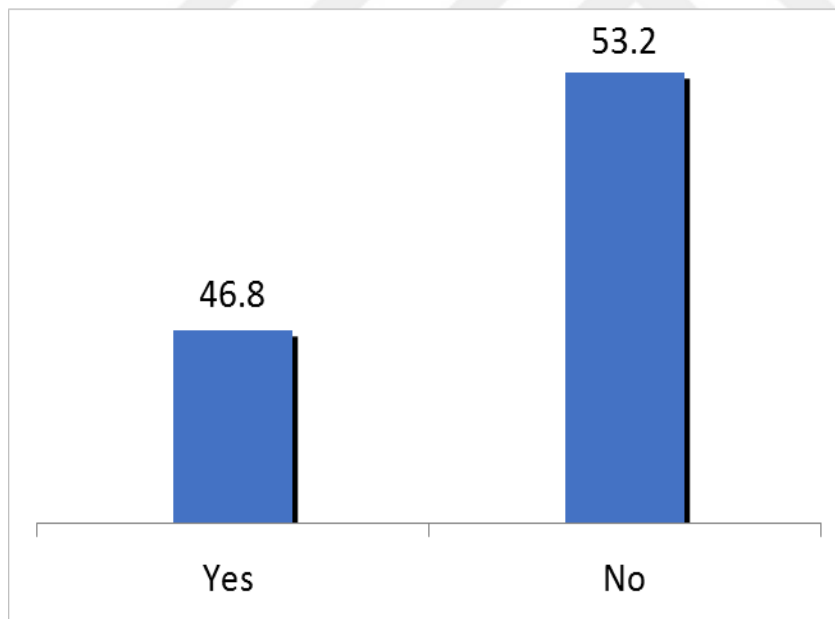
For information, the price of one US dollar is 1250 Iraqi dinars, thus 100 \$ is equal to 125.000 Iraqi dinars. Therefore, 1000.000 Iraqi dinars are equal to 800 US

dollars. I do think that this high level of participants who have a family income less than 500.000 iraqi dinars is resulted from the conflicts between the central government in Baghdad and the government of Kurdistan region/Iraq in 2013 when the no budgets have been sent by the central government in Baghdad. Thus, from that date and on, the Kurdistan region/Iraq government has only relied on the local income. According to low availability of local income, the Kurdistan region/ Iraq has reduced the salary of the employees by 25% to 75% and retained in the government account. Consequently, the economic status of the community in general and employees specifically has deteriorated gradually.

3.2. Rates of the Citizen s Appealing and Judicial Institutions

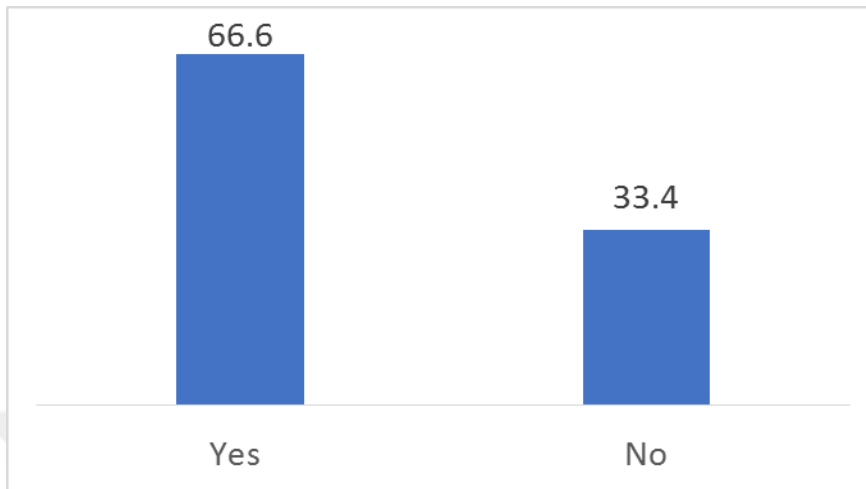
3.2.1. Citizen s Trust in Judicial

Figure 6: Citizen s Trust



In this question, as a citizen, do you trust Judiciary? As illustrated in graphic, 46.8% of the participant answered yes. However, 53.2% of the participant selected No. As it is unveiled in the previous questions, because of the lack of trust in this authority, they might resort to alternative authorities to trust.

Figure 7: Judging and Accepting the Decisions By the Citizens



Regarding the previous question, the participants have been asked; if your answer is yes, did you accept their decisions? It is seen that the percentage of the participants who answered yes in the previous question were 66.6%. At the same time, 33.4% of the participant answered no we did not accept their decisions.

Concerning the question number seven in this questionnaire, which is an open question of question five in which we asked; as a citizen, do you trust Judiciary? This question is either answered yes or no. In the next question which related to the previous question, in which we asked if you did not accept their decisions, what was your action?

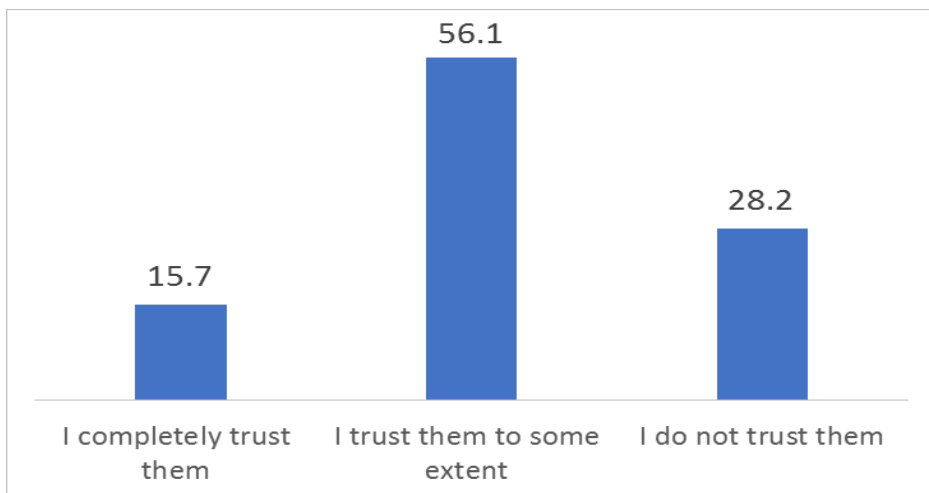
75.9% of the participants have answered no, while 24.1% did not answer this question, because this question is an open question, we cannot establish statistical data for this question. Even though the answer for this question is varied, generally it is classified in to two main sections:

Those who reported that did not do any actions and accept the decision obligatory, they had the following excuses: (nothing, I did not have the power thus accepted the decision), (I cannot do anything), (is there anyone to do an action), (whatever id , it is useless), (I could not do anything because of danger on my live, the authority does not give attention to murdering people), (cannot do anything as the law is just for poor people) and (waiting Gods mercifulness). From these responses, it can be

noticed that the pessimism and hopefulness is dominant and they think that nothing can be done. Thus (silence and no action) found to be the best solution. Those who brock the silence for rejecting their decisions are separated into two parts: Some of them have conducted an action through legitimate and legal approaches as some of them stated that they (legally challenged some of them), (have demanded that the trail to be held again), (I will challenge them in the court), (I have challenged them and will continue), (I follow the legal approach), and (If I did not accepted their decision, I would ask the judge to review its decision again). These are factors for rejecting the decisions (which they believe are unfair). Those who resorts to personal, political and social approach rather than normal and legal approach because these people believe that they will manage their cases through these methods. As they stated that (I will resort to medias to take my case to the related committees), (resorts to people in charge), (the cases are solved by parties and briberies), (I will do Tribal reconciliation), (we will talk about our cases to everyone in the community so as to know their bad reputation0, (try my best to increase people’s consciousness in order to put pressure on this authority), (I have attempted to resolve my issues through party and tribal characters). All the stated approaches by the participants have become median approaches and alternatives for courts and judicial authority, which clearly evident in the other questions of this questionnaire.

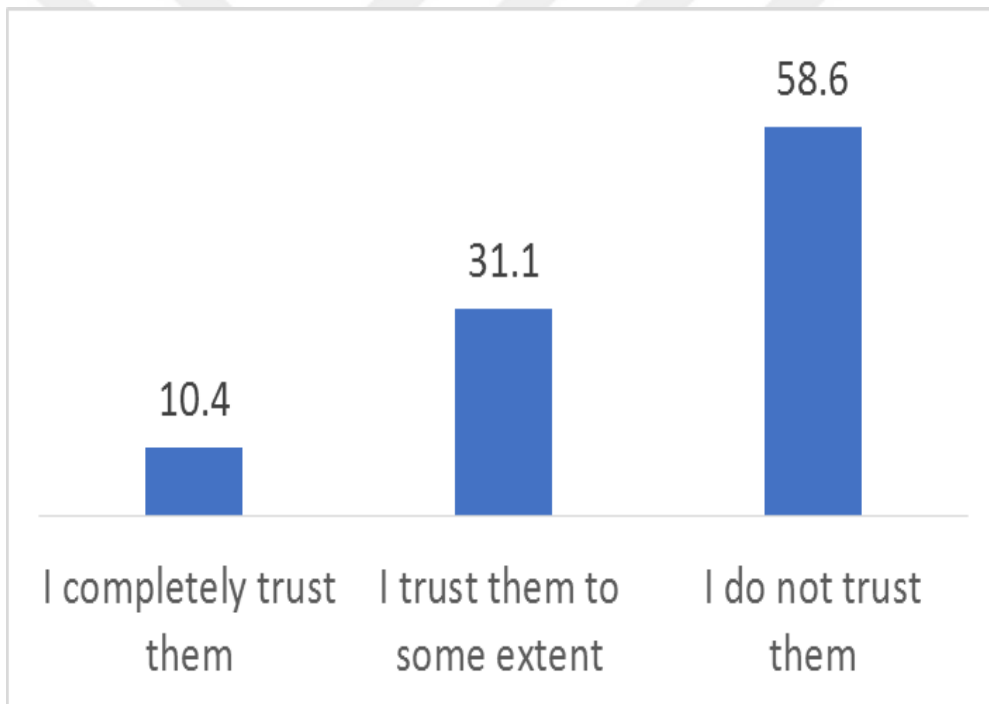
3.2.2. Citizen s Trust In Courts

Figure 8: Social Issues and Trust in Judiciary



Regarding the specific questions, the first question is if you had a social issue, do you trust the courts for solving it? 15.7% has chosen I completely trust them. Furthermore, 56.1% of the participants trust the courts to some extent for solving their social issues. However, 28.2% do not trust the courts in this manner. This is inaccurate information because of that giant proportion of citizens who to some extend or do not trust the courts, on the other hand, that small percentage of citizens who do completely trust in courts. This is one of the signs of negative society, which sometimes the society in Kurdistan region/ Iraq is recognized by (Brunce, 2011, 21)¹⁵.

Figure 9: Political Issues and Trust in Judiciary



Regarding the question, if you had a political issue, do you trust the court for solving it? As the graphic, 10.4% of the participants have selected the answer completely trust them, moreover 31.1% trust the courts to some extent when they have a political issue however 58.6% of the participants do not trust the courts on this subject.

¹⁵. **Brunce**, Martin Van (2011) Kurdish society negative society, Gulan magazine, Gulan institution, Erbil, No 814, 1/8/2011, pp. 21.

This is revealed that in the vision of the citizen's court are unable in resolving political issues. In addition, it demonstrates the effect of the political parties on the courts.

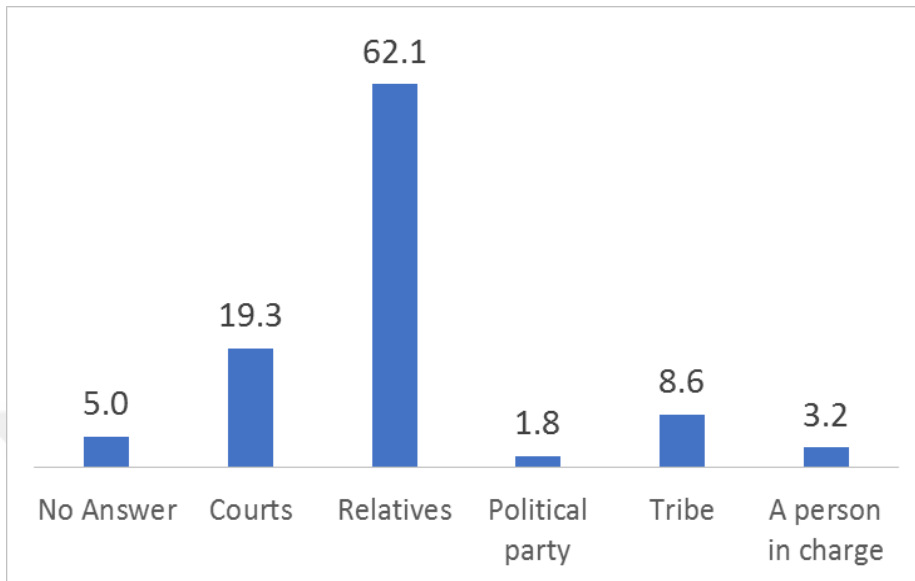
Figure 10: Economic Issue and Trust in Judiciary



Another question of the research states that if you encounter an economic issue, do you trust the courts in solving it? In graphic, 13.9% have selected completely trust them and 50.4% trust the court to some extent for solving the economic issues. Nonetheless, 35.4% of the participants do not trust the courts in this case.

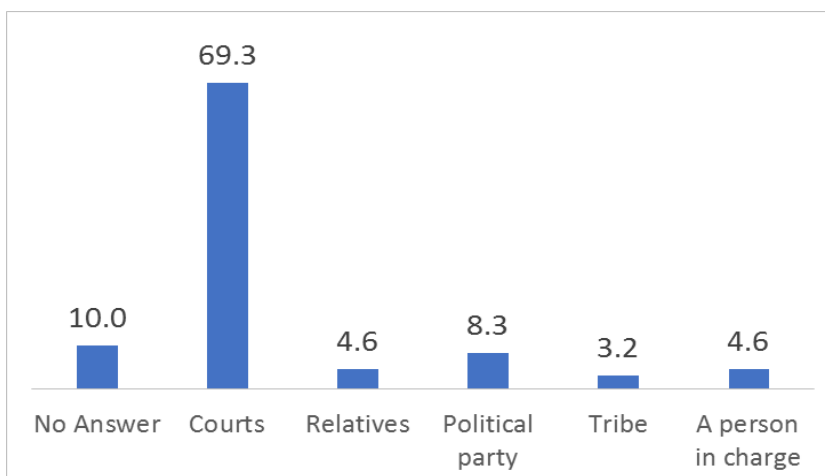
From previous three questions, it is observed that generally in comparison to political and economic issues, even by a small percentage, citizens have higher trust in the courts in the social issues. However, citizens have the lowest trust in courts for solving political issues. This is evidence that the courts, as have been authorized in law, have not been the first authority for resolving whole issues in the society.

Figure 11: The best Place for Appealing When the Citizen Has a Social Issue



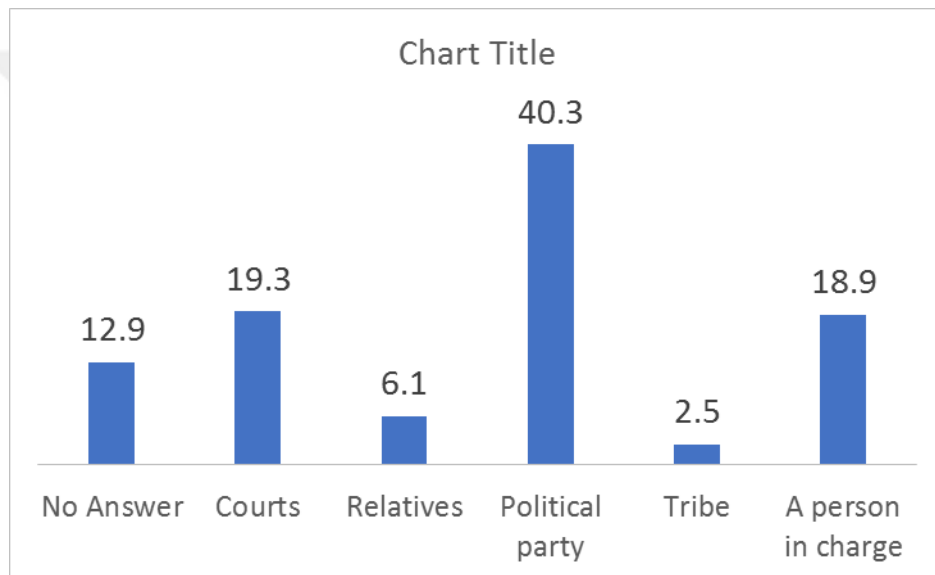
In regards to the fourth question, if you have social, political or economic issue, which of the following do you prefer to take your case to? This question is divided into three parts. Thus, in the graphic, about the first place that citizen seeks when having social issue, the smallest percentage 19.3% are resorting to the courts while the largest percentage 62.1% are turning to their relatives. This is a sign for weakness of the courts and undeveloped society. Furthermore, 1.8 %, 8.6% and 3.2 are resorting to political parties, tribes and people in charge respectively. In addition, 5.0% of the participants did not answer this question.

Figure 12: The Best Place for Appealing When the Citizen Has A Political Issue



Concerning part two of the fourth question that state if you have social, legal or political issue, which of the following do you prefer to take your case to? It is clearly seen in the graphic, about the first place that citizen seeks when having legal issue, the largest percentages 69.3% are resorting to courts. In addition, 4.6% are resorting to relatives, 8.3% to political parties and 3.2% to tribe. Nonetheless, 10% of the participants did no answer this question.

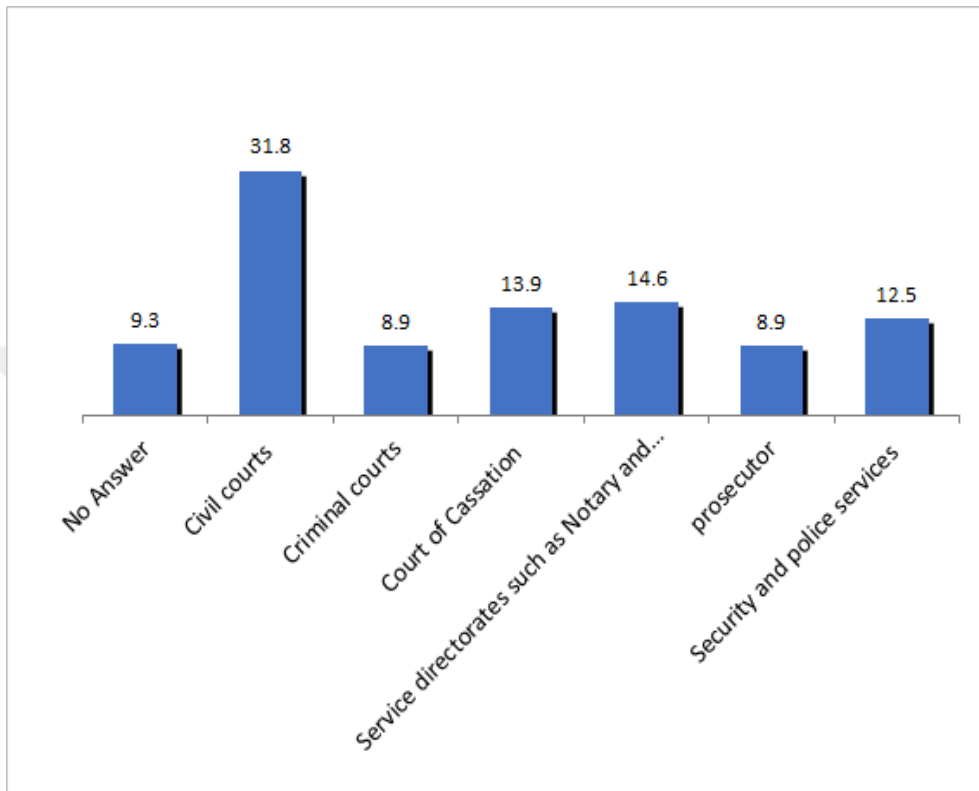
Figure 13: The Best Place for Appealing When the Citizen Has A Economic Issue



Regarding the third part of the question four, if you have social, political or economic issue, which of the following do you prefer to take your case to? As demonstrated in graphic, about the first place that citizen seeks when having political issue, 19.3% of the participants are resorting to the courts and 6.1% to the relative which is a low percentage. Furthermore, 40.3% are resorting to political parties, which are the biggest proportion, and 2.5% and 18.9% are resorting to tribe and person in charge respectively. In contrast, 10.0% of the participants did not answer this question. If we collect both the percentage of resorting to political parties and people in charge, it will become 59.3% which demonstrate the high authority and effectiveness of these parties on the other institutions and authorities including judicial institution, which is against law (section 2 law number23 in 2007).

3.2.3. More Trust Citizens in Judicial Institutions

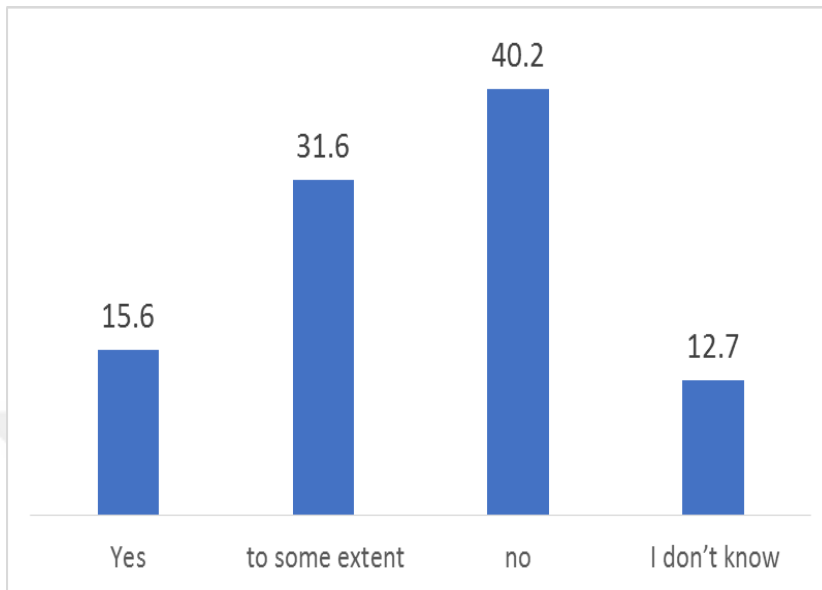
Figure 14: The Best in Judicial Institution



Regarding the question: Which of the Judiciary services do you trust more? In the options, the institutions that are linked to the council of ministers administratively and executive authority are provided to be chosen.

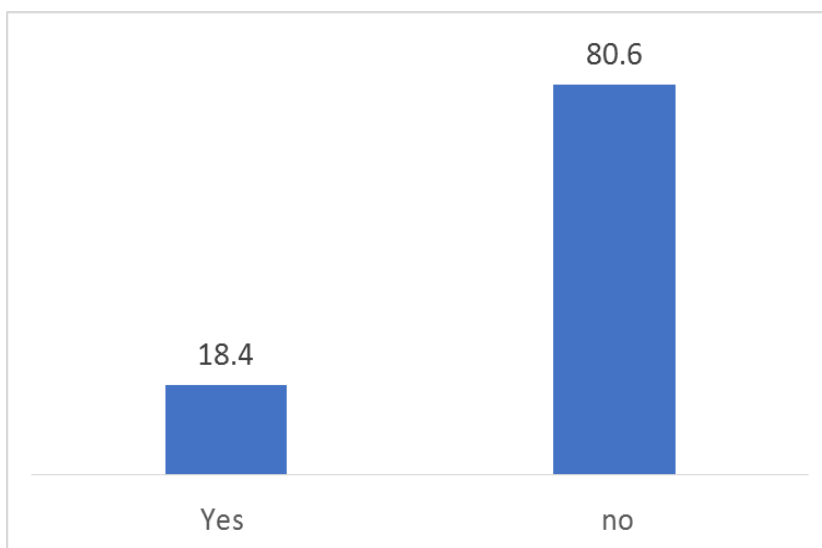
This graphic uncovers that 31.8% of the participants have selected civil courts, which the highest. This might be because that the powerful force of the community interference less in to this court. In addition, 8.9% of the participants have chosen Criminal courts while 13.9% of them selected the Court of Cassation. Furthermore, 14.6 % of the participants have preferred the Service directorates such as Notary and real estate registration. Even though the prosecutor represents the public opinions law, 8.9% of the participants have chosen this institution. The participants who selected and trusted the Security and police services were 12.5%. Finally, 8.9% of the participant did not answer the question.

Figure 15: Citizens Prosecutor



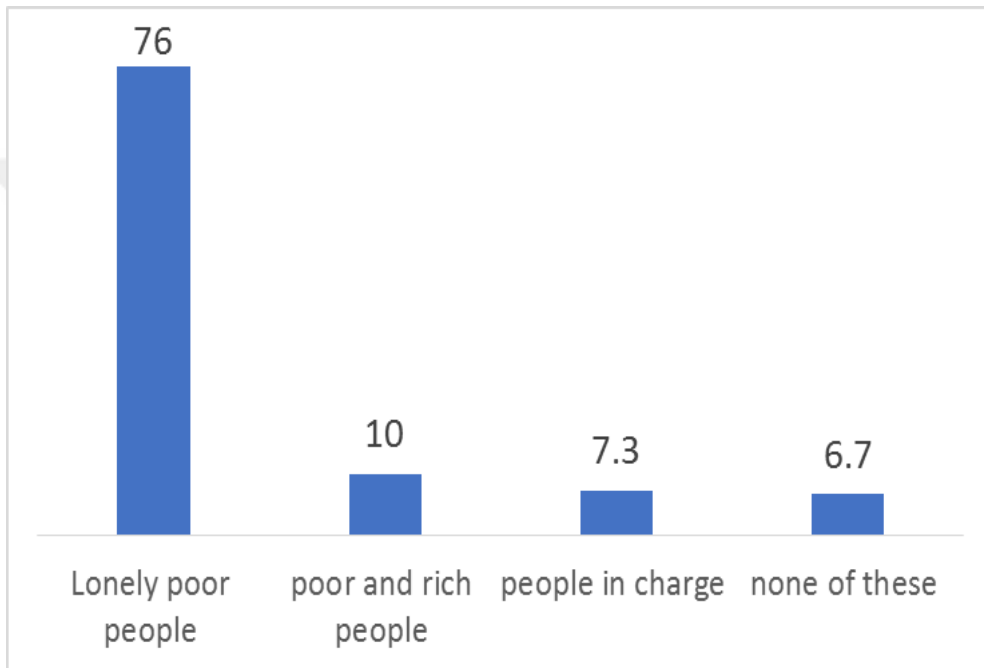
The graphic is specifies for evaluating the prosecutors in peoples view. In this question it is been asked that up to date, are you satisfied with the actions of the Prosecutor? The percentage of the participants who said yes satisfies were 15.6%. In addition, 31.6% of the participants stated to some extent are satisfied with the action of prosecutor. However, 40.2% of the participants said no, they we are not satisfied with the prosecutors actions. Finally, 12.7% has answered I don't know.

Figure 16: Citizens And The Law



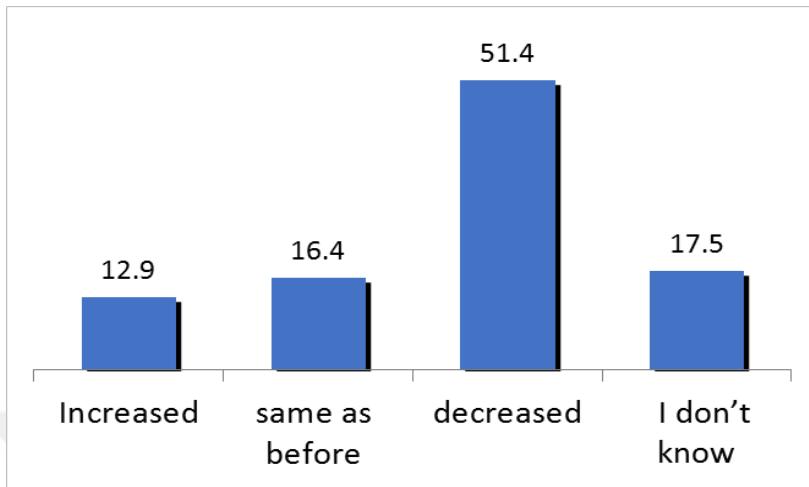
The figure, demonstrates the answer for the question: Do you think, in Kurdistan, the law is above all? It is expressed that 18.4% of the participants reported that yes law is above all. However, 80.6 % of the respondents stated no, the law is not above all. This percentage is very high and frightening.

Figure 17: Citizens and Sovereignty Law



Is related to the previous question which stated that, do you think in Kurdistan, the law is above all? It is answered either yes or no and the data were previously demonstrated. Here, it is asked; If your answer is no, the law is above which of the following? as it is illustrated in graphic, that the highest ratio 76.0% of the participants thinks that the law is above Lonely poor people and 10.0% believe that the law poor and rich people. Nonetheless, those who think that the law is above people in charge 7.3%, none of these comprise 6.7% of the population separately.

Figure 18: Change Citizens Trust In Judicial Institutions

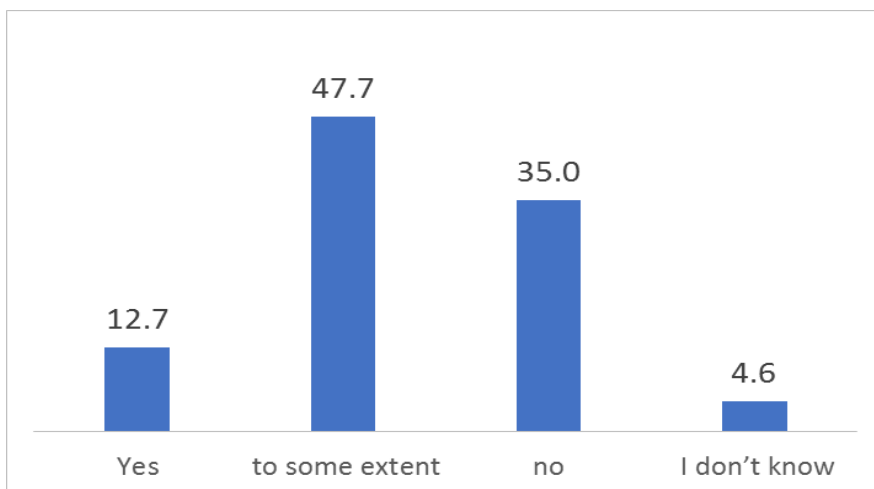


In this graphic demonstrates the participant's response regarding the question, in Kurdistan region, in comparison to 10 years ago, how the peoples trust has changed? According to 12.9%, peoples trust has increased and 16.4% of the participants stated that the trust is same as before. However, 51.4% think that it is decreased and 17.5% of them have chosen I don't know. With all the experience, financial and humanitarian capacity, the trust of people in this authority has decreased in comparison to 10 years ago. This might be as a result of the political and economic instability in Kurdistan region/ Iraq.

3.3. Reasons and Rectification to Trust In Judiciary

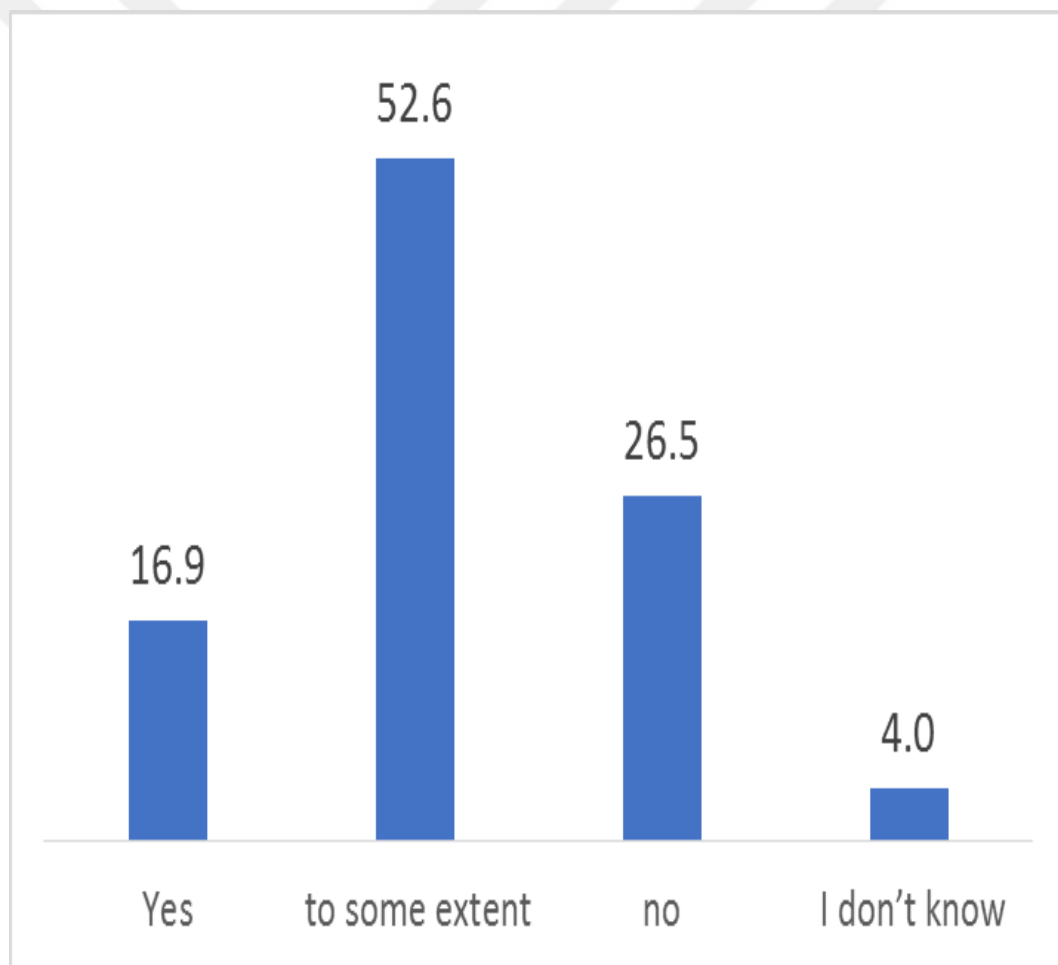
3.3.1. Judicial Institutions And Justice

Figure 19: Judicial Institutions and Justice



Concerning the question: Do you think the judicial institution treat people equally? It is displayed in the graphic that 12.7% of the participants answered yes and 47.7% of the participants think that to some extent the judicial authority has treated people equally. However, 35.0% believe that the judicial authority do not treat people equally, thus they selected no. In addition, 4.5% of the participants chosen I don't know. This is discovered that such a feeling toward judicial institutions have negative and frightening impacts.

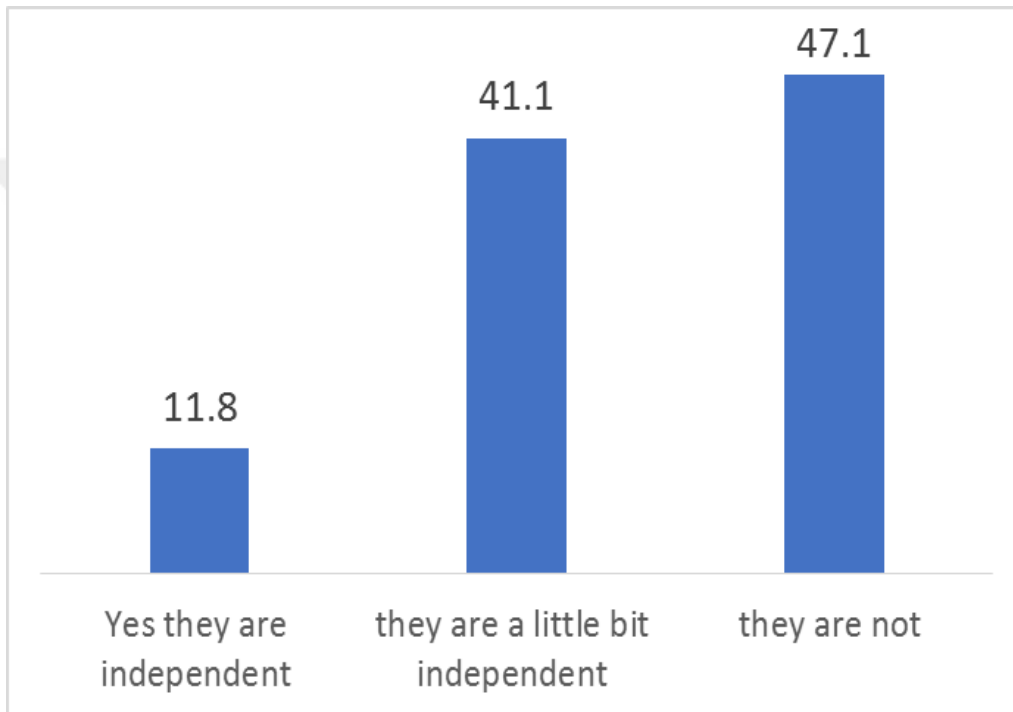
Figure 20: Judiciary and Law



The graphic indicates the response to the question: Do you think the judiciary is working according to the law? It is illustrated that 16.9% of the participants believe that judicial authority is working according to the law and has chosen yes. Nevertheless, the largest percentage 52.6% selected to some extent. In addition, 26.5% of the participants

stated no, the judicial authority is not working according to law. In accordance to the above ratios, it can be stated that the judicial authority, at least, could not execute the law appropriately. Finally, 4.0% of the participants have answered I don't know in the above.

Figure 21: Courts and Independence

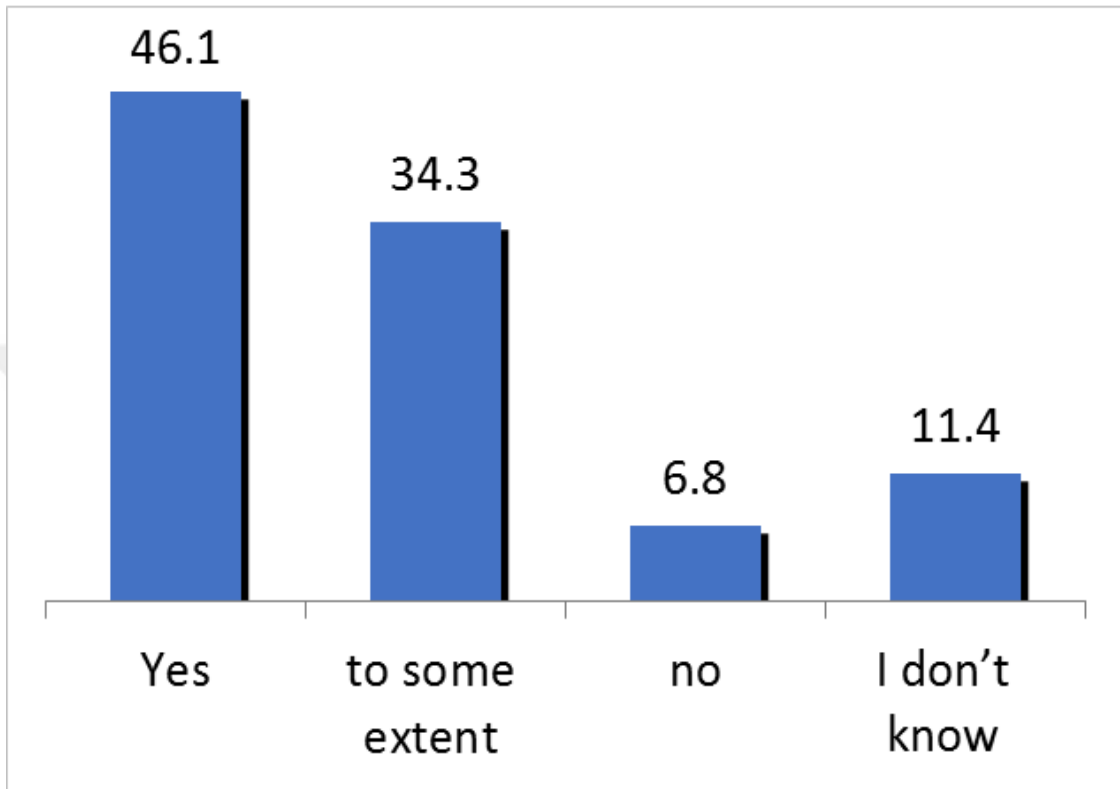


Regarding the question, are the courts in Kurdistan region independent? As it is seen in the graphic, 11.8% of the participant thinks yes the courts are independent. In addition, 41.1% think a little bit independent. However, the highest percentage was 47.1%, which thinks that they are not independent, and could not preserve their independency. This is in comparison to 5 years ago has improved slightly. In another research in Erbil city, the same questions has been directed toward the participants, revealed that 10% of the participants believed that courts are independent and 57% of them believed that the courts are slightly independent. However, 33% of the participants thought that courts are not independent.¹⁶

16 . Surchy, Bestun (2013) the ruling of law in the peoples vision, Erbil, Parezer magazine, issue 26, p.p. 87.

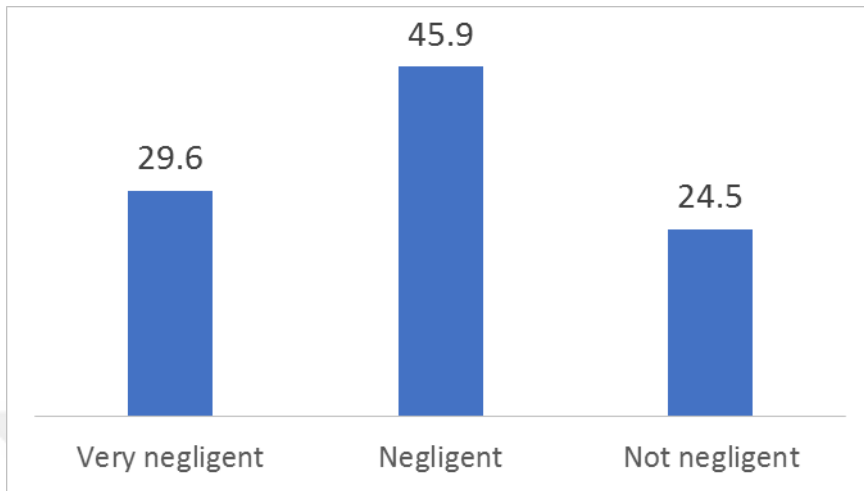
3.3.2. Reasons of Low Trust In Judiciary

Figure 22: Negligence and Weakness of Trust



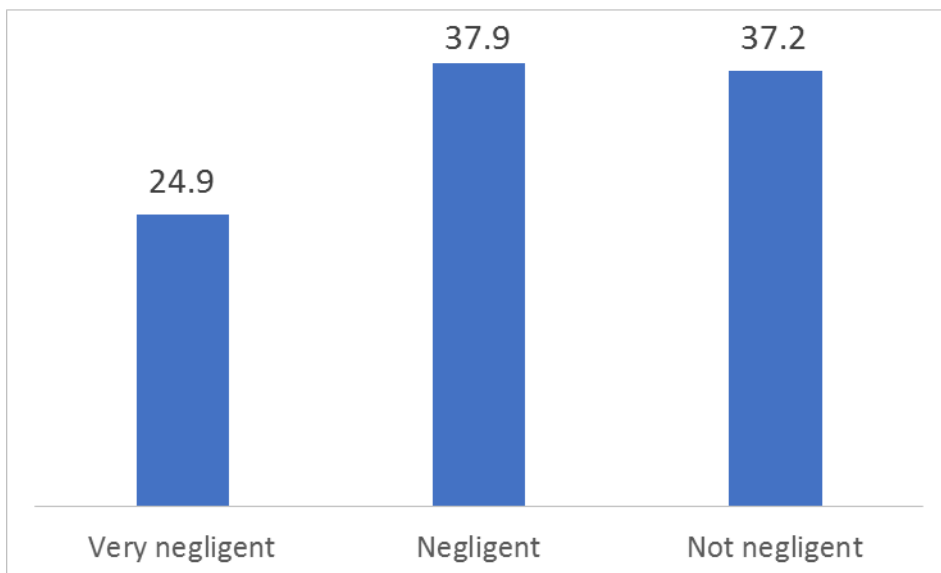
This graphic regarding the weakness of peoples trust asked that do you think the negligence or irresponsibility of the institution is the cause of the weakness of trust in the judiciary? It is demonstrated that the highest percentage 46.1% of the participant believe yes, negligence or irresponsibility is the cause of the weakness of peoples trust in judicial authority. Thus negligence or irresponsibility can be considered as a cause of the weakness of trust. In addition, 34.3% of the participants think that the weakness of trust to some extent caused by negligence or irresponsibility. On other hand, 6.8% believes that No, negligence or irresponsibility has not been the cause of the weakness of trust. Apart from these, 11.4 % of the participant has chosen I don't know.

Figure 23: Negligence and the Judges



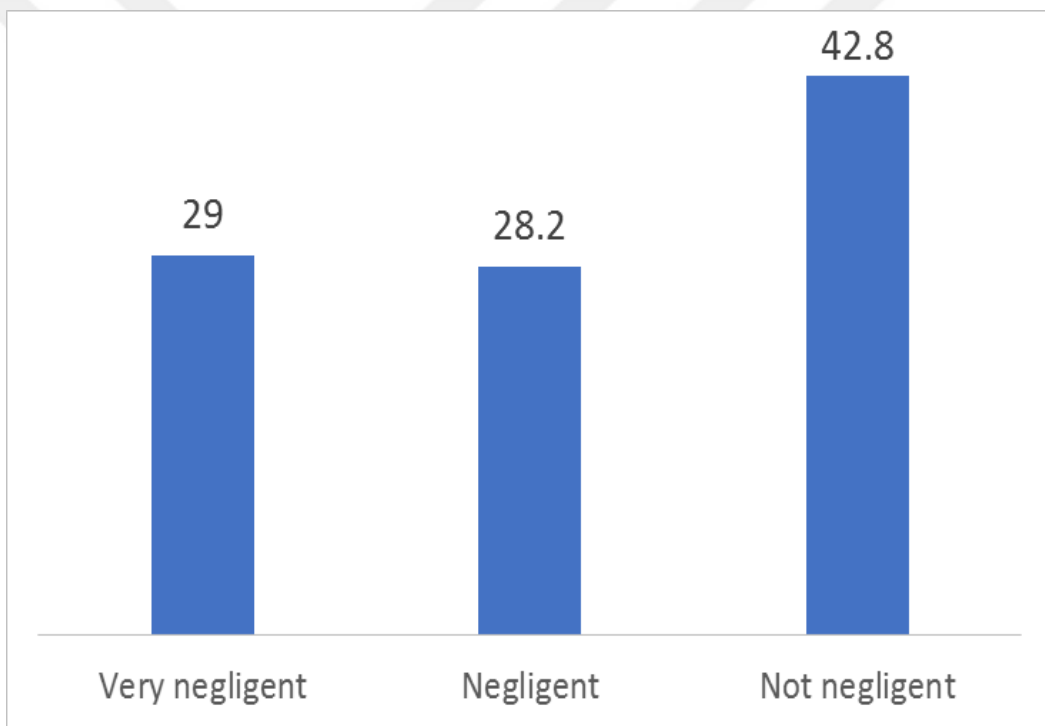
In concern to the question: If your answer is yes or to some extent, identify the extend negligence of the followings. In this question, it has been asked about the extent of the negligence of the Judges, Police, Security, Normal Employees, politics and Social personalities. In the graphic, the people’s opinions on the judges are demonstrated. It is indicated that 29.6% of the participants believe that judges are Very negligent and 45.9% of them regarded the judges negligent. However, 24.5% of the respondents think that judges are not negligent; this percentage is very low and less than 25% of the participants.

Figure 24: Negligence and the Police



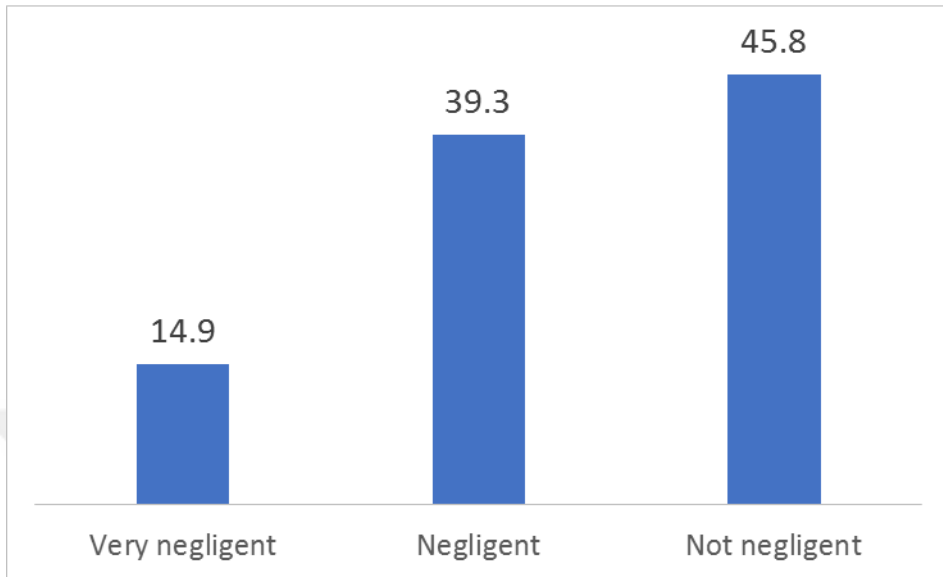
In this graphic, illustrates the information on the people's opinion about the police. It is evident that 24.9% of the participants think that police are Very negligent and 37.9 % of them stated that police are negligent. Nonetheless, 37.2% of the study population reported that police are not negligent. A glance at the percentage of the population who stated that police are Very negligent, and negligent, comprise an extremely high percentage which does not comply with the important role that police have to have in helping people.

Figure 25: Negligence and the Security



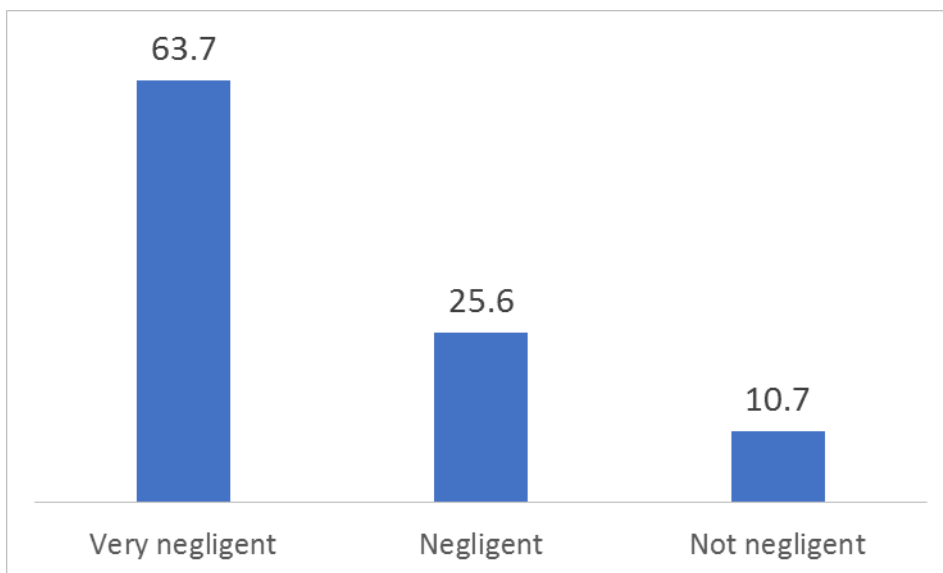
In This figure, provide information regarding the opinion of the participants about security. It is unveiled that 29.0% of the participants considered the security as Very negligent, and 28.2% of them regard the security as negligent. However, 42.8% of the respondents state that security is not negligent. By looking at these and the previous data, it clear that the data are not these two institutions as they have protect help people in endangered situation are no jubilant. However, the opinions of the participants are better on security compared to police.

Figure 26: Negligence and the Normal Employees



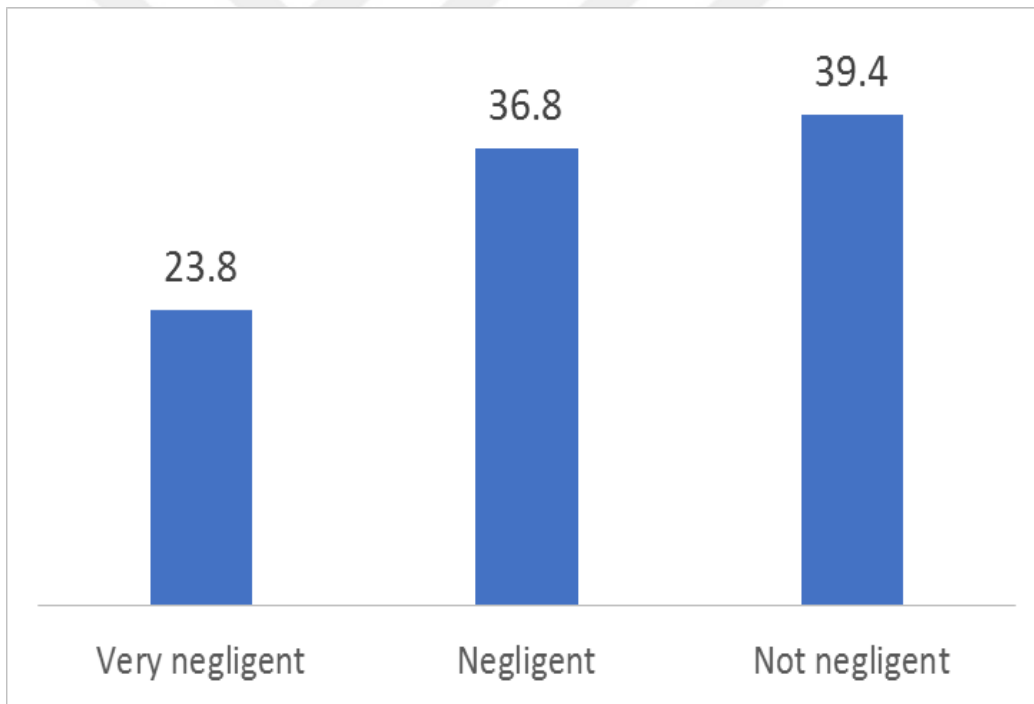
In This figure displays information about the opinion of the participants about Normal Employees. It is explained that 14.9% of the participants think that civil employees are Very negligent, and 39.3% of them consider the normal employees are negligent. Nevertheless, 45.8% of the respondents state that civil employees are not negligent. In this section, the ratio of the negligent is relatively reduced in comparison to the previous figures.

Figure 27: Negligence and the Politics



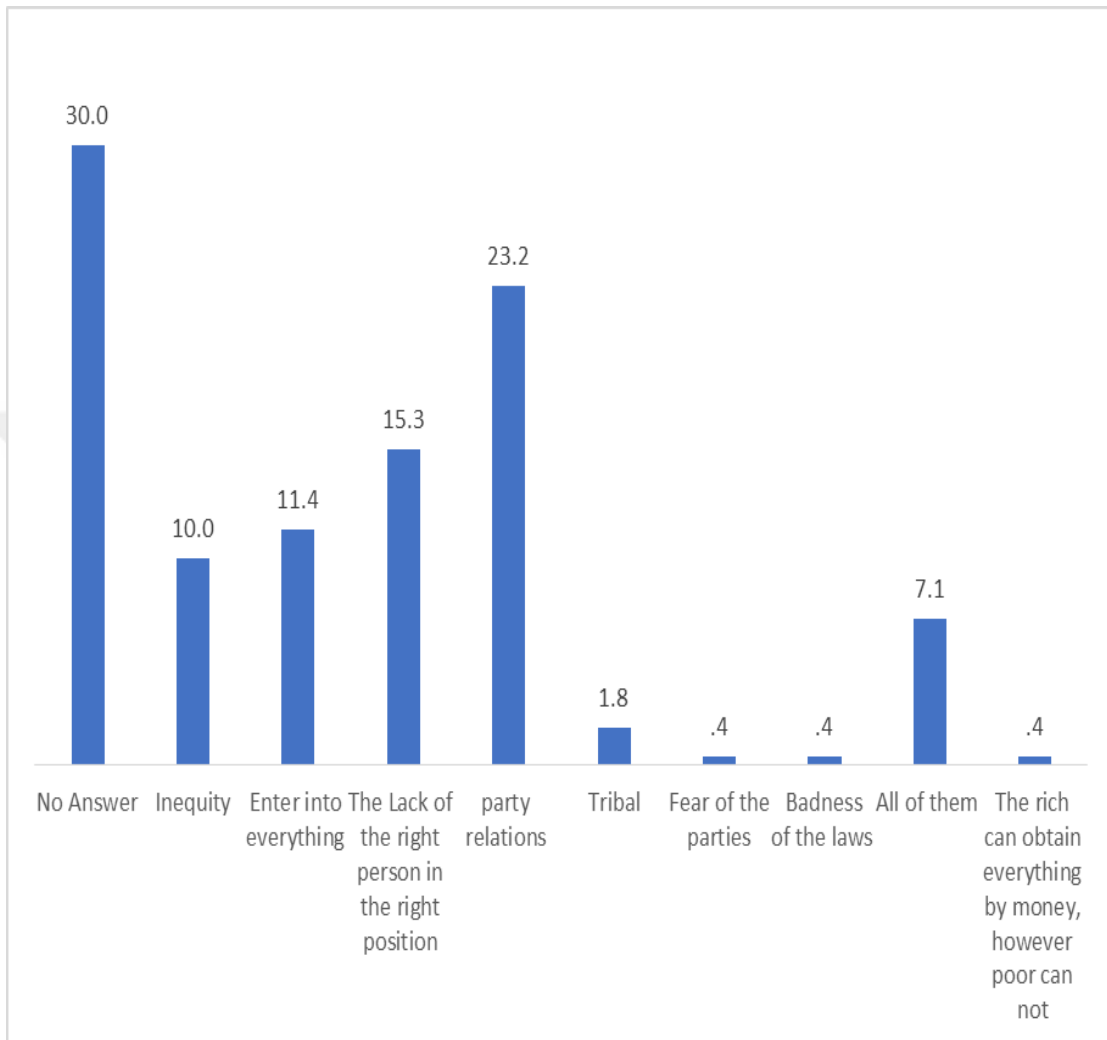
In this graphic illustrates data about the opinion of the participants about politics. It is observed that 63.7% of the participants consider the politics as Very negligent, which is a critically high percentage. As it is demonstrated in the other questions that politics are controlling and dominating the other aspect other the community, In addition, 25.6% only see the politics as negligent. However, 10.7% of the study population thinks that politics are not negligent. When having a look at both ratios of those who state Very negligent and negligent, it is revealed that the ratio are very high and does not comply with that important role of practicing politics in directing and comprehending people step by step toward democratic state.

Figure 28: Negligence and the Social Personalities



In this graphic demonstrates information regarding the opinion of the participants on social characters. It is detected that 23.8% of the participants consider the social characters as Very negligent. It is also demonstrated 36.8% of the respondents see the social characters as negligent. However, 39.4% of the study sample thinks that social characters are not negligent. When having a glance the percentage of negligence of the social characters is very high.

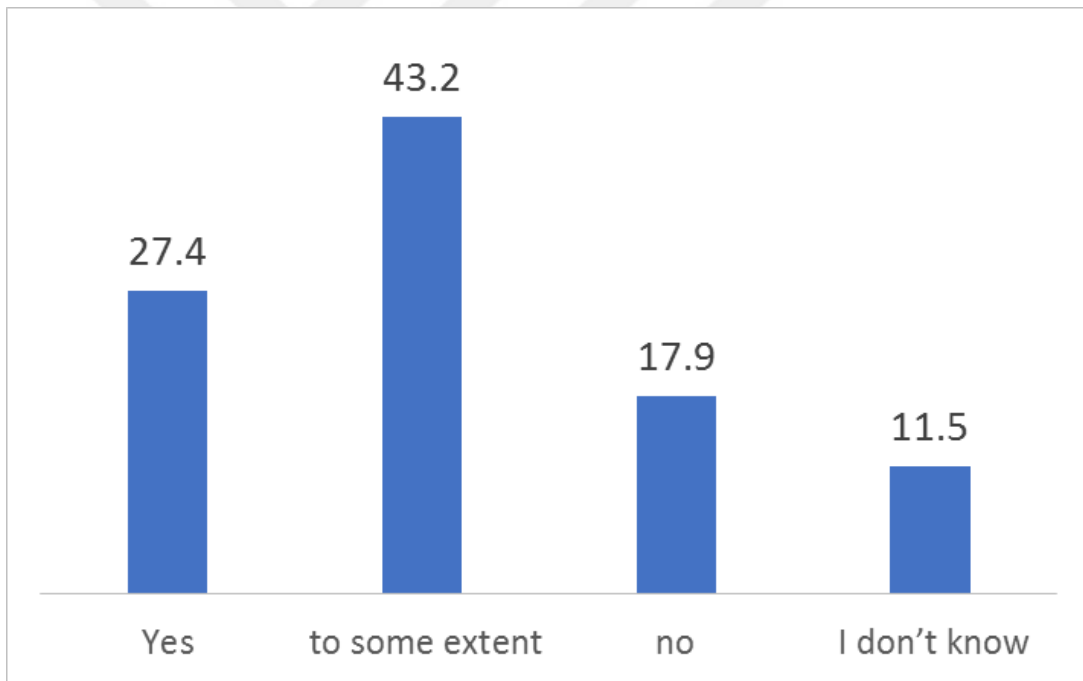
Figure 29: Others Reasons of Low Trust in Judges



In this graphic, demonstrates in relation to the previous question, when we asked: As a citizen, do you trust Judiciary? This question was particularly for those who answered no. It has been asked that If your answer is No, what do you think is the reason for this weakness of trust? It is revealed that 10 % of the participants think that inequity is the cause of the weakness of the trust in the judicial authority. In addition, 11.4% of them believe that interference in everything has led to this weakness. At the same time, 15.3% of the respondents considered that the Lack of the right person in the right position as the cause and 23.2% think that party relations is that main factor. However, finally 23.2% believe that tribal factors resulted in the weakness of the trust.

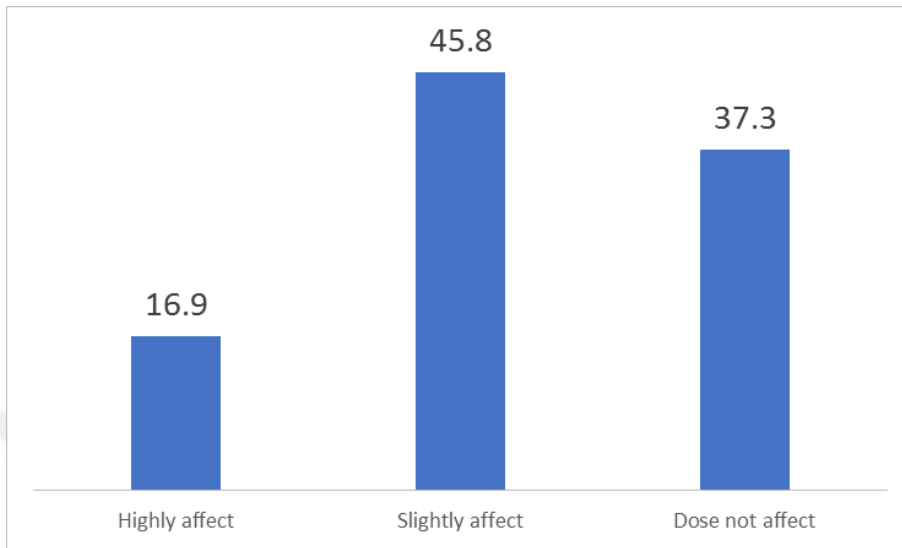
As in this question the respondent has the option to write some other factors and causes, they have mention numerous factors such as, fear from parties, inappropriate laws and wealthy people can obtain and do anything by money, which the poor cannot. Each of the above mention factors comprised 0.4% of the respondents separately. However, 7.1% of the participants believe that the all above-mentioned factors are contributed in the weakening of the trust in the judicial authority. Because some of the participants have answered yes in the previous question and some did not answer, this question does not include those. Thus, it is seen that this question only include 30% of the participants.

Figure 30: Society Affects and Trust



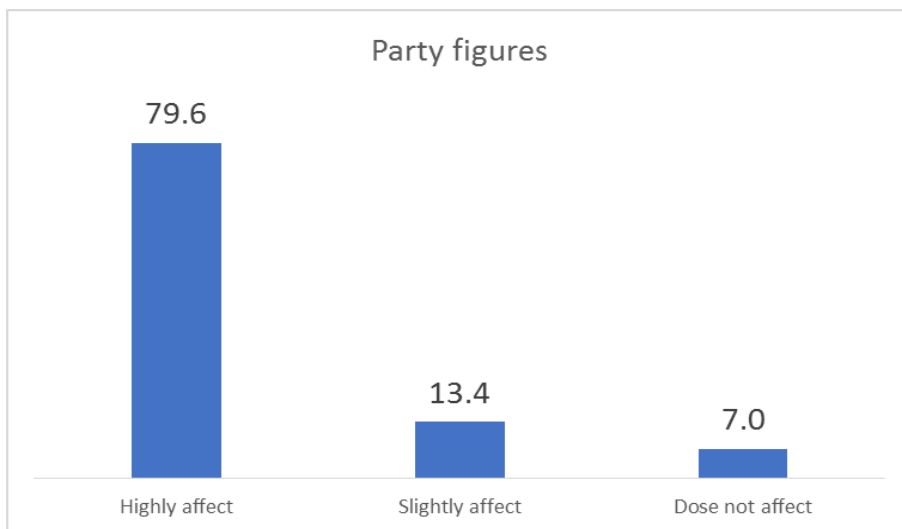
This graphic, demonstrates the response of the participant on the question: Do you think the social side of the society affects the peoples trust in the judicial authority? The response was 27.4% yes, 43.2% to some extend and 17.9% no. Nonetheless, 11.5% of the participants have selected I don't know. This is an acknowledgement that they are extremely affected by social aspects of the community.

Figure 31: Social Characters and Effect on the Courts and Other Institutions



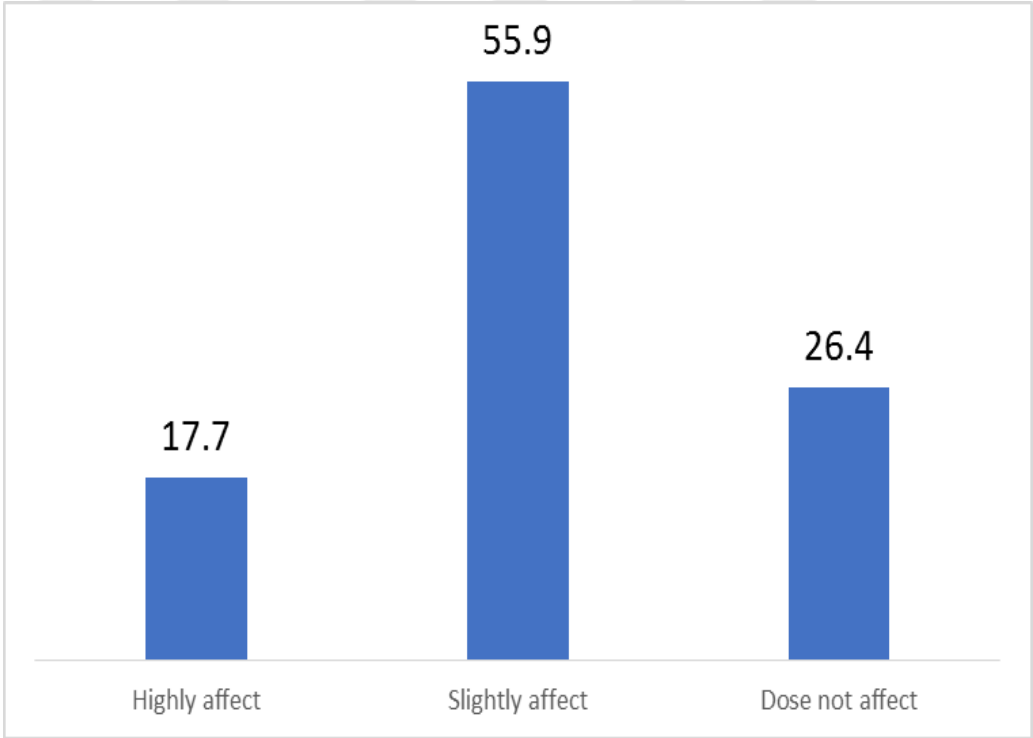
In this question, it has been asked to identify the amount of interference of the following personalities and their effectiveness on the courts and other institutions. The following options were exhibited: Social graphics, Party graphics, Administrative characters and Military graphics. Graphic 35 only demonstrated the impact of social characters on the institutions. It is revealed that 16.9% of the participants think that they have high impacts, 45.8% of the participant believe that thy have slight impact. However, 37.3% of the participant thinks that these characters do not have any impact.

Figure 32: Political Party and Effect on the Courts and Other Institutions



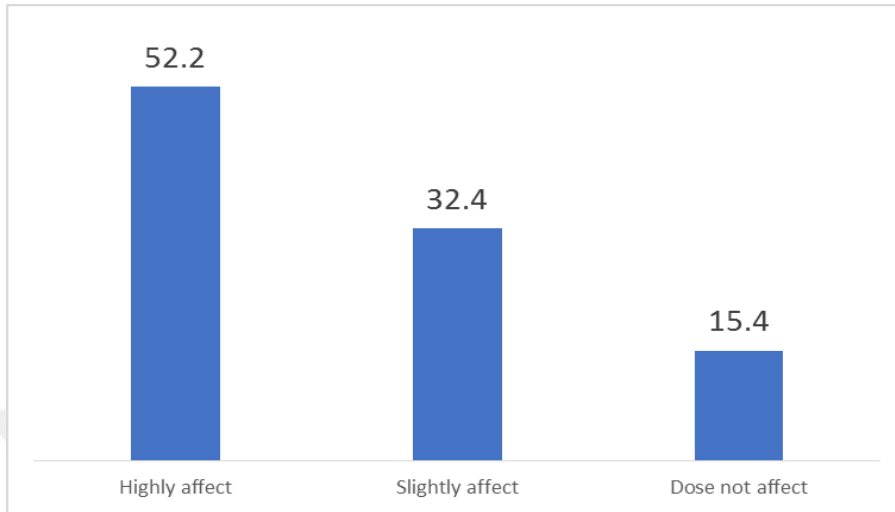
Regarding the previous question about the amount of interference of the following personalities and their effectiveness on the courts and other institutions, Regarding the impact of the party graphics, graphic 36 displays the 79.6% of the participants on believe that party graphic have high impact on the judicial institutions. This is the highest ratio and the proof of the previous data that the impact of the political parties and party graphics have prevailed the entire aspects of the society and authorities in Kurdistan region of Iraq. In addition, while 13.4% of the participant believes that they have slight impact, only 7.0% believe they do not have any impacts on the institutions.

Figure 33: Administrative Characters and Effect on the Courts and Other Institutions



The figure, displays the impact of the administrative characters on the courts and its institution. While 17.7% of the participants think that administrative characters have high effect, 55.9% of them believe that administrative characters have low effect on the courts and its institution. However, 26.4% of the participants believe that administrative characters do not have any effect on the courts and its institution.

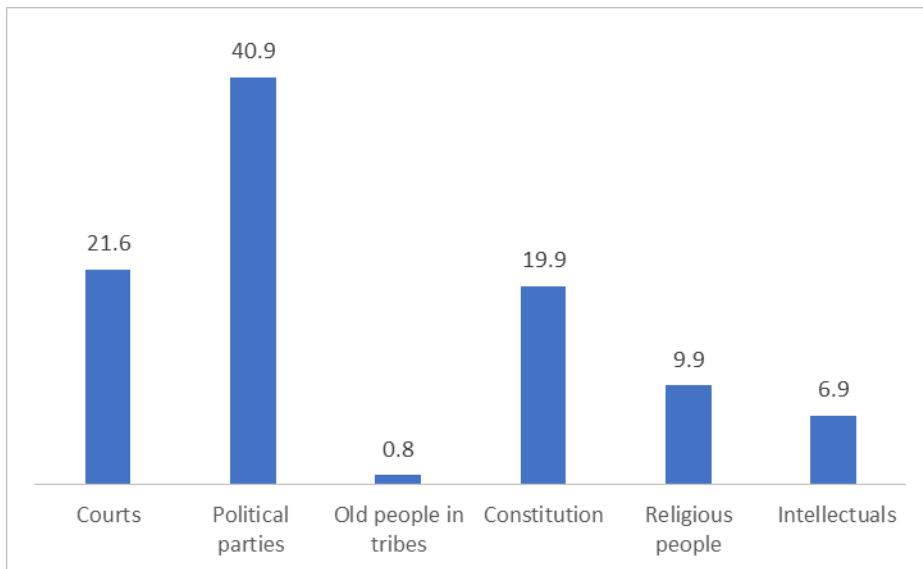
Figure 34: Military Characters and Effect on the Courts and Other Institutions



In regards to the interference of the military graphics, it is evident in the graphic that only 52.2% of the participant thinks that they have high effects on the judicial authority. This is a high percentage, and it has increased since the Kurdistan region is fighting with (ISIS). Nonetheless, 32.4% of the participant think they have slight effect and 15.4% believe that the do not have any effects on the judicial institution.

3.3.3. Strengthen Trust Citizens

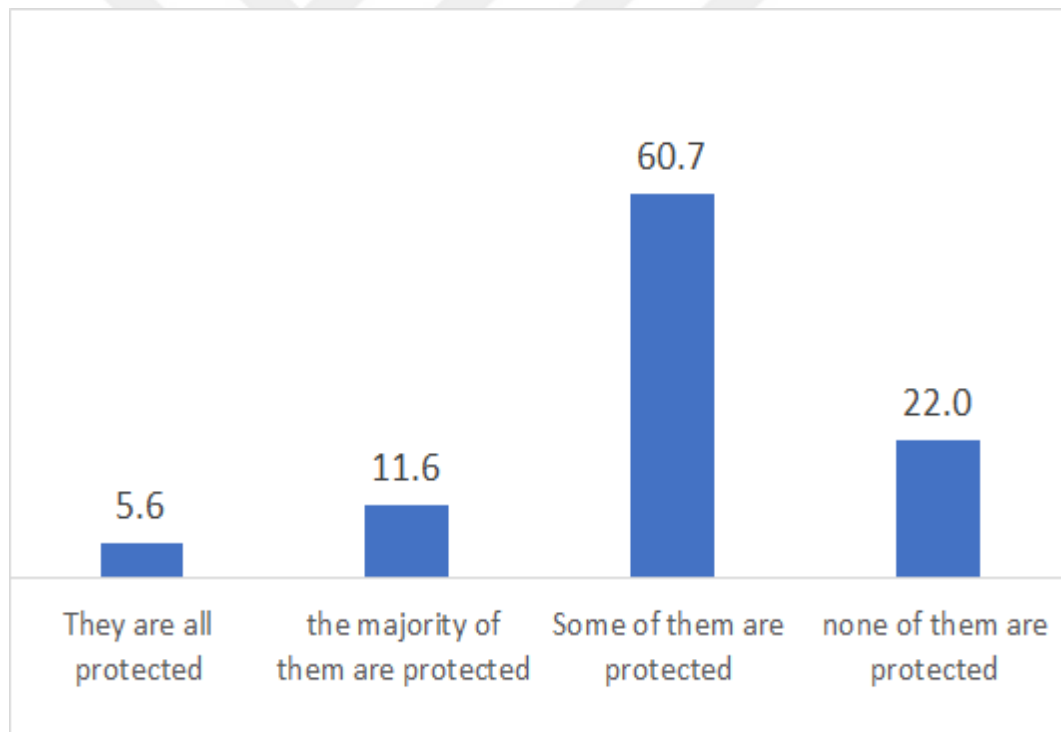
Figure 35: Strengthening Trust



Regarding question, who is from the followings can be effective on the peoples trust in the judiciary? It is evident in the graphic, that 21.6% thinks the courts itself can affect the of peoples trust in the judicial authority. However, the largest percentage of the participant 40.9% believes that political parties can generate the effect. Nonetheless, 0.9% thinks that social characters such as old people can have this impact. In addition, 19.9% of the participants think that constitution affects peoples trust in the judicial authority while 9.9% and 6.9% see religious men and intellectuals respectively effective for this aspect.

3.4. Citizens And The Preservation Of Rights

Figure 36: Citizens and Right Protected By Law



In the graphic, demonstrate the question: You are as a citizen in Kurdistan region/ Iraq, are all your right protected by law? It is illustrated that 5.6% of the participants believe that their rights are all protected and 11.6% think that the majority of them are protected. However, the highest percentage of the participants 60.7% believe that some of them are protected and 22.0% of the participant stated that none of them are protected. This data shows the fear and danger on citizens' rights. In democratic and

modern states, these data is demonstrating the stability and protection of citizens' right because in return citizens have numerous obligations and duties toward the state.

In the previous question, it has been asked; you are as a citizen in Kurdistan region/ Iraq, are all your right protected by law? The options of They are all protected, the majority of them are protected, some of them are protected, none of them are protected were answered. In question, it is been asked Do you have any example to proof your answer in the above questions? Describe it. Thus, 29.2% Of the participants have provided examples.

It was noticed that there are two types of examples: Those who answered that all their rights are protected and the majority of their rights are protected), they demonstrate examples such my wealth and properties are protected, (our citizenship rights and freedom of expression are protected), (ownership and breathing a little bit of freedom and religion), (security and stability), (the freedom of expression is a kind of rights protection), (myself, my wealth and home are protected from any dangers),(occupation, profession, education, religion, language and partisan, (I have been working in my location for 10 years and I have all the rights and do not have any issues), (it is abundant and cannot be described), (my rights are preserved such as I am as a woman, I can process my Legal business), (in the debt and fraud the court protected my rights), (the peoples peaceful , stability and citizenship are protected), (property registration, transportation are organized and security is stabilized), (there are security, people and land), (the security is stabilized and people are doing their business freely) and (I can study in public university). These are examples and I attempted to choose one of the similar answers.

Those who answered the previous question with(some of them are protected) and (none of them are protected) had exhibited the following examples where they believe there is violations such as: (murdering religious people and journalists), (conquering lands of poor people by people in charge), (graduated from engineering college but not employed), (people who steal oil by hundreds of barrels everyday do not judged while baby milk people have been sentenced 11 in jail), (in 1991, parties conquer agriculture land), (I was sentenced 3 years in jail. when the it I am proven innocence, (I

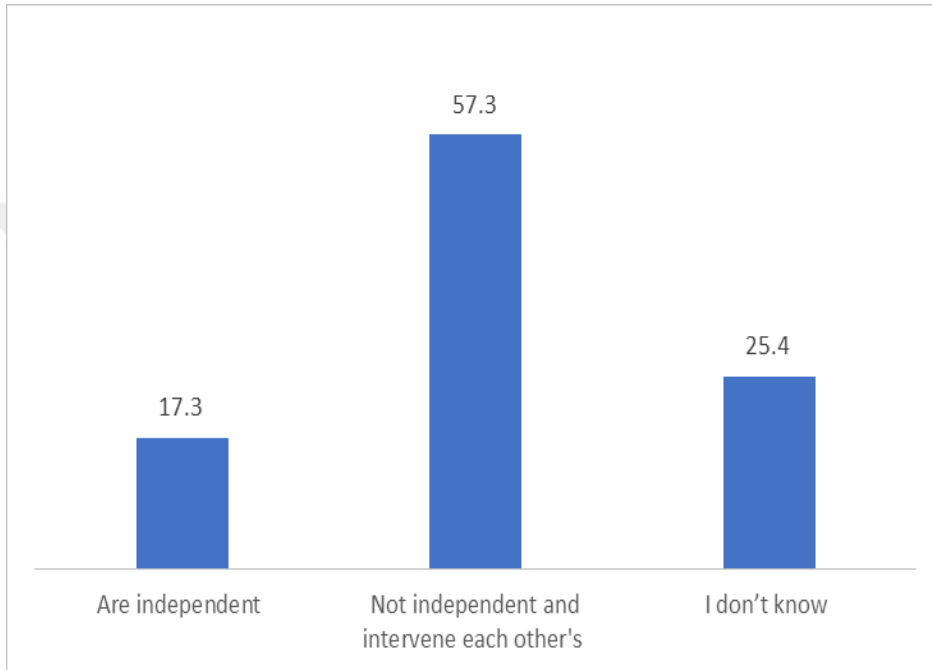
was kept seven more month in jail), (there are no freedom and rights , even though employment is a primary right, it is not available), (murdering people and journalists without right and kidnapping), (I had my own company, I have been told that I have to either pay bribe or be partners), (I have mortgage a house for my brothers freedom, after one year they do not cancel the mortgage), (it is been more than 5 years, I have lost a lot amount of money because the law is not above all), (I have educational right but don't my employment has to be supported by parties), (I bought a house then realized that it has been sold to two more people, the seller a member of the security thus I could do anything), (salary reduced, there was not any courts to decide in the favour of employees), (at the court, the claim of poor people is not regarded as of it is a claim od f rich people), (you could be arrested on terrorism charges), (I did not get my financial allowance for my study while on of my friend in the same college who was in specific party, received his full rights), (the daily cases of murdering journalists and intellectuals are not revealed), (only the right of party members are protected), (I had the right to obtain a piece of land, but I have been told that they have to partners so as to give me the my rights), (I was deprived from studying my PhD), (I was replaced with a member of a party. Even though I was a head of him by 40 points), (the cases of numerous journalists, shutting down the parliament and arresting hundreds of activists), (a company took an amount of money in order to provide Canadian visa, however it run away easily), (one of my brother has been killed in 29/12/2015, after a long time the accused people were arrested and sentence , however the sentence was not in accordance to the claim), (our rights in Kurdistan region are not preserved. For example the deprivation of water, electricity and salary), (obtaining rights is a lottery in this country, you either get it or not), (the invisibility of the local income and encountering people in charge), (I in courts, I have faced unfairness, the courts are biased) and (no rights are protected as the housing project of Iscan and Rwnaky quarters, preventing the establishment of sport centers and taking the positions in the union).

It is noticed from the above examples that these are in the border of the primary rights. In my opinion it is as the consequence of the following two points: Unconsciousness of the individuals about their rights, what it is? How much it is? How

it is? because the violation of the authority, and other powerful authorities the citizens have demands, and requirements less than their rights.

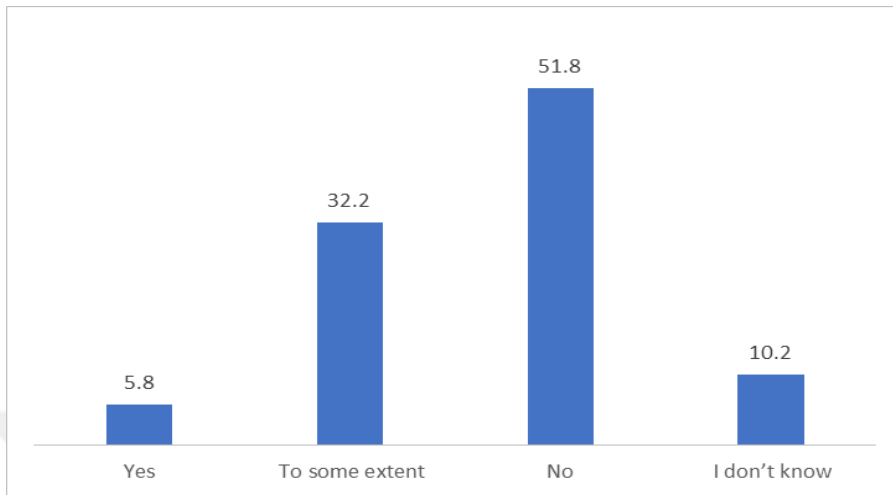
3.5. Trust In Judiciary And Other Authorities

Figure 37: Judiciary and Legislature and Executive Authority



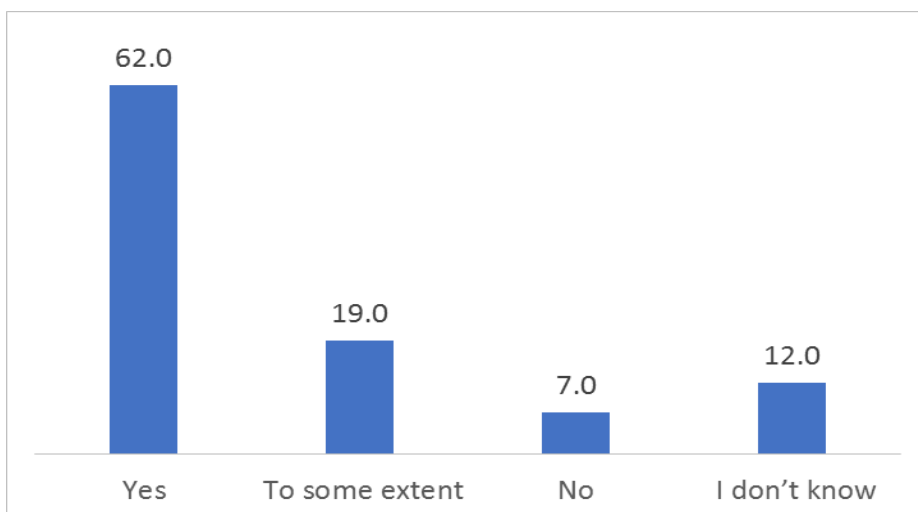
The graphic explains the response of the participants about the question: Dose the Legislature, Executive Authority and judiciary are separated and independent? In order to understand the relationship in the citizen's viewpoint as it is necessary in the principle of differentiating between these authorities, they have to be different and do not interference into each other's. As it obvious in the graphic 39, 17.3% of the participants think that are independent. However, 57.3% of the participant thinks that they are not independent and intervene each other's, at the same time, 25.4% of the participants have answered I don't know. This high percentage of the which think that they are not independent and intervene each other's might originated from that in 12/10/2015 the authorized party in the region prevented the executive authority in the region from entering the Erbil the capital city of Kurdistan region. Thus from that date and no the parliament of Kurdistan region has been paralyzed.

Figure 38: Parliament and Control Laws



The graphic, describes the answer of the question: Dose the parliament monitors the issued rules and legislations thoroughly? This question has been asked to identify the extent of the execution of the laws by the authority and institutions. It is covered that 5.8% of the participant think that stated yes that parliament monitors the issued laws completely. In addition, 32.2% of the respondents reported that the parliament observed its law to some extent. However, 51.8% of the participants, which is the highest percentage, believe that no the parliament dose not monitor it rules. This high ratio might be owing to the action of paralyzing the parliament. Nonetheless, 10.2% of the participant answered I don't know.

Figure 39: Parliament And Trust



Relating to the previous question, the participants who answered no, the parliament do not monitor its issued rules. As it clear in the graphic, we asked the citizens if your answer is no, dose this impacts on the reduction of the trust? A high percentage 62.0% of the participants believe that yes, it has impacted the reduction of trust in the judicial authority in Kurdistan region/ Iraq. In addition, 19.0% of participants that it cases the reduction trust to some extent. However, 7.0% of the participant thinks no it does impact the trust. Finally 12.0% of the respondents answered I don't know.



CONCLUSION

The judicial authority is one of the three main authorities in any political systems, which has been established on the base of differentiating the authorities. The main aim of this authority is to resolve the issues between individual, authorities and between the individuals and authority. Thus, the authority is regarded and treated as an important a center for resolving issues. Therefore, appropriateness of the institution of this authority according to active laws and judicial principle is the main factor for the legitimacy of this authority. This is ultimately the citizen who decides how much trust he or she has in the judicial institution because the impact of decision and treatment of this authority the strong indication on the society and individuals live. Thus, the scientific research on this field has a theoretical and practical value for the active institutions in the community.

In this viewpoint, as a results of writing the theoretical section and conducting the field experiment, the researcher has acquired numerous results which might highly beneficial especially because in this research, it is attempted depending on the scientific principles, factors and academic process in the college. A part from this, the researcher demonstrates several suggestion and recommendations for the individuals and authorities related to the topic of the research.

The researcher from the theoretical section noticed that even though the judicial authority in Kurdistan region/ Iraq have its own laws which issued in parliament of Kurdistan region/ Iraq under the title of the law of judicial authority. However, by thoroughly monitoring the law and its execution in the reality is only judicial council not a judicial authority. As the judicial council is smaller and it is a part of the judicial authority, there are numerous important judicial institutions outside its administrative border. For example, the institution of prosecutor, this is a part from the unavailability of court constitutional. This court has not been established yet because of the absence of constitution in Kurdistan region of Iraq. These many legal and institutional deficiencies in this authority have minimized the importance of this authority which cannot process its important duties.

In the experimental section, the researcher has reached the results that the majority of study community was male and has their own profession however regarding the economic status; they are near the poverty line. Specially, around 50% of the study sample has low and limited income.

Regarding peoples trust in the judicial institutions, the majority of the unites of the study sample do not completely trust the judicial authority for resolving the social, political and economic issues, particularly, in the political issues their trust is the lowest. Consequently, they try to search for alternatives. Thus, it can be seen that the majority of them are resorted to the relative initially when having social issues. In addition, when having political issues, they firstly resort to the political parties. However, only in case of having legal issues the majority resort to the courts.

Generally, the majority of the study sample, as citizens do not trust the judicial authority. However, the majority those who trust this authority, accept the decisions made by this authority and those who do not accept the decisions and treatment of this authority are either legally stood against the authority or resorted to personal, social, political and illegal for solving their issues. This is the taking the community to the era of undeveloped society. In addition, in contrast to court of cassation, criminal courts and judicial institutions, 33% of the study samples trust the civil courts.

One of the other results that this this research has achieved is that in comparison to 10 years ago, peoples trust has increase dramatically. More than 50% of the participants think that that the trust of people has been declined or weakened. Regarding the cause of the weakness is the negligence. Furthermore, the majority of people think that attribute this negligence to judges, police and politics. However, the minority of the participants think that the security, civil employees and the social characters are negligent. Furthermore, the majority of people who think that the weakness of trust is caused by negligence think that the party interference, the lack of suitable people in the suitable position and unfairness are the cause. Thus, for increasing or strengthening the trust in this authority, people think that firstly political parties then the courts itself and constitution can strengthen the trust. Moreover, less percentage of the participant give that role to religious people and intellectuals. In this medium, a high percentage of

people describe the social aspect of the society as effective on the weakening of trust in the judicial institution.

People have bad feeling towards this authority, for instance high percentage of the participants think that the authority treats individuals unfairly. Consequently people think that this authority does not treat them fairly. Thus, the majority of people think that this authority work to some extent according to laws. Moreover, some believe that the authority does not work according to laws.

One of the issues in the institution of this authority is that the majority of people are not satisfied on the working process of the prosecutor. These deteriorate the trust of people in the judicial authority.

There is no doubt that issuing and stabilizing the laws are in favor of the principle of equitable. Thus, it is necessary to be executed on the entire stratum of the society. However, in this research, the researcher has reached the conclusion that the law is not above all, as the majority think that the law is only executed on poor people as a result the courts are not independent. In addition, one of the consequences of this action is unprotecting of people's rights. As it is uncovered that the majority of participants of this research believe that some of their rights are protected. Furthermore, they have presented numerous examples to convince the researcher that human rights in Kurdistan region/ Iraq are in endangered situation. In this environment, intervention and the impact of the social characters on the judicial institution are dominant especially political, military and administrative characters. As a result of the powerfulness of these characters and weakness of the judges, the situation has deteriorated as demonstrated in the figures.

In the level of the superior authorities in Kurdistan region/ Iraq, the majority of people believe that these authorities' legislation, judiciary and execution are not separated and intervene each other's. In addition, the majority of participants believe that the parliament of Kurdistan region | Iraq does not monitor the execution of issued laws. The majority of the participants see this factor as another factor for weakening the level of trust in the judicial authority. These facts are illustrated in the figures.

The researcher has reached the conclusion that the situation of legal institution, judicial institution and trust are bad condition and required urgent reestablishment of the relation between these authority and citizens in better context. This is especially effective in the reformation the administrative structure of this authority which has a lot of deficiencies. In addition, it necessary to tantamount this authority according to law to the other authority in Kurdistan region/Iraq, Furthermore, in the real field, it has to be given its complete role and in the future constitution, all the judicial institution has to be included in the in this authority. All of these required a powerful will of the authority itself and social, legal and political will.

In addition, generally the citizens and employees of formal institution are required to acknowledged regarding their rights and duties to act appropriately and not creating any legal issues. In addition, political parties have to be avoided from this authority according to law. Furthermore, common treaties have to sign in between the entire political parties. The entire political parties have to promise the independency and not intervening this authority, for the region to become practically institutional, initially, the authorities have to differentiate and parliament thoroughly monitors its judicial laws and the government has to provide people's rights. Consequently, the society and the authorities in Kurdistan region/ Iraq are developed. These are all to develop a high level of trust between the entire authorities and institution in Kurdistan region/Iraq.

In addition, related institution in the region can get benefits from the results and conclusions of this research for improving their working processes. At the same time , the academic and scientific institution utilize the outcome of this research in conducting further investigations on the dimensions and different factors for strengthening the peoples trust in this important authority in the society. This is especially for that aspect that this research could not focus on such as the role of the political parties in protecting the trust between individuals and institutions, social factor for strengthening the trust between citizens and political condition and its impact on the social values and the effect of the type trust weakness on the society.

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APPENDIX

English Questionnaire Form

The republic of Turkey

Bingol University

College of Art/ department of sociology

Form number:

date: / / 2017

location:



Questionnaire form

(The peoples trust in the judiciary in Kurdistan region / Iraq)

(A field experiment in Erbil city)

A dear citizen, this form is a field experiment utilized as a part of master's study in the University of Bingol, college of Art, department of sociology. Therefore, your cooperation in answering the question accurately is highly appreciated. In addition, it assists us in the completion of this thesis, as well as serving the science and our community. We would like to assure you that your information will be highly confidential.

Note:

It does not required names

Put () sign as your selected option

Prepared by

Bestun Omer ALI

Supervised by

Assist. Prof. Dr. Ahmed Emin OSMANOĞLU

General questions:

1. Gender: Male () Female ().

2. Age: 18-27() years, 28-37() years, 38-47() years, 48-57() years, () older than 58.
3. Educational status: illiterate (), read and write (), elementary school (), secondary school graduate (), diploma () bachelor degree (), master (), PhD ().
4. Career: ().
5. Family's monthly income: from 0 -500,000 Dinar() 501,000-1000,000 Dinar() 1001,000- 1500,000 Dinar() 1501,000-2000,000 Dinar(), 2001,000-2500,000 Dinar() 2501,000-3000,000 Dinar(), More than 3001,000 Dinar ().

Specific questions:

1. If you had a social issue, do you trust the courts for solving it?
I completely trust them (), I trust them to some extent (),
I do not trust them ().
2. If you had a political issue, do you trust the court for solving it?
I completely trust them (), I trust them to some extent ()
I do not trust them ().
3. If you encounter an economic issue, do trust the courts in solving it?
I completely trust them (), I trust them to some extent ()
I do not trust them ()
4. If you have (social, political or economic) issue, which of the following do you prefer to take you case to?

no	Problem	courts	relatives	Political party	tribe	A person in charge
1	Social					
2	Political					
3	Economic					

5. As a citizen, do you trust Judiciary?
Yes () No ()

6. If your answer is yes, did you accept the decisions?

Yes () No ().

7. If you did not agree on their decisions, how did you react?

.....
.....

8. Which of the Judiciary services do you trust more?

Civil courts (), Criminal courts (), Court of Cassation ()

Service directorates such as Notary and real estate registration (),

Prosecutor (), Security and police services ().

9. In Kurdistan region, Iraq in comparison to 10 years ago, how the peoples trust has changed?

Increased (), same as before (), decreased (), I don't know ().

10. Do you think the negligence or irresponsibility of the institution is the cause of the weakness of trust in the judiciary?

Yes (), to some extent (), no (), I don't know ().

11. If your answer is yes or to some extent, identify the extend negligence of the followings.

no	personalities	Very negligent	negligent	Not negligent
1	Judges			
2	Police			
3	Security			
4	Normal Employees			
5	politics			
6	Social personalities			

12. If your answer is No, what do you the reason for this weakness of trust?

Inequity (), The Lack of the right person in the right position (),

Party relations () Tribal (), others (), such as:,

13. Who is from the followings can be effective on the peoples trust in the judiciary?

Courts (), political parties (), old people in tribes (),

Constitution (), religious people () Intellectuals ().

14. Do you think the social side of the society affects the peoples trust in the judicial authority?

Yes (), to some extent (), no (), I don't know ().

15. Do you think the judicial institution treat people equally?

Yes (), to some extent (), no (), I don't know ().

16. Do you think the judiciary is working according to the law?

Yes (), to some extent (), no (), I don't know ().

17. Up to date, are you satisfied with the actions of the Prosecutor?

Yes (), to some extent (), no (), I don't know ().

18. Do you think, in Kurdistan, the law is above all? Yes (), no ().

19. If your answer is no, the law is above which of the following?

Lonely poor people (), poor and rich people (), people in charge ()
none of these ().

20. Are the courts in Kurdistan region independent?

Yes they are independent () they are a little bit independent () they are not ().

21. You are as a citizen in Kurdistan region, Iraq are all your right protected by law?

They are all protected (), the majority of them are protected ()

Some of them are protected (), none of them are protected ().

22. Do you have any example to proof your answer in the above questions?

.....
.....

23. Identify extend of interference of the following characters and their effectiveness on the courts and other institutions?

no	Characters	Highly affect	Slightly affect	Dose not affect
1	Social charters			
2	Party figures			
3	Administrative characters			
4	Military figures			

24. Dose the (Legislature, Executive Authority and judiciary) are separated and independent?

Are independent (), not independent and intervene each other's ()

I don't know ().

25. Dose the parliament monitor the issued rules and legislations thoroughly?

Yes (), to some extent (), no (), I don't know ().

26. If your answer is no, does it affect the depletion of the trust?

Yes (), to some extent (), no (), I don't know ().

Thanks for your cooperation



ÖZGEÇMİŞ



KİŞİSEL BİLGİLER

Adı Soyadı	BESTUN OMER ALI
Doğum Yeri	ERBİL / IRAK
Doğum Tarihi	20.09.1983

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