

CRIMINAL PROCEDURES IRAQI LAW (EGYPTIAN-FRENCH COMPARATIVE STUDY)

Abbas Khudair Abbas¹, Assist. Prof. Dr. Ahmad Mustafa Ali²

¹Near East University, Law department, TRNC, 10 Mersin, TR-99040 Lefkosia, Türkiye

²Near East University, Law department, TRNC, 10 Mersin, TR-99040 Lefkosia, Türkiye

¹Email: 20226688@std.neu.edu.tr, ²Email: ahmed.ali@neu.edu.tr

Abstract

Iraq is considered the oldest country in the world to enact legislation, laws and legislations, which left us with the famous story of Hammurabi. The Iraqi legal system consists of a set of laws and legislation influenced by the country's history, culture, and political and social development. The sources of law in Iraq are diverse, including the constitution, laws enacted by the government, and the legal system related to the judiciary and the legal profession.

The Iraqi constitution stipulates the legal bases, rights and freedoms enjoyed by the Iraqi citizen. There are many important laws in Iraq, including: Penal Code: This law defines the crimes and penalties stipulated in the Iraqi Personal Status Law: This law defines marriage, divorce, child custody, inheritance and the general law of family businesses: This law defines the law of incorporation and management of companies, obligations of shareholders' rights and the labor law: This law regulates the employment relationship between workers and employers and defines the rights and obligations related to it. Civil Article Law: This law regulates civil disputes and economic compensation.

Keywords: Iraqi Constitution - Egyptian Constitution - Rights and Freedoms - Penal Code.

1. Introduction

Iraqi laws are enforced by the judicial system, which consists of several courts and arbitration boards. These legal systems also include law firms, police, prisons, and many other government agencies involved in law enforcement (Al-Mahiri 2020).

The Iraqi legal system also includes many laws, directives and administrative regulations that regulate the work of the Iraqi government and administration. These legislations vary depending on the areas they cover. In addition to general laws, there are laws and regulations for areas such as education, health, security and defense.

Among the important legal systems in Iraq, we can mention the Code of Criminal Procedure, which regulates criminal trial procedures and provides for the right of the accused to defend himself and obtain a lawyer, as well as the right to be charged. Victims are compensated for the harm they have caused (Ajil 2016).

The Iraqi legal system also includes legislation in the field of human rights, such as the Civil Society Organizations Law, which regulates human rights and humanitarian action in Iraq, and is designed to protect children's rights and ensure favorable conditions for their growth and development.

Criminal mediation is a new way of seeking to resolve criminal disputes, it departs from the

traditional procedures of criminal cases, outside the courtroom, but under his supervision and control, outside the scope of the judiciary, and it is within the jurisdiction of the judiciary. The judiciary. ended up intervening. A third party (mediator) plays a key role in the success of the mediation process and asks the mediator to inform the judicial authorities of the results of the mediation, which then reinstate and follow up the criminal proceedings or terminate them, at the discretion of the judicial authorities. Mohammed 2010). Despite the importance of the mediation system and its compatibility with the social nature of Iraqi society, it is a cohesive society for social relations, which contributes to the success of criminal mediation in disputes, but the Iraqi procedural legislation does not take it into account (Abdul Karim 2018).

In addition, there are many laws related to areas such as environment, agriculture, industry, trade and finance. The Iraqi government continues to develop the legal system to keep pace with the social, economic and political changes that the country is witnessing (Zuber 2022).

The Iraqi legal system also includes a number of constitutional laws that define the powers and responsibilities of the various departments of the Iraqi government, as well as the Civil Service Law that regulates the work of the Iraqi state and government employees (Al-Mahiri 2020).

The Iraqi legal system also includes a set of business, investment and tax laws and regulations designed to support economic activity in Iraq, these laws include investment, income tax and value-added tax laws.

There is also a personal status law that regulates personal and family relations, marriage, divorce, parental rights and reproduction. There is also the Iraqi Nationality Law, which regulates the nature of Iraqi nationality and the procedures related to it (Mahboubi & Mohammed 2010).

The Government of Iraq is constantly committed to developing and improving the Iraqi legal system, providing citizens and investors with a more stable and secure environment, and striving to promote human rights, legal justice and equality for all citizens.

As for the Egyptian law, it is considered one of the oldest legal systems in the world after the Iraqi law, and dates back to the time of the ancient pharaohs, and has witnessed several periods of development and amendment (Abdul Karim 2018).

Egyptian law is the set of laws and legislations that govern the Republic of Egypt, and consists of many laws and legislations in various fields such as criminal law, civil law, labor law, environmental law and commercial law (Ajil 2016).

The sources of Egyptian law include the Egyptian Constitution, laws and regulations enacted by various legislative bodies such as the House of Representatives and the President of the Republic, as well as judicial rulings issued by various courts in Egypt, as well as customs, traditions and religious rulings that may affect Egyptian legislation (Makki & Abdel Hamid 2021).

Egyptian law applies to various government agencies such as public prosecutions, courts, police, and other relevant bodies to maintain order and security in the country and protect the rights of citizens and residents.

Egyptian law is broad and comprehensive, covering all aspects of Egyptian public life, including inheritance, marriage, divorce, contracts, trade, crime and punishment.

Important laws in the Egyptian legal system include the Penal Code, which regulates crimes and penalties determined by Egyptian society, and the Civil Code, which regulates rights, duties and transactions between individuals and companies.

The Egyptian government is keen to update and review laws periodically to keep pace with the current situation and keep pace with global developments, and to review and update existing laws and issue new laws regulating various sectors in the country (Ghotki & H2iba 019).

French law is the set of legal systems, laws and legislation that regulate French society and define the rights and duties of citizens, institutions and government. French law is one of the oldest legal systems in the world, and many European and international legal systems have been affected by it (Makki & Abdel Hamid 2021).

French law is characterized by an emphasis on the concept of universality, where individuals and institutions are considered equal and no party has privilege. French law is also considered civil law, which is based on a legal basis determined by the legislative law (Al-Mahiri 2020).

French laws are drawn up by the French Parliament and the government, laws are made by Parliament and are enforced and enforced by the French government and judiciary. The French judiciary is organized independently of the executive and legislative branches and is considered one of the most important institutions of the French state (Zuber 2022).

The topics covered by French law cover a wide range of areas, including civil, commercial, criminal, labor, tax, intellectual property and more (Abdelkarim 2018). French law is also an important source of international law and the protection of human and civil rights in many parts of the world.

2. The nature of the criminal complaint

1.2 Definition of a criminal complaint

A criminal complaint in criminal law is when a person files a complaint with a competent official body about a crime committed against him or another person. The complaint includes a description of the crime and the provision of evidence proving its veracity.

The Criminal Complaints Register Act is a law in some countries that regulates the procedure for filing and investigating criminal complaints. The law includes a set of procedures and controls that a person must follow when filing a criminal complaint.

The law included several chapters that clarify the procedures necessary to file a criminal complaint, including determining the competent authority to investigate the complaint, conducting the necessary investigations to verify the validity of the complaint, and proving the defendant in the event that the accused commits the crime., the defendant can be punished (Ajil 2016).

The details of criminal complaints registration laws vary from state to state, as well as the procedures and controls required to file a complaint and prove the alleged crime, the available criminal penalties and the laws against them.

The Criminal Complaints Register Law aims to ensure justice and protect society from various crimes, and to encourage the establishment and accountability of defendants when proven to have participated in the commission of criminal offenses (Al-Ardhi & Al-Asadi, 2016).

Registering a criminal complaint involves filing a complaint with the Public Prosecution, which clarifies the alleged offense and provides available evidence, and this must be done in writing. After receiving the report, the Public Prosecution verifies the validity of what was stated in the report and verifies the evidence, and if it believes that there is a criminal suspicion, it issues an investigation order to file the case and summon the accused for interrogation (Makki & Abdel Hamid 2021).

In the absence of suspicion of a crime, the complaint was dismissed and no legal action was taken. If conclusive evidence is found to prove the innocence of the accused, the prosecution will make a decision to stop the proceedings and release the defendant.

The procedures for registering criminal proceedings are carried out in accordance with the regulations and instructions stipulated in the Egyptian Code of Criminal Procedure (Zuber 2022).

Filing a criminal case is considered one of the most important criminal procedures in controlling crimes and punishing their perpetrators, because it achieves justice and protects citizens, human rights and freedoms. The initiation of criminal proceedings is a very important legal process because it limits the spread of crime and increases the safety and stability of society (Abdulkareem 2018).

Criminal complaints reports have many distinctive features, they not only give citizens the right to plead and defend their rights, but also protect witnesses and victims, ensure security and social stability.

The decision of the Public Prosecution on the registration of criminal proceedings must be made in accordance with the law and must be made independently without interference from any outside force (Al-Mahiri 2020).

Citizens suspected of committing a crime can file a criminal complaint with the Public Prosecution and submit it in writing with the necessary evidence attached, the Public Prosecution Authority will investigate the validity of the indictment, and if it turns out that there is a criminal suspicion, it will take the necessary measures to uphold justice, severely punishing the perpetrators.

2.2 Criminal complaint and its cases

1.2.2 Criminal complaint cases by country

Criminal complaints can be filed in several cases, including:

Behavior that leads to physical harm, such as physical assault, murder, rape, and death threats.

Crime is a crime that results in the loss of property, such as theft, fraud and vandalism.

Drug-related crimes, such as drug abuse or trafficking.

Offences related to terrorism or the threat of terrorism.

Investigate criminal complaints, review the evidence presented, and if the crime is confirmed, legal action can be taken against the suspect and brought to trial. Possible penalties vary depending on the type and classification of the crime and include financial fines, term limits, or other penalties (Ghotki & H2iba 019).

In detail, criminal proceedings are a legal process that allows individuals to report crimes against themselves or others. Criminal complaints are subject to specific legal proceedings, which vary according to the laws in force in each state.

A criminal complaint is usually referred to the security services and includes information about the crime committed and available evidence. After that, the complaint and evidence are reviewed by the competent authority, and if there is sufficient evidence to support the allegations contained in the complaint, the prosecutor may decide to initiate a public action (Ajil 2016).

Crimes that can be criminally prosecuted include many crimes including those related to terrorism, tax evasion, money laundering, fraud, fraud and other crimes (Makki & Abdul Hamid 2021).

There must be convincing evidence of the existence of the alleged crime and the involvement of the suspect before initiating criminal proceedings. The person filing the complaint must also have the legal capacity to do so, such as being directly affected by the crime or being able to file a complaint.

If the suspect is prosecuted, the crime may result in a number of penalties, including prison sentences, fines and other penalties, depending on the type of crime and the laws of the state concerned.

2.2.2 Criminal complaint in Iraqi law

The Iraqi Code of Criminal Procedure includes several provisions related to criminal procedure, including the registration of criminal proceedings. Under Iraqi law, anyone who feels that they are victims of a crime has the right to file a complaint with the competent authorities for an investigation. The procedures for registering a criminal complaint include preparing a legal memorandum, verifying the validity of information and evidence, identifying the competent authorities for investigation and issuing a subpoena for it (Zuber 2022).

Article 191 of Iraq's Criminal Code No. 111 of 1969 states that persons arrested on criminal charges have the right to complain to any investigative or judicial authority about ill-treatment they have suffered while in detention.

According to Article 242 of the Iraqi Code of Criminal Procedure No. 23 of 1971, any person has the right to file a criminal case for any crime that may have been committed in the country (Al-Ardhi & Al-Asadi, 2016). Appropriate law.

Criminal proceedings consist of several steps, including investigation, collection of evidence, filing complaints, trial and sentencing, and determining the appropriate punishment for the accused if it is proven that he is connected to the alleged crime. The accused also has the right to present his defense and have a lawyer to represent him in court (Al-Mahiri 2020).

Article 243 of the Iraqi Code of Criminal Procedure stipulates that the public prosecutor must start the interrogation process as soon as possible after submitting the complaint, and the trial may be postponed if it concerns emergency circumstances and does not affect the rights of the accused. or the appellant. The defendant (Mahboubi & Mohammed 2010) (Al-Staty 2015).

After the investigation is conducted, prosecutors make a decision to either charge the accused

and refer him to court, or close the case if there is not enough evidence to convict the accused. In the event that the case is referred to court, the trial date is set and the defendant and his lawyer are notified. The accused has the right to present his defense, request additional proceedings, present witnesses and evidence in support of his defense, and then pass judgment based on the evidence presented, and apply the appropriate punishment for the crime committed by the accused.

It should be noted that the rights of the accused and complainants must be respected and that they are not subjected to any torture or inhuman or degrading treatment. Iraqi law allows for the provision of legal aid to defendants and complainants, as well as free defense if they cannot afford it.

It should be noted that criminal procedures vary according to the type of crime and the extent of the crime of the accused, as the punishment is applied according to the crime committed by the accused. For some serious crimes, penalties range from imprisonment, fines and the death penalty (Abdulkarim 2018).

It should be noted that the judiciary may also take some additional measures in some cases, such as the application of administrative punishment or rehabilitation measures to defendants with psychological or social problems.

The provisions on criminal procedure in Iraqi law stipulate the procedures that must pass through the establishment of criminal proceedings (Ghotki & H2iba 019), and the most important content of this article can be summarized as follows:

- Criminal proceedings may be brought before the Public Prosecutor's Office or before a judge in respect of the crime committed.
- Complaints must be in official writing and include information about the crime committed, the alleged perpetrator and available evidence (Makki & Abdul Hamid 2021).
- Complaints must be filed within one year from the date of the commission of the crime or they will be confiscated.
- The complainant must be brought before the authorities or public prosecutions competent to investigate the crime committed, and the competent investigation authority must take the necessary measures to investigate the crime committed and collect the necessary evidence (Ali & Mahamari 2012).
- If the charges are justified, the Public Prosecution must present the charges to the competent court and provide the necessary evidence to support the charges against the accused.
- The complainant has the right to appear in court, give additional evidence and testify about the crime committed. The defendant can also appear in court to defend himself and present evidence of his innocence (Mahboubi & Mohammed 2010).

It should be noted that criminal procedures are applied in accordance with the laws and regulations in force in Iraq, and the judiciary is fair, just, transparent, respects the rights of all, achieves social justice, and maintains security and social stability.

Anyone can file a criminal case in Iraq in case of committing a crime, and this crime can involve any type of crime, whether it is a criminal offense or a violation of laws and administrative regulations. The complaint is submitted to the Public Prosecution which then conducts the

necessary investigations and takes the necessary measures in accordance with the law (Zuber 2022).

A person wishing to file a criminal case must record all evidence and information related to the crime and submit it to the judicial authorities. Complaints can be filed by the person concerned himself, by a lawyer representing him, or by any citizen who has information about the crime (Zuber 2022).

Criminal procedures in Iraq are based on a system of public authority, where the Public Prosecution is responsible for proving guilt, conducting the necessary investigations and prosecuting charges, and criminal courts are responsible for reviewing cases and making final decisions (Khadra, & Faseeh. 2011).

Iraqi law prohibits the use of any degrading or inhumane methods in interrogations and provides for the rights of defendants, complainants, and prosecutors to due process and pro bono defense in cases where they cannot afford (Ajil 2016).

Criminal procedures in Iraqi law are defined in the item of criminal procedure, which defines the procedures necessary to administer justice and achieve criminal reform in society (Al-Ardhi & Al-Asadi. 2016). These procedures include several main stages, including:

1. Investigation: This stage determines the collection of evidence and information about the crime, the accused and witnesses, and determines whether there is sufficient evidence to bring charges against the accused.
2. Charges: If there is sufficient evidence, the defendants are formally charged, the charges against them are proved, and they are notified of a hearing (Abdulkarim 2018).
3. Trial: The trial takes place in a criminal court, where witnesses are heard, evidence and materials are presented, the pleadings of the plaintiff and the defendant are considered, and the court makes the necessary decisions in accordance with the law.
4. Verdict: After the end of the trial, the court issues its verdict, and in case of conviction of the accused, the necessary punishment is determined.
5. Appeal: Both the defendant and the plaintiff have the right to appeal the judgment and retry at an optional date to review the evidence and materials. (My beloved & Mohammed 2010)
6. Execution: After the issuance of the final judgment, the prescribed penalty is executed, whether it is imprisonment, fine or other penalty, and the house or agency is determined to implement the penalty (Ali & Mahamari 2012).

Criminal proceedings under Iraqi law also include a number of other matters, including:

7. Provisional Release: Defendants who have not yet been sentenced may be provisionally released provided that financial or other guarantees are provided.
8. Settlement: In some cases, the defendant and the victim may settle amounts due to the victim or other actions (Ajil 2016).
- 9- Pardon: The Iraqi government may grant pardon to the accused after sentencing.
10. International Criminal Procedure: The Government of Iraq may cooperate with other countries in relation to the commission of a crime abroad or the prosecution of an accused abroad.
11. Basic seizure: The Iraqi government can confiscate the financial assets of people accused

of financial crimes to prevent their use in other financial crimes (Khadra, & Faseeh. 2011).

12. Public Defense: Providing a public defense for defendants who cannot appoint a private lawyer.

Criminal procedures in Iraqi law are characterized by seeking to ensure justice, transparency and equality of treatment between defendants and victims of crime by monitoring legal procedures, providing equal opportunities for defense and obtaining legal rights and guarantees (Al-Zuber 2022).

Some of the other criminal procedures followed in the Iraqi criminal law include:

13. Criminal investigations: Criminal investigations are organized according to strict legal rules and procedures, including evidence collection, testimony and interrogation.

14. Criminal Trials: Criminal trials must be conducted in accordance with strict legal rules and procedures, including the defendant's right to defense and the rights of the victim (Ghotki & H2iba 019).

15. Penal Judgments: Penal judgments are issued on the basis of evidence and legal procedures, and if the accused and the victim object to the verdict, they may appeal the verdict.

16. Application of penalties: Strict and effective application of penalties in prisons and prisoners.

17. Compensation: Victims may receive financial compensation for the damages they suffered as a result of the crime (Makki & Abdel Hamid 2021).

These criminal procedures must be strictly and strictly enforced, providing fair and transparent treatment to the accused and victims. The Iraqi criminal code is one of the main tools for achieving justice and maintaining order in the country.

3.2.2 - Criminal complaint in Egyptian law

A criminal indictment is a legal proceeding initiated by a prosecutor or prosecutor to the Public Prosecution Agency when a particular person is suspected of committing a crime. These procedures are carried out in accordance with Article 101 of the Egyptian Code of Criminal Procedure (Al-Ardi & Al-Asadi. 2016).

The registration of criminal complaints is regulated in accordance with the provisions of criminal procedures in the Egyptian judicial system, a procedure that includes several steps and procedures taken by the judicial authorities, some of which we review below:

1- Filing a criminal complaint: A criminal complaint is filed with the Public Prosecution by submitting an official report that includes the details of the crime, the name of the accused and the available evidence. Complaints must be submitted within the deadlines set by law (Ghotki & H2iba 019).

2- Investigation: After filing the criminal case, the Public Prosecution initiates the investigation to verify the validity of the complaint and the evidence submitted, and conducts the investigation in the presence of the complainant, the accused and the prosecution witnesses.

3 - Take the necessary measures: In case of suspicion of a crime, take the necessary measures to punish the perpetrator, these measures can include the arrest of the accused and bring him to trial and trial.

4 - Trial: The trial shall take place in the competent court in accordance with the applicable criminal procedures and procedures, and the trial includes the interrogation of witnesses, experts and the defendant and the provision of the necessary evidence (Mahboubi & Mohammed 2010).

5. Judgment: After the trial, a final judgment shall be issued by the court, including the determination of the guilt of the accused and his sentence or acquittal if it is not possible to prove his participation in the crime and the execution of the judgment issued by the court.

4.2.2 Criminal complaint in French law

French laws are designed to ensure justice and criminal justice, protect the rights of accused and victims, and contribute to the maintenance of law, order and public safety in the country.

The introduction of a criminal complaint into French law includes a number of legal procedures that must be followed in the event of a criminal complaint. The following is an overview of some provisions of French law relating to criminal procedure:

Article 75 This article stipulates that the person initiating the criminal case must specify the crime he committed, and if circumstances permit, the name and address of the person involved in the case must be indicated (Abdul Karim 2018).

Article 76: This article sets the time limit for criminal prosecution to one year from the date of the offence.

Article 77 This article states that the person initiating criminal proceedings must have the identity of the victim or his legal representative (Al-Fawara 2014).

Article 78: This article stipulates the preliminary investigation procedures that must be followed when initiating criminal proceedings, including filing a complaint with the Public Prosecution and preliminary investigation into cases decided by the case.

Article 79 This article stipulates that the Public Prosecution Service shall take the necessary measures to prove or deny the validity of a criminal complaint (Al-Staty 2015).

These are some of the main provisions of French law relating to the registration of criminal proceedings. Those who are considering criminal proceedings should familiarize themselves with the full legal procedures that must be followed in order to initiate and proceed with these proceedings properly (Ajil 2016).

The provisions of the French Code on Criminal Procedure include several procedures that must be followed when initiating criminal proceedings, as follows:

1. The criminal complaint shall be submitted to the competent prosecution, usually by submitting a report to the police or gendarmerie.

2. Conduct the necessary investigation into the complaint submitted and submit a report of the results to the Public Prosecution.

- 3- If the Public Prosecution finds that there is sufficient evidence to prosecute the accused before the court, it issues a decision to open a criminal investigation against the accused.

- 4 - The defendant shall be informed of the charges against him and the date of the trial shall be set (Makki & Abdel Hamid 2021).

5. The trial shall take place in the competent criminal court and shall consist of summoning

witnesses and presenting the necessary evidence to prove the charges.

6. In the event of conviction of the accused, the appropriate penalty shall be determined and imposed.

3. Effect and expiry of the complaint

1.3 Impact of the criminal complaint

First: The impact of the criminal complaint on Iraqi law

Iraqi law gives citizens the right to file criminal proceedings when crimes are committed against them or anyone else. Criminal complaints in Iraqi law are a legal means of prosecuting perpetrators and achieving justice.

Under Iraqi law, prosecutors must investigate criminal complaints and determine whether legal action against suspects is warranted. This is done by hearing the statements of the accused and defence witnesses and evaluating the evidence presented. Iraqi law includes many crimes that can be criminally prosecuted, such as theft, fraud, drug-related crimes, forgery, tax evasion and money laundering (Abdulkarim 2018). If the suspect is convicted, Iraqi law provides for penalties commensurate with the type of crime, which may include prison sentences, fines, and other penalties. Criminal complaints help promote justice and maintain security and order in Iraqi society, and encourage citizens to report any crimes they may have committed and prosecute perpetrators.

Criminal complaints in Iraqi law are an important tool in the administration of justice and the fight against crime and corruption, as prosecutors have the authority to investigate and verify criminal complaints, and if the charges against the suspect are proven, justice consists in making a case against them commensurate with the crime (Mahboubi & Mohammed 2010). Criminal procedures under Iraqi law include many crimes such as theft, fraud, forgery, drug-related crimes, tax evasion, money laundering, etc. Criminal complaints are filed by filing a formal complaint with the competent authorities, and in some cases the lawyer can file a complaint on behalf of the client (Makki & Abdul Hamid 2021).

Iraqi law includes penalties commensurate with the crime committed, including imprisonment, fines and other penalties, and in some cases the matter is settled between the parties, in which case the case ends and the penalty is not applied. The Iraqi authorities emphasize the importance of criminal complaints in combating crime and corruption and motivate citizens to cooperate with the competent authorities to submit complaints and report any crime committed in order to achieve justice and maintain security and order in Iraqi society (Ghotki & H2iba 019).

II. Impact of the criminal complaint on Egyptian law

Criminal complaints in Egyptian law are an important means of achieving justice and fighting crime. A criminal complaint is filed when an individual faces a crime. Complaints shall be submitted to the competent judicial authorities to investigate the reported crime and identify suspects.

Criminal procedures in Egyptian law are very important to achieve justice because citizens can

bring criminal charges for many crimes such as theft, fraud, forgery, drug-related crimes, tax evasion, money laundering, etc. A criminal complaint is filed by filing a formal complaint with the competent authority, or through a lawyer (Makki & Abdel Hamid 2021).

Under Egyptian law, the effects of criminal proceedings include establishing a suspect's criminal responsibility, detaining and bringing him to trial. The judicial authority determines the appropriate penalty for the crime committed, which ranges from penalties such as imprisonment and fine, and in some cases the matter is settled between the parties, in which case the case ends and the sentence is not implemented (Abdul Karim 2018).

The Egyptian authorities urge citizens to cooperate with the judicial authorities to submit complaints and report any crimes committed, stressing the importance of criminal complaints in combating and investigating crime.

It can be said that criminal complaints in Egyptian law are an important means to combat crimes and achieve justice, and play a vital role in protecting society, individuals and their rights.

A criminal complaint helps determine criminal responsibility and prosecute the defendant. It is also a means of reducing the spread of crime and corruption and purifying society. The Egyptian authorities are encouraging citizens to cooperate in filing criminal cases and providing them with the necessary support to enable them to do so.

The importance of criminal procedure in Egyptian law also includes:

- Protect the rights of individuals to justice and self-defense.
- Mobilizing security and judicial efforts to bring those responsible to justice (Mahboubi & Mohammed 2010).
- Increases people's confidence in the justice system and the administration of justice.
- Committed to legal education for citizens so that they understand their rights and duties in society.

Examples of crimes that can be criminally prosecuted under Egyptian law: murder, theft, forgery, fraud, assault on the Secretary of State, corruption, incitement to hatred and racial discrimination (Ghotki & H2iba 019).

III. Impact of criminal complaints in French law

Criminal procedure occupies an important place in French law and is an important means of combating crime and maintaining the legal order and public safety. Criminal prosecution in France is a legal procedure that allows anyone to bring charges against a person suspected of committing a crime (Al-Fawara 2014).

Under French law, anyone who believes that he has been the victim of a crime, or that someone has committed a crime against him or others, can file a criminal case. The criminal complaint is referred to the Public Prosecution which then conducts the necessary investigations and verifies the allegations.

The importance of criminal procedure in French law includes:

- Protect society and individuals from crime and criminal behavior.
- Determination and prosecution of the criminal responsibility of the accused.
- Encourage citizens to report crimes and increase the transparency of the justice system.

- Protection and justice for citizens who feel they have been victims of crime.
- Achieving justice, purifying society and eradicating crime and corruption.

Crimes that can be criminally prosecuted under French law include murder, assault, theft, forgery, corruption, drug trafficking, sexual harassment and other criminal offences (Makki & Abdelhamid 2021).

It can be said that criminal procedure is a fundamental law in French law and plays a vital role in protecting society and combating crime. Criminal proceedings give citizens the right to report any crime committed against them or anyone they know, helping to maintain the legal order and public safety in France.

Criminal complaints in French law protect citizens from crime and facilitate the investigation and determination of criminal responsibility of the accused and their trial. It also increases the transparency of the judicial system and encourages citizens to report crimes they are dealing with or witnessing (Abdulkarim 2018).

Under French law, criminal proceedings can be filed in an easy and simple way, either electronically, by regular mail or in person. Allegations contained in criminal complaints are verified and the necessary investigations are carried out to achieve justice, cleanse society, and eliminate crime and corruption.

2.3 Expiry of the criminal complaint

Termination of the criminal complaint in Iraqi law

In Iraqi law, some cases lead to the end of criminal proceedings, that is, criminal action cannot be initiated after the expiration of the specified period. These cases can be summarized as follows:

- 1- Expiry of the legal period: Article 5/5/5 of the Code of Criminal Procedure stipulates that the right to prosecute a crime ends with the expiry of a specific period that varies according to the type, gravity and gravity of the crime. Determined by the Haddad Law 2008.
- 2- Criminal settlement: In some cases, the law allows a criminal settlement between the defendant and the prosecutor or victim, and if a criminal settlement is reached, the criminal case is terminated and no further proceedings can be filed.
- 3- Guilty plea: If the accused confesses to committing a crime, the criminal case will be dismissed and cannot be moved again (Ajil 2016).
- 4- Judicial ruling: If a final and binding judicial judgment is issued in the crime, the criminal case is confiscated and cannot be filed again.
- 5- Personal Guarantee: If the victim provides a personal guarantee to the defendant, he cannot file a criminal case afterwards.
- 6- Withdrawal: In the event that the violation complained of is withdrawn, the criminal case shall be dropped and cannot be filed again.

The impact of the end of criminal proceedings on Iraqi law can be summarized as follows:

1. Criminal proceedings may not be instituted after the expiry of the prescribed period.
- 2 - Closing the criminal case by a criminal settlement contract between the accused and the

public prosecutor or the victim (Mahboubi & Mohammed 2010).

3- The criminal case shall be confiscated in the event of a confession to a crime or a final enforceable judicial judgment in a crime (Makki & Abdul Hamid 2021).

4. If the crime is invalid or the victim provides personal security to the accused, the criminal case shall be dropped.

5- The expiration of the criminal grievance period helps to ensure the rapid and effective conduct of justice, as the plaintiff must file a complaint promptly and without delay.

6- Protects the rights of the accused, as it prevents criminal proceedings from infringing on his rights after a certain period, and gives him the right not to be subjected to false accusations or injustice.

Termination of criminal complaints under Egyptian law

Article 15 of Egypt's Code of Criminal Procedure stipulates that a criminal case is null and void at the end of the specified period, and no lawsuit may be filed after this period. This period is one year from the date of the crime, the date of its publication, or the date on which the victim or the public prosecutor became aware of the crime after its commission.

The expiry of criminal proceedings in Egyptian law is characterized by the following characteristics:

1- Protects the rights of the accused because it prevents the filing of criminal proceedings after a certain period and protects the accused from false accusations and injustice.

2. Maintains the speed and effectiveness of justice as it requires plaintiffs to submit their complaints promptly and without delay.

3- Evidence is valued because criminal proceedings require accurate and detailed evidence because it depends on the existence of concrete evidence proving the occurrence of the crime (Ghotki & H2iba 019).

4 - Increases legal stability because it eliminates the ability of parties to bring criminal proceedings after a certain period of time, which prevents manipulation of the law and disturbs legal stability.

Egyptian law stipulates that the end of criminal proceedings is one of the basic foundations for protecting the rights of accused and suspects and seeking timely justice (Abdel Karim 2018). It also increases the stability of the law and protects parties from manipulation of the law.

The importance of the expiry of criminal proceedings in Egyptian law can be summarized as follows:

1. Protect the rights of accused and suspects and guarantee their right to self-defense.

2- Justice is administered promptly and justice is not delayed (Abdul Hamid 2016).

3- Ensuring the stability of the law and preventing its manipulation.

4- Motivating the concerned parties to submit complaints on time and without delay (Makki & Abdul Hamid 2021).

5- Improving the quality of evidence and evidence presented to the courts, where criminal proceedings require accurate and detailed evidence.

6- Providing protection for defendants and defendants from false accusations and injustice

Winterization of the criminal complaint in French law

French law stipulates that the completion of criminal proceedings is an important issue in the field of criminal justice, which helps to protect the rights of criminal suspects and defendants and prevent judicial delays.

The significance of the termination of criminal proceedings in French law can be summarized as follows:

- 1- Protecting the rights of the accused and accused by providing them with the opportunity to defend themselves and prove their innocence (Mahboubi & Mohammed 2010).
- 2- Achieving justice in a timely manner and reducing the chances of breaking the law.
- 3- Motivating the concerned parties to submit complaints on time and without delay.
- 4- Improving the quality of evidence and evidence presented to the courts, where criminal proceedings require accurate and detailed evidence.
- 5- Providing protection for the accused and accused from false accusations and injustice.
- 6- Enhancing legal stability and ensuring that laws are properly applied, as the end of criminal proceedings helps prevent judicial delays and achieve justice in a timely manner.

There are several provisions in French law relating to the termination of criminal proceedings, which determine the time limit within which criminal proceedings must be filed, varying according to the type of crime committed and the number of parties involved (Al-Ardi & Al-Asadi. 2016).

The following are some examples of French legal provisions relating to the termination of criminal proceedings:

- 1- Article 7 of the July 9, 2010 Law: This article states that criminal proceedings must begin within 6 months of the alleged crimes, with the exception of sexual offences and sexual assaults where criminal proceedings can be initiated within 10 years.
- 2- Article 706-25 of the Code of Criminal Procedure: This article provides that criminal proceedings must be instituted within 3 years from the date of discovery of the crime, and this period must be extended to 10 years in the case of sexual offences and human rights violations. Nationality, if not reported in time.
- 3- Article 8 of the Law of 9 July 2010: This article states that if the case concerns crimes of genocide or crimes against humanity, criminal proceedings must be initiated within 20 years (Abdelhamid 2016).

These provisions are strictly applicable in the French courts, the French Supreme Court, which is the body responsible for resolving legal disputes related to the termination of criminal proceedings.

Conclusion By reviewing the criminal laws and criminal investigation procedures in the laws of

Iraq, Egypt and France, it can be concluded that criminal complaints are an important means of justice in the judicial system. In all three of these laws, criminal proceedings allow individuals to seek justice for crimes committed against them. It is also clear from the review that there are specific conditions for filing a criminal case and that these conditions vary slightly depending on the law.

It should be noted that in all the laws reviewed, a deadline for filing a criminal case was set, which varies depending on the type and circumstances of the crime. Specific conditions have been set for the expiry of the criminal complaint period, and complaints filed after the expiration of this period will be treated as if they had not been filed.

In general, criminal complaints are an important means for the judicial system to achieve justice and one of the fundamental rights of citizens in all countries. To this end, the various conditions and requirements prescribed by law for the initiation of criminal proceedings must be applied and their annulment avoided.

By reviewing the laws of Iraq, Egypt and France, it can be concluded that criminal complaints are an important means for the judicial system to achieve justice and a fundamental right for citizens in all countries. Criminal complaints require certain conditions to be met and complied with and must be directed as soon as possible before they expire. It is also important to comply with country-specific laws and the requirements of criminal prosecution and its role in the service of justice.

The end

The Criminal Complaints Registration Act is a law that regulates the procedure for filing criminal complaints, including the rules and procedures for courts, security and investigation agencies responsible for investigating criminal offenses.

The law aims to ensure the application of criminal justice, protect the rights of accused and victims, and ensure that no one is persecuted, tortured, or cruel or inhuman treatment.

Laws for recording criminal proceedings vary from state to state, but generally cover several topics such as legal proceedings associated with the initiation of criminal proceedings, rights of the defendant and victim, investigation of a criminal offense, criminal trial, and criminal prosecution. Waiting for penalties imposed in criminal proceedings. Law.

On the other hand, registration procedures differ in the Egyptian and French legal systems. In the Egyptian system, prosecutors and complainants can file criminal cases before the criminal court and other criminal courts. The procedures for registering a complaint in Egypt include preparing a legal memorandum, determining the body responsible for the investigation, and setting the necessary dates for the preliminary investigation.

In general, criminal proceedings bring justice, protect victims, determine the responsibility of the accused, and the legal system of each state is a testament to its legal values and culture.

Interestingly, different criminal proceedings in the same country may vary depending on the type of crime, for example, most countries treat terrorism crimes differently, prioritizing national security and maintaining public safety.

Criminal procedure systems may differ from country to country due to their culture, history, and legal development, so a comparative study of different legal systems can be carried out to understand the similarities and differences between them.

With regard to the Iraqi Code of Criminal Procedure, it relies on a unilateral system under which the judiciary is the sole authority responsible for investigating and issuing penal sentences. As for the Egyptian legal system, it relies on a unilateral system, and the constitution is characterized as the main source of law, which gives more rights to defendants and prosecutors in criminal trials. As for the French legal system, it is also based on the unilateral system.

The criminal procedure clause in Iraqi law, which sets out the procedures for filing and investigating criminal complaints, differs in many ways from Egyptian and French law.

Regarding the preliminary procedures for filing a criminal case, Iraqi law requires complaints to be submitted to the competent authorities, in particular the prosecutor's office or the competent court, while Egyptian and French laws allow the prosecution of prosecutors or lawyers. Direct complaint.

In addition, Iraqi law includes a set of controls and conditions that the complainant must abide by when filing a criminal complaint, such as providing the necessary evidence and documents to prove the crime and not filing a complaint in the event of a prior settlement between the two parties. Parties.

Regarding investigation and trial procedures, Iraqi law requires extensive criminal offenses investigation procedures, including verification and analysis of evidence, verification of whether persons are involved in suspected crimes, and final judgment as soon as possible.

In general, the Iraqi laws on the registration of criminal complaints aim to achieve justice and protect society from crime and are characterized by the accuracy and rigor of the procedures and controls that complainants must follow, ensuring that justice is achieved in an effective and fair manner.

In general, the registration of criminal proceedings in Iraqi law requires further research and analysis to understand the extent of its impact on society and criminal justice and compare it with other laws in other countries related to the same topic, such as the law of Egypt and France. A criminal complaint involves notifying judicial authorities of a crime that may have been committed. Depending on national legislation, the validity period of a criminal complaint varies from country to country. Under Iraqi law, criminal proceedings are valid for 3 to 15 years, depending on the type of crime committed. The court decides whether criminal proceedings are obligatory.

Under Egyptian law, criminal proceedings, which last from six months to 25 years depending on the crime committed, are referred to the court that investigated them.

In French law, the duration of criminal proceedings ranges from 6 months to 20 years, depending on the type of crime committed, and these provisions are strictly applied in the French courts, the French Supreme Court, which is the body responsible for resolving legal disputes and the entire criminal procedure for them.

In general, laws on criminal complaints are influenced by the legal culture and national legislation of different countries, and criminal complaints are considered one of the important

legal mechanisms for maintaining justice and bringing criminals to justice.

Recommendations

Based on the above, we make some recommendations, including:

1. Do more research on the laws of other countries to understand whether criminal proceedings can be instituted in all countries, and the differences between countries.
2. Study the positive and negative effects of the criminal grievance process on the judicial system and society, and the impact of the expiration of the criminal complaint on citizens.
3. Research on the application of criminal complaints in digital crimes and cybercrimes.
4. Analyze the impact of technological developments on the process by which countries initiate criminal proceedings and develop complaint management systems.
5. Research on the impact of social, cultural and economic factors on the initiation of criminal proceedings and how to increase community awareness of civil rights and access to justice.
6. Study recent developments in international law and analyze how they affect criminal proceedings in different countries.
7. Conduct research to assess the efficiency of criminal complaints systems in different countries and how to improve them.

References

1. Agil, T. K. (2016). A study in the procedural provisions of the consumption accidents lawsuit «a comparative study under the Iraqi Consumer Protection Law No. 1 of 2010»: A study in the procedural provisions of the consumption accidents lawsuit «a comparative study under the Iraqi Consumer Protection Law No. 1 of 2010». *Iraqi Journal of Market Research and Consumer Protection*, 8(1), 76-92.
2. Ghotki, Q. H., & Hiba, H. N. (2019). Guarantees of the presumption of innocence in criminal legislation ((A study of the Algerian legislative reality in the light of the recent amendments to the Algerian Constitution and the Code of Criminal Procedure)). *Academic Journal of Nawroz University*, 8(4), 434-446.
3. Hussein Abdul Sahib Abdul Karim. (2018). Procedural attribution at the preliminary investigation stage. *Journal of Legal Sciences*, 33(1), 1-18.
4. Hanifa, Khawla Obaid Mubarak Ali, & Adel Khamis Al-Mahamari. supervisor. (2012)). *Problems of execution in criminal judgment: a comparative study* (Doctoral dissertation, Ajman University of Science and Technology).
5. Greenery, & eloquent. (2011)). *The general right of the international community to the International Criminal Court was a memorandum of requirements for obtaining a master's degree in international relations law* (Doctoral dissertation, University of Delpha).
6. Allstate, Saad. (2015). Prior recognition of crime as an alternative to criminal prosecution in the French Code of Criminal Procedure. *al-Manara ill-treat al-Aniyah war-al-Dariya*, 14(2493), 1-13.
7. Saleh Mahdi Kahit Al-Ardhi, & Abdul Rasool Abdulrahim Al-Asadi. (2016). Referral to the same dispute before a foreign court. *Ahl al-Bayt (AS) magazine*, 1(20), 174-200.

8. Working Group of the Center for Legal and Judicial Studies, Iraqi Penal Code, Al Ain for Publishing and Distribution, Baghdad, 2015.
9. French Code of Procedure for the Investigation of Crimes.
10. Egyptian Criminal Investigation Procedures Law No. 150 of 1950.
11. Iraqi Code of Criminal Investigation Procedure No. 23 of 1971.
12. French Criminal Code.
13. Iraqi Penal Code No. 111 of 1969.
14. Egyptian Penal Code No. 58 of 1937.
15. Chromatic, unique. (2017)). *Criminal and commercial rehabilitation system in Algerian, French and Egyptian legislation* (Doctoral dissertation, 0).
16. My love, & Mohammed. (2010)). *Exceptional circumstances and the protection of human rights under international human rights law* (Doctoral dissertation, University of Delpha).
17. Mohammed bin Ali Al-Haddad 2008, French Penal Code, Dar Al-Bashaer Al-Islamiyah, Beirut.
18. Mohamed Abdel Hamid 2016, Egyptian Penal Code, Dar Al-Maaref for Publishing and Distribution, Cairo.
19. Muhammad Adnan Ali Al-Zuber. (2022). *Achieving International Criminal Justice: A Study in the Scope of National Jurisdiction*. Arab Center for Research and Policy Studies.
20. Muhammad Nawaf Al-Fawara. (2014). *Legal Restrictions on Pre-Trial Detention: A Comparative Study*.
21. Makki, & Mohamed Abdel Hamid. (2021). *Criminal incidental issues in Egyptian law: a comparative study of French law*.