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Methods of management in achieving social security and monitoring it

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Abstract

Social Security is a social system guaranteed by legislation and is a right for all workers in various sectors who are covered by the laws of retirement and social security and who have secured services. Social Security is defined as “a system to ensure that individuals live at a reasonable minimum standard by securing employment for them, protecting their ability to work, compensating them for lost income in case of involuntary unemployment, and covering exceptional expenses arising from illness, injury, disability, or death, as well as family burden expenses.”

Social Security is also a legal system, meaning it is established by law issued by the legislative authority in the state. As such, it fundamentally involves defining the objectives of this system and its scope of application, both in terms of the beneficiaries and the risks covered by it.

Keywords: Social security, legal system, employment protection, income compensation

Introduction

The working class has significantly contributed to driving the industrial revolution and has played a major role in advancing the production and developmental processes in countries. Therefore, their rights must be considered and their future secured, enabling them to offer their best expertise to elevate the production process to its peak and achieve sustainable development. The working class has struggled to achieve self-sufficiency for workers and to preserve their dignity when they face circumstances that might prevent them from performing their duties and earning their livelihood due to workplace injuries, old age, which might force them to retire, or even death, leaving behind dependents with no breadwinner. This is where social security comes into play.

Social security is an economic tool sought by all countries, including Iraq, as the presence of social security in all societies is a testament to the progress of nations. It has been proven that prosperity begins with the working class.

Social security requires tools and means from the administration to achieve it in the best possible way. The administration plays a crucial role in achieving social security through regulations and instructions issued directly by the Ministry of Labor or through the Social Security Department. The administration needs tools and methods to achieve social security and ensure the smooth operation of its processes while guaranteeing the rights of workers in various sectors, whether private, public, or cooperative. To ensure that administrative tools are effective, a type of oversight, whether prior or subsequent, is necessary to guarantee the quality of administrative work.

First: The Importance of the Study

The significance of this study therefore rests on the fact that social security is an essential component in the lives of working people and particularly within the economic paradigm of this population. This group has been protected by the law and the protection has been further augmented by the various approaches adopted by the administration to deliver social security and improving on these approaches through supervision to ensure that the group is availing their rights to the maximum.

Second: The Problem Statement of the Study

The issue of the study therefore stems from the following questions, although the right to social security has been provided for in the law, its realization cannot be effected without administrative input. This paper aims to discuss the meaning of social security, the legal foundation of social security, the manners by which social security can be implemented,

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whether the administration has adequate measures in ensuring that social security is provided for the workers, and the ways through which administrative monitoring can enhance the performance of the administration.

Third: Research Hypothesis

The research hypothesis is established on the notion that workers have legal privileges or social security if a worker is non-functional for justifiable reasons or is dead. The administration endeavours to ensure these rights through the ways as provided for by the law.

Fourth: Methodology of the Study

We adopted a realistic analytical deductive methodology in our study, analyzing the current situation and finding effective solutions to the issues posed by the research topic, which can generate the necessary ideas to address these problems.

Fifth: Structure of the Study

In our study, we divided the topic into three sections:

1. The first section introduces the concept of social security.
2. The second section is dedicated to explaining the administrative means of achieving social security.
3. The third section discusses the administrative oversight of achieving social security.

The detailed outline is as follows

Chapter one: Definition of Social Security

Social Security is a social system guaranteed by law and is a right for all workers who are covered by the legislation of retirement and social security and who have secured services. We will address the definition of social security in two subsections. In the first subsection, we will define social security and outline its characteristics. In the second subsection, we will explore its legal basis as follows:

First Subsection: Definition and Characteristics of Social Security

To provide a clear understanding of the definition of social security, it is necessary to define it in linguistic, terminological, legislative, and judicial terms. Therefore, this subsection will address the definition of "Social Security" in language and terminology in two parts. The first part will be dedicated to defining "Social Security" in language and terminology, and the second part will discuss the characteristics of social security.

First Part: Definition of Social Security in Language and Terminology

First: Definition of Social Security in Language

In linguistic terms, social security means assurance. For example, to "guarantee" something or to be its "guarantor." In the Quranic verse, "And her guardian was Zakariya" (Quran 3:37), it means he became responsible for her, guaranteeing her care and security. Thus, linguistically, social security means social assurance, which entails guaranteeing support, sustenance, and social upbringing.

Second: Definition of Social Security in Terminology

The legislator did not provide a definition of social security, leaving the matter to jurisprudence. Social security is defined as: "A system to ensure that individuals live at a

reasonable minimum standard by securing employment for them, protecting their ability to work, compensating them for lost income in case of involuntary unemployment, and covering exceptional expenses arising from illness, injury, disability, or death, as well as family burden expenses."

- **Another definition states:** "Any compulsory insurance by the state aimed at providing material protection for the vulnerable classes of society.
- And in cases where they are exposed to risks they cannot bear, such as the risk of illness, work accidents and injuries, disability or premature death, unemployment, or reaching old age."
- **Social security is defined as:** "A system to ensure that individuals live at a reasonable minimum standard by securing employment for them, protecting their ability to work, compensating them for lost income in case of involuntary unemployment, and covering exceptional expenses arising from illness, injury, disability, or death, as well as family burden expenses."
- **Another definition states:** "Any compulsory insurance by the state aimed at providing material protection for the vulnerable classes of society in case they are exposed to risks they cannot bear, such as illness, work accidents, disability or premature death, unemployment, or reaching old age."

It can also be defined as a means of protection aimed at providing security and protection for individuals against risks or dangers they may face in their daily lives, which threaten their source of livelihood. These risks include work accidents, occupational diseases, disability, illness, death, and childbirth. Therefore, social security provides protection against all risks resulting from loss or reduction of income for individuals, or in other words, social security is related to economic security.

Second Part: Characteristics of Social Security

Based on the definitions above, we can outline several characteristics of social security as follows.

First: Social Security is based on Social Solidarity

It is a social security system built on the foundation of social solidarity against social risks that may affect individuals. The burden of social security is not necessarily borne by the beneficiaries but by those who are capable of contributing to it, especially since the groups needing social security are the least able to bear its costs. Therefore, social security primarily aims to achieve social justice among all members of society, making it a manifestation of social solidarity.

Second: Social Security is a Mandatory System

The social security system is mandatory, considering the nature of the role it plays by providing protection to individuals and groups whose protection is in the interest of society. This objective can only be achieved by making the system compulsory, requiring these groups to pay mandatory contributions.

Third: Social Security is a Legal System

Social security is a legal system, meaning it is established by a law issued by the legislative authority in the state. As such, it fundamentally involves defining the objectives of this system and its scope of application, both in terms of the beneficiaries and the risks covered by it.

Fourth: Social Security is Part of Public Order

The role of social security in achieving societal goals, such as ensuring justice and providing social security, makes its rules imperative and binding. Consequently, it becomes a cornerstone of the public order upon which society is built.

Second Subsection: The Legal Basis of Social Security

Recognizing rights in general, including the right to social security, has not been an easy matter. The struggle between different peoples and the ruling class lasted for a long time. This struggle led to the issuance of many declarations of these rights, in which the ruling authorities acknowledged them for individuals, including the right to social security. This right was not only of interest to one country but also extended to the international level, recognizing its importance. The focus on this right increased as a fundamental right at the end of the nineteenth century and the beginning of the twentieth century, especially after the industrial revolution. As a result, many countries started to focus on it both domestically and internationally. The basis of the right to social security lies in the consensus that countries voluntarily translated into international agreements, which included these provisions and confirmed this protection. Additionally, this right is protected by the constitution of each state individually.

Thus, we will divide the study of this subsection into two parts. The first part will address the legal basis of social security within the scope of international agreements between countries, and the second part will focus on the legal basis of this right within national laws.

First Part: The Legal Basis of Social Security in the Context of International Agreements

Respecting fundamental human rights, recognizing human dignity, and establishing better living conditions worldwide are foundational legal bases in international treaties for the right of workers to social security for a dignified life. Thus, we will address the most important treaties and agreements that have organized this right.

First: The Universal Declaration of Human Rights

The United Nations Charter is considered the first international document to record the developments in human rights, aiming to promote respect for human rights and freedoms for all people without discrimination based on color, sex, language, or religion, and it focuses on the dignity and capability of the individual. A few years after the issuance of the Charter, the United Nations General Assembly issued the Universal Declaration of Human Rights. Its preamble emphasized the great value of human dignity as a foundation for respecting all human rights. The declaration includes a set of international principles that call for respect for fundamental human rights, aiming to preserve the value, honor, and dignity of individuals without discrimination for any reason, surrounding these rights with certain guarantees and restrictions, and requiring the signatory states to respect these principles.

From those principles relevant to our study, Article 22 states: "Everyone, as a member of society, has the right to social security, and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his

personality." This text clearly guarantees the protection of the right to social security for all members of society, ensuring a dignified life for them and their families.

Paragraph 3 of Article 23 further states: "Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection." The Universal Declaration did not limit human rights to these texts concerning social security, but also affirmed in Article 25 that: "1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection."

Through the above text, the extent of protection enjoyed by individuals, particularly in terms of social security for themselves and their families, becomes evident. Thus, the Universal Declaration of Human Rights explicitly recognizes the guarantee of a dignified life, making it the first international law to do so, despite its primarily literary character.

Secondly, the Convention on the Rights of the Child

Since the adoption of the Universal Declaration of Human Rights, the United Nations has intensified efforts to strengthen the position, rights, and protection of children. In 1989, the General Assembly adopted the Convention on the Rights of the Child, which is one of the most widely ratified human rights treaties. The Convention enshrines a range of rights for children, including non-discrimination, the right to express their views, the right to a name and nationality, the right to life and dignity. Article 24 guarantees children the right to access the best possible health care, clean drinking water, nutritious food, and a safe and clean environment. Additionally, Article 26 reinforces social security for children by stipulating that governments should provide financial and other forms of support to assist children in poor families.

This Convention supports children's rights to social security within their families. However, it is widely understood that children's social security is provided through their families, meaning by improving the living conditions of families. This is the objective of social security.

Thirdly, the Social Security Convention

The International Convention concerning Social Security Standards was established in 1952, aiming to provide social security for all eligible groups. It includes provisions for health care, as Article 7 stipulates that each member state shall ensure benefits for protected persons requiring preventive or curative medical care. The Convention goes beyond medical care for the sick as a form of social security, extending to old-age pensions and benefits for occupational injuries. Part VI addresses cases of illness and loss of earning capacity, whether total or partial, resulting in loss of livelihood. This provision also applies to widows and children who have lost their family provider.

It's noteworthy that Iraq has not ratified this Convention, and among Arab countries, Jordan is the only one to have

ratified it in 2014.

Second Branch

The Legal Basis of Social Security in Iraqi Law

Iraqi legislation includes provisions aimed at ensuring a decent life for all members of society, with the constitution standing at the pinnacle of these protections. To elucidate the legal foundations underpinning the right to social security, it is essential to examine the Iraqi Constitution's stance on social security rights, as well as the Labor Law and the Law on Retirement and Social Security for Workers.

Firstly: Constitutional Basis of Social Security

The Constitution of the Republic of Iraq for the year 2005 guarantees human rights, including social security, as articulated in Article 30. The first paragraph states, "The State shall guarantee to the individual and the family—especially children and women—social and health security, the basic requirements for a decent living, and shall secure for them suitable income and appropriate housing." The legislator did not confine this level of protection but extended it to encompass others in the second paragraph of the same article, stating, "The State shall ensure social and health security for Iraqis in cases of old age, illness, incapacity to work, homelessness, orphanhood, or unemployment, and shall protect them from ignorance, fear, and poverty, providing them with housing and special programs for their rehabilitation and care, regulated by law." Additionally, Iraqi legislation ensures protection and care for another group, specifically mentioning the disabled and those with special needs. Thus, the Iraqi Constitution guarantees all Iraqis the right to a decent life and protects them from any deprivation of this right. Although this right is considered self-evident, the legislator emphasized its importance by enshrining it in the text of the Constitution.

Secondly: Retirement and Social Security Law

It is worth noting that this law brought about a radical change in Iraq's social security system. Enacted as Law No. 39 of 1971, shortly after the issuance of the annulled Iraqi Constitution of 1970, which explicitly stated the state's responsibility to ensure broader social security guarantees. This constitutional provision directly influenced this law, which defined contributions based on a fixed percentage relative to variable wages. This law differed from its predecessors by encompassing for the first time provisions for sickness, childbirth, and services. The fundamental basis of this law became the actual need for social protection, moving away from conditions based solely on contributions. Thus, entitlement to sickness benefits no longer depended on the number of contributions, and retirees were entitled to pensions based on their breadwinner's contributions.

It is evident from the above that this law comprehensively covers all members of society eligible for social security. It is noteworthy that these additions represent significant advancements beyond previous laws in this area, despite the law's age.

The Second Section

Administrative Measures in Achieving Social Security

The administration employs various means to achieve social security in Iraq. These means include decisions made by the competent authorities regarding social security, primarily handled by the Ministry of Labor and Social Affairs, which

oversees the Retirement and Social Security Department as one of its bodies. To outline the content of this section, we have divided it into two parts: the first part focusing on regulatory decisions and the second part on individual decisions.

The First Part

Administrative Decisions

Administrative decisions represent one of the most significant privileges granted to the administration to enable it to achieve public benefit and serve individuals in society. The administration has the authority to issue administrative decisions by its own discretion, imposing legal obligations on individuals without their consent. Therefore, decisions issued by the Ministry of Labor and Social Affairs and the Social Security Department, whether individual or regulatory, are among the principal means of administration in achieving social security. These decisions compel individuals and companies to comply with their legal implications. The administration, represented by the Ministry of Labor and the Social Security Department, issues regulatory decisions in the form of regulations and directives that are binding on everyone concerned. This will be discussed in the first section. Additionally, the administration may issue specific decisions concerning an individual or a defined group of individuals, known as individual decisions, which form the second branch of this topic.

The First Section

Regulatory Decisions, Regulations, and Instructions

Regulatory administrative decisions refer to those decisions that contain general abstract rules applicable to an unspecified number of cases or individuals. They are defined as "decisions that include binding general rules applied to an unspecified number of individuals, regardless of the number affected." They can also be defined as abstract and binding general rules set by the administration to regulate the legal conditions of an unspecified number of individuals.

Regulatory decisions transcend individual cases and apply broadly without being limited to specific persons, places, or times. Administrations resort to regulatory decisions due to legislative incapacity to specify and restrict what poses a threat to public order, and due to their flexibility in adaptation and modification to keep pace with occurring changes. It is firmly established that administrations issue regulatory decisions to enforce laws.

The Retirement and Social Security Department is the competent authority concerning retirement and social security for workers, formed under Article 25 of the Ministry of Labor and Social Affairs Law No. 29 of 1987. This department issued specific instructions, as stated in Article 1 of these instructions, asserting its responsibility for implementing retirement and social security laws for workers in the private, mixed, and cooperative sectors, ensuring their social security.

Therefore, the Retirement Department is responsible for implementing the Retirement and Social Security Law, with the authority to issue decisions and instructions to regulate the operations of this vital facility and ensure the application of social security law.

The administration has discretionary power regarding entitlements for certain retirement categories. According to

Article 65 of the Retirement and Social Security Law, the Minister, with the approval of the Board, may decide to grant a retirement pension to insured elderly workers in certain cases.

Among the instructions issued by the Social Security Institution in its session held on 30/11/2022 was the amendment of the savings balance withdrawal instructions. The institution indicated that this amendment aims to preserve the surplus reserves in the unemployment fund and achieve its primary objective of covering unemployment benefits during insured individuals' unemployment periods. The decision takes effect from 1/1/2023.

The second section

Management Means in Ensuring Retirement and Injuries

The administration employs a variety of means to ensure retirement and address injuries. In cases of injury, the administration sometimes resorts to injury insurance, particularly for injuries requiring treatment outside Iraq or cases involving retirement such as old age and death. To elaborate on this topic, we have divided it into two subsections. The first subsection focuses on explaining the administration's methods in obliging employers to ensure against injuries, while the second subsection outlines the administration's methods in ensuring retirement.

The Social Security Department disclosed that the number of active participants in the social security scheme reached 1,490,000. Additionally, the institution reported that the number of retirees reached 295,000 in 2022.

The first section

Management Means in Obligating Employers to Ensure Against Injury

The administration commits to ensuring against workplace injuries as mandated by law. Accordingly, the administration, represented by the Social Security Department, grants rights to the injured worker if the conditions specified by law for injury occurrence during work, or due to work-related reasons, or directly while commuting to or from work are met. These rights are proportionate to the severity of the injury and the resulting disability.

The injury doesn't necessarily have to be physical; it may also be an occupational disease, defined as one of the specified industrial diseases by law. Among the administration's methods in achieving social security is the commitment of the Social Security Department to care for and treat the injured worker from the moment of notification of the accident until full recovery or death.

Treatment includes clinical examinations at clinics or home visits when necessary, providing medications, consultations with specialists, hospitalization in hospitals or sanatoriums, as well as laboratory tests and surgeries. Rehabilitation services are also provided in case of disability. Thus, the law intends for treatment to be comprehensive and complete for the injury, hence there is no upper limit on treatment expenses.

In cases of severe workplace injuries where sufficient medical reasons for treatment and care are not available in Iraq, the Social Security Department may send the injured abroad at its own expense if recommended by the High Medical Committee.

The degree of disability resulting from the injury is

assessed. In the event of the worker's death, their dependents are entitled to a full injury retirement pension, which represents 80% of the deceased worker's average earnings in the last year of their employment. In cases of total disability, meaning 100% disability, which includes blindness, complete paralysis, or loss of limbs, for example, the same applies.

It is worth mentioning that the percentage of the worker's injury may decrease after treatment by the Social Security Department. In such cases, the law grants the department the right to request a medical re-examination to assess the degree of disability for the worker twice in the first year from the date of establishing their disability.

The second section

Administrative Measures in Retirement Assurance

The retirement law defines it as "the full or partial retirement pension paid by the department to the insured or their dependents after completion of their service, disability, or death, according to the provisions of this law."

Retirement assurance is among the prominent branches of the effective Social Security and Retirement Law No. (39) of 1971, encompassing provisions that cover various conditions of workers during their insured service, after it, and in cases of retirement. It also grants discretionary authority to the administration in cases not explicitly covered.

Retirement assurance covers all forms of retirement, including old-age retirement, service retirement, disability retirement, work-related injury retirement, and death retirement.

1. **Old-Age Retirement:** According to the law, men are presumed eligible at the age of sixty and women at fifty-five, with twenty years of insured service.
2. **Service Retirement:** In this case, the worker must have at least 30 years of insured service for men and 25 years for women, without age requirements.
3. **Survivor Retirement (Death Retirement):** The dependents of a worker are entitled if the worker passes away during the insured service period, with a confirmed registration at the Social Security Department and regular monthly contributions paid. The survivor pension secures the original retirement amount. Dependents include the spouse (if unable to work), unmarried sons under 17 years of age or students. In the second tier, parents (if the father is not working and the mother has no separate income) are entitled to 40% of the pension if they are together with the survivor.

Section Three

Administrative Oversight on Social Security Implementation

Administrative oversight is the supervision conducted by the administration, represented by the Social Security Department, which reviews its actions, potentially leading to the withdrawal, annulment, or modification of decisions. This review considers the rights of individuals resulting from these decisions. Such oversight is not limited to ensuring compliance of administrative actions with the law but also evaluates their alignment with the intended objectives pursued by the administration, making it both legitimate and appropriate.

To address the research topic, we have divided it into two

parts: the first part focuses on pre-emptive oversight conducted by the Social Security Department on its decisions, while the second part focuses on subsequent oversight.

The First Topic

Preventive Oversight by Administration

This control includes prospective controls that are focused on the future, attempting to prevent problems or deviations from standards from happening. It precedes its execution and is characterized by proactive and aggressive actions that make it possible for corrective measures to be instituted before the problem starts. The sort of scrutiny is intended to assess and review the managerial activities prior to executing them in order to prevent mistakes, founded on goodwill, verification principles, and past experience. This oversight is based on the notion of error prevention which is the attempt to foresee that an error will occur and prevent it from happening.

The affairs of occupational health and safety, as coordinated by the National Center for Occupational Health and Safety is carried out under the surveillance of the administration and is also a critical factor in creating an organizational safety culture with regard to occupational diseases and injuries. It is for this reason that Iraqi legislation has outlined the methods and approaches to this protection.

The primary task of protecting the lives of employees is carried out by both the Social Security Institution and the National Center for Occupational Health and Safety, striving for a no-risk workplace. They altogether ensure the implementation of the institution's plans and strategies safely and free from hazards especially where it concerns workplace incidences and occupational illnesses. They make sure compliance is followed through agencies that oversee the conduct of employees towards providing safety at workplace, lessening the burdens as well as the costs involved in non-adherence to health and safety measures. Such supervisory methods differ in principles and standards but share the goal of fulfilling the organization's objectives in the protection of its assets: personnel and the environment.

Thus, it is necessary to adopt administrative and technical measures, allowing to create suitable working conditions, which are decent, healthy, and safe. This includes eliminating potential sources and causes of accidents and diseases that could affect human resources during their duties, preventing any psychological or physical factors, and providing adequate protection to mitigate these risks and their negative effects on health and occupational safety in the workplace, or at least minimizing their impact.

Since the planning, organizing, and controlling processes fall within the preventive framework, administrative preventive decisions represent preemptive oversight aimed at achieving social security by preventing, minimizing, or mitigating potential risks and their impacts.

The Ministry of Labor and Social Affairs, through the National Center for Occupational Health and Safety, is responsible for developing a binding national policy to identify and assess workplace risks. The implementation of health and safety efforts requires continuous monitoring and oversight to ensure compliance with management instructions and their effective application. Oversight extends beyond mere monitoring to evaluating adherence to administrative decisions and directives.

The second requirement is post-administrative oversight. Administrative entities commit to reviewing their actions autonomously, either by revoking, amending, or replacing decisions, or by reviewing the chief administrative officer's subordinates' actions, who can annul or modify them based on their prescribed presidential authority.

This type of oversight occurs when the administration identifies the illegitimacy or inadequacy of its actions due to grievances raised by those affected by such actions. This scenario predominates in oversight procedures, where action is often taken only upon administrative grievances submitted by the aggrieved party.

Jurisprudence has provided several definitions of administrative grievances. Some define it as a legal means allowing an individual to issue an administrative decision in accordance with the law. Others define it as a request submitted by the concerned party to the administration to review an administrative decision claimed to be illegal.

These definitions highlight that grievances are not limited to challenging administrative decisions alone but encompass all actions undertaken by the administration. Therefore, the petitioner's application to the designated administration under specific conditions serves as an initiation of the administration's self-oversight, a concept supported by Dr. Ali Khatir Shantawi. This jurist defined administrative grievances as a legal mechanism for resolving administrative disputes by the administration itself, whether fully or partially accommodating the interests of the aggrieved party.

Moreover, within the scope of the subject matter, oversight manifests through inspection committees and the right to appeal administrative decisions and decisions of medical committees.

Firstly, Inspection Committees: One of the primary mechanisms of administrative oversight is the establishment of inspection committees within the Ministry of Labor. These committees are chaired by a ministry official with the title of labor inspector and include representatives from employers and workers. The committee may also involve a representative from the National Center for Occupational Health and Safety in projects and cases where necessary. Importantly, these committees are not formed spontaneously but rather in response to complaints filed by stakeholders or based on information received by the ministry regarding potential threats to workers or their health.

Therefore, these committees serve as a form of administrative control over institutional activities, whether in the private, public, or cooperative sectors. The administration forms these committees to ensure the safety of workers or even the institution itself, prompted by complaints or information received, to take urgent actions to mitigate severe risks that cannot be neglected. This includes potentially suspending work entirely or partially, or even vacating the workplace. Additionally, the committees prepare detailed reports for each case, outlining violations and recommendations for legal actions against non-compliant employers.

Secondly, Appeal against Administrative Decisions: This involves lodging appeals with administrative committees empowered to adjudicate certain forms of administrative grievances. Administrative appeals can be filed either jurisdictionally or presidentially, aiming to issue an

administrative decision favoring the appellant by withdrawing the initial decision or, at the very least, modifying it to align with the interests of the appellant.

The legislator has provided the opportunity to appeal administrative decisions issued by the Social Security Department. Article 88 states that "every decision issued by the General Manager is appealable within seven days of notification to the concerned party before the Board of Directors. The decision of the Board of Directors shall be final, whether issued by majority or unanimously, and whether by the Board or its permanent office, except where otherwise provided in this law."

It is noteworthy that the new Retirement and Social Security Law No. 18 of 2023 does not specify the procedure for appealing administrative decisions issued by the Retirement and Social Security Department, contrary to the repealed Law No. 39 of 1971. This, the researcher argues, constitutes a legislative deficiency that should be addressed in subsequent amendments to the law. Granting employees the right to appeal or lodge grievances against decisions allows the administration to review its decisions, thereby reducing the number of lawsuits brought before labor courts and easing the burden on the judiciary.

However, Article 102 stipulates that the Court of Justice is competent to adjudicate disputes arising from the application of this law and outlines the procedure for filing a lawsuit by the employee or their legal representative.

Therefore, this administrative oversight, which includes decisions by the General Manager, serves as significant assurance. In this case, oversight compels the administration to proceed cautiously before issuing any resolution.

Hence, it appears that lodging an appeal in this situation is mandatory, as stipulated by the legislator within seven days. Thus, this administrative appeal becomes an exception to the general rule, effectively making it obligatory. This aligns with cases where the law requires all interested parties to lodge a complaint with the administration before resorting to the judiciary, as stated in both Egyptian and Iraqi law. This demonstrates the clear intention of the legislator to provide the administration with an additional opportunity to review the case file, reconsider the legitimacy of its decision, and settle some administrative disputes amicably, away from litigation.

Thirdly: Appealing Decisions of Medical Committees:

The law allows the Social Security Department, the sick worker, or the employing entity to contest the validity of any medical certificate or request a review when necessary, according to instructions issued by the Board of Directors.

Challenging decisions of medical committees constitutes a control mechanism over their work, as the legislator has granted the right to challenge these decisions if they are made by a majority, meaning the majority of the committee's votes. The appeal is heard before the Supreme Medical Committee, thereby granting the right to challenge decisions to those who do not agree with the committee's decision. The final decisions of the committee are binding, whether they are made by majority or unanimously.

However, if the decision is unanimous, it cannot be challenged or objected to except by the General Manager alone before the Supreme Medical Committee. Therefore, stakeholders are deprived of the right to appeal decisions made unanimously by the medical committee.

It is worth noting here that Law No. 18 of 2023 on Retirement and Social Security for Workers did not address

how workers can object to decisions issued by medical committees or the validity of any certificate issued by them. This legislative gap should be addressed by the legislator in subsequent amendments to the law. Nevertheless, Law No. 18 mentioned in Article 102/first and second that the Labor Court has jurisdiction over disputes arising from the application of this law and the procedure for filing such lawsuits by the worker or their legal representative.

Conclusion

Upon concluding this study, it is essential to outline the key findings and most important recommendations as follows.

Firstly, Findings

1. The (Retirement and Social Security) system is a welfare system for all workers covered by Law No. 18 of 2023, providing rights to all workers who meet the guaranteed service conditions at work.
2. One of the primary means of administration in achieving social security is through regulatory administrative decisions, such as issuing regulations and rules that carry the force of law.
3. The competent administration for social security affairs resides within the Ministry of Labor and Social Affairs, including the Social Security Department, which is one of the ministry's subordinate institutions.
4. One of the administrative means to achieve social security is the formation of committees to monitor safety measures in operational institutions.
5. There are deficiencies in the Social Security Law concerning coverage, including coverage for unmarried daughters but not for divorced daughters, who often require social security coverage the most.
6. Administrative oversight involves receiving individual complaints at the Social Security Department and ensuring the safety of workers in operational institutions through rapid action via inspection committees monitoring workers' conditions.
7. The inability to appeal decisions of medical committees and administrative decisions by those who object to decisions issued by these committees is a legislative gap that the legislator should address in subsequent amendments to the law.
8. The executive authorities have not yet issued specific instructions to facilitate the implementation of this law.

Secondly, Recommendations

1. We recommend that the Iraqi legislator include coverage for divorced daughters in the social security system, considering that the reason for exclusion (marriage) no longer applies.
2. We recommend that all decisions of medical committees and administrative decisions be subject to review and mandatory appeal within a 30-day period.
3. It is recommended to establish permanent inspection committees whose role extends beyond workplace inspections to ensuring compliance across all institutions.
4. We recommend that the Iraqi legislator enable appeals against decisions of medical committees and administrative decisions for those who object to decisions issued by these committees, in the nearest amendment to the law.
5. We recommend that the executive authorities expedite

the issuance of specific instructions to facilitate the implementation of this law, as such instructions have not yet been issued.

(18) of 2023, effective.
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