



Analytical Study of the Principle of Functional Neutrality in Public Administration

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Received: 10th Aug 2026

Accepted: 08th Sep 2026

Published: 20th Oct 2026

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Abstract

This study analyzes the principle of functional neutrality in public administration, with particular attention to its conceptual foundations, legal basis, practical applications, and implementation challenges in Iraq. Using a descriptive-analytical method, the study reviews legal provisions, administrative-law scholarship, public-service rules, and institutional oversight mechanisms relevant to impartiality, equality, merit, integrity, and the protection of the public interest. The analysis shows that functional neutrality operates as both an ethical and legal-administrative obligation requiring public employees to perform official duties objectively and without partisan, sectarian, personal, or other improper influence. The findings further indicate that Iraqi law supports neutrality through constitutional guarantees of equality and equal opportunity, civil-service and disciplinary rules, judicial review, and integrity and audit institutions, although the framework remains dispersed across multiple legal instruments. Political interference, patronage, corruption, overlapping oversight mandates, and limited employee awareness remain major barriers. The study concludes that stronger legal clarification, merit-based personnel systems, independent oversight, transparent procedures, training, and administrative digitalization are necessary to consolidate functional neutrality and strengthen public confidence in public administration.

Keywords Functional neutrality; public administration; administrative impartiality; civil service; Iraq

Introduction

Public administration makes a very big difference for the effectiveness of government bodies and public organizations as a whole. It aids in managing resources and decisions for meeting the objectives of both government and society as a whole. One very important topic in public administration is functional neutrality, which refers to undertaking duties as public servants without influencing each other and without letting politics and personal sentiments interfere with their work as public employees. It is very essential for public services to reach citizens in a fair and optimal manner based on these aspects. It becomes highly relevant in modern days due to various

challenges faced by public administration, including government and societal pressures for increased effectiveness and transparency as well as demands for more clarity and challenges in implementing it effectively in practical situations.

Significance of the Study

Understanding Public Administration: The purpose of this study is to clarify what functional neutrality is and why it is important to public administration.

Offering Valuable Advice: The research paper may offer valuable advice on how public organizations can ensure that they are impartial and just while conducting their activities.

Assistance for Decision-Making: Through an investigation of the potential for the application of functional neutrality, the study will be able to improve decision-making in the administration and guarantee equality for employees.

Enhancing Public Administration: Through understanding what has been effective and not effective concerning the application of the principle, the research can propose improvements.

Objectives of the Study

This research seeks to:

- Delve into the concept and significance of functional neutrality in public administration.
- Analyze the impact of functional neutrality on the efficiency and impartiality of public institutions.
- Be aware of the challenges and obstacles that might hamper the implementation of this tenet.
- What are some ways to apply functional neutrality effectively within public administration?

Research Question

Functional neutrality remains one of the most important concepts in ensuring that public administration is fair and functions well. However, the practical implementation of this concept encounters numerous challenges, such as political pressure, beliefs, and even lack of awareness regarding the statutes governing public service. The following research topic points to an essential question: To what extent is functional neutrality implemented in public administration; what are the challenges, and how can these be enhanced?

Conceptual and Legal Framework of Functional Neutrality

The fundamental purpose of the state, both as a structure and as an entity, is to serve the citizen, meet their public needs, and achieve their goals and interests. This is accomplished through the activities carried out by the authorities, particularly the executive branch, represented by the administration. Accordingly, the scope of state intervention varies in nature and intensity, especially in the realm of public service.[1]

Public service is considered a duty for those who hold it before it is a right, and the purpose of performing this role is to manage state facilities, serve citizens, and meet individual needs in accordance with applicable laws and regulations. A public employee is a person working in the public administration who may express their opinions in all areas, based on constitutionally guaranteed principles in all countries. Consequently, an employee has the right to express their views freely, to follow the religion, sect, ideology, or direction they deem correct, and even to express political opinions that may not align with the general policy of the government they serve or its political programs.

However, the exercise of this right by an employee must not compromise the function of their position, either directly or indirectly, so as not to affect the proper performance of duties or the smooth operation of public services.

Thus, an employee is required to perform their duties and tasks within the scope of what public service demands. Failure to do so could open the door to the disruption of state institutions and agencies, lead to discrimination between citizens and employees, favor one group over another, and result in corruption, favoritism, and unethical practices. For this reason, most public service systems impose duties and obligations on employees while clarifying their rights and linking them to the principle of neutrality and its connection to the impartiality of public administration.[2]

The Conceptual Framework of Functional Neutrality

The duty of functional neutrality is one of the essential and necessary obligations in public service, as the employee is ultimately a human being with inclinations, desires, and preferences in all areas of life, which inevitably influence their opinions and behaviors. Clarifying the concept of functional neutrality protects the employee from the negative consequences that may arise from failing to observe it both within and outside public service. Neutrality is a duty that regulates the behavior of public employees and guides their material and legal actions toward social justice and the national interest, free from the influence of personal beliefs and convictions. It also protects public service from the adverse effects of discrimination among beneficiaries.[3]

Functional neutrality is one of the most important principles regulating these aspects, which may expand or contract depending on the state's adopted philosophy. Neutrality drives the performance of official duties with objectivity, professionalism, and transparency, fostering a high sense of responsibility while avoiding favoritism, emotional reactions, and psychological stress, and ensuring respect for both superiors and subordinates. It requires refraining from discriminating among service recipients based on personal affiliations, preferences, or emotions such as love, hatred, anger, or satisfaction, in line with the constitutionally established principle of equality that governs public service work and mandates the provision of services to all eligible beneficiaries under the same legal conditions.

Neutrality is further reinforced by fostering national loyalty and adherence to another professional duty: the duty of loyalty to the office. Loyalty to the public interest often conflicts with multiple interests, including the personal interest of the employee, or that of their political party, sect, nationality, or region. Externally, conflicts may arise with the interests of foreign states, international organizations, or companies. This makes the duty especially crucial for employees in diplomatic and consular services.

Observing functional neutrality ensures social justice and equality in the sharing of public burdens. Such justice can only be achieved through the fair distribution of public services, ensuring that their benefits are not limited to a single individual, class, or region at the expense of others. [4].

The Definition of Functional Neutrality: Linguistic and Technical Perspectives

The concept of neutrality applies to almost all branches of law, public facilities, and administrative functions. However, the legislator has not defined it explicitly, neither in Iraq nor in other countries. Therefore, we will attempt to define it both linguistically and technically as follows:

First – The Linguistic Definition of Functional Neutrality

The term "functional neutrality," composed of two words, does not appear as such in Arabic, French, or English, although the word "neutrality" and its derivatives exist in all these languages.

Therefore, we will examine the two terms separately.

Regarding the term "neutrality," it has various meanings in the Arabic language, as documented in different dictionaries and lexicons. Abu al-Nasr Ismail al-Jawhari defined neutrality in terms of inclination, stating that "to deviate from something" (ḥād 'an al-shay') means "to incline away from it." [5] The Al-Ma'ani Al-Jami' Dictionary defines neutrality as not leaning toward any party in a dispute, stating that a person who remains neutral does not side with either party. To "neutralize" something means to refrain from engaging in the conflict, and to "neutralize" an issue means to avoid it without intervening.

Meanwhile, the Contemporary Arabic Language Dictionary defines neutrality as both inclination and abstention. A neutral person is one who does not belong to any political party. The verb "ḥād" in Arabic can mean to oppose an opinion (ḥād 'an al-ra'y) or to avoid or flee from something (ḥād 'an al-shay'), as reflected in the Quranic verse:

"Then came the stupor of death with the truth; that is what you used to avoid." [6] The Arabic Lexicon states that adhering to neutrality means refusing to take a specific position. Meanwhile, the Al-Muheet Dictionary defines a neutral person in a way similar to the meaning of the word "objective," referring to someone who is not influenced by personal feelings or emotions. [7]

In the French language, the term Neutre means "neutral," while Neutralité refers to "neutrality." Its origin traces back to the Latin term Neutralise, as French is one of the languages derived from Latin. [8] Here, it means not leaning toward or favoring any particular party or position; that is, it reflects the intention to abstain from bias and the desire for impartiality and objectivity. In English, the term carries almost the same meaning as in French: Neutrality refers to neutrality, and Neutral describes a person who does not support or belong to any party in a war, dispute, or similar context.

As for the term "functional", it is derived from the noun "function", which originates from the verb wazzafa (to assign or employ), carrying multiple meanings, including the assignment of work. The term employment refers to operating or utilizing. In the context of our study, we mean public service, which includes permanent staff employees across all authorities and public facilities in the state and others. Public service has different conceptualizations: the American concept does not distinguish it from work in the private sector, whereas the European concept regards it as a stable public service with a special system that provides guarantees and privileges in exchange for performing duties and avoiding prohibited actions.

Second – The Technical Definition of Functional Neutrality

Neither the legislator nor the administrative judiciary has taken on the task of defining the duty of functional neutrality or specifying its concept, as this is not part of the legislator's core role of enacting laws. Meanwhile, the administrative judiciary relies on the provisions established by the legislator when issuing its rulings and judgments. Therefore, it has fallen upon legal scholars to undertake this task. Numerous attempts have been made in this regard, as defining the term "neutrality" is not straightforward; it varies according to the philosophy of the state and the differences in its public institutions. Consequently, various definitions have emerged, which we will examine as follows:

1. Some scholars have defined it similarly to the well-known duty of discretion, stating that it is "the obligation of public employees to refrain from publicly expressing their opinions in a

manner that could stir public sentiment and affect the prestige and respect due to the public office." [9].

The emphasis here is on the public aspect of freedom of expression and the protection of the administration's reputation, although neutrality may also relate to the performance of official duties, the application of laws, and the protection of employees from injustice and arbitrariness.

2. Other scholars have defined it as "not leaning toward any party or faction, and maintaining objectivity in the performance of duties and tasks within the scope of what public service requires, based on principles and opinions grounded in objective reasoning that does not change according to personal inclinations. This must be done without turning the administration into a partisan entity, which could lead to discrimination among service recipients or employees based on political loyalty or affiliation, and the emergence of corruption and favoritism." [10].

3. Another group of scholars has defined it as the performance of public service and cooperation with the incumbent government, whereby the employee implements the policies and directives of the ruling party without being influenced in their loyalty, even if they are politically opposed. [11]

These last two definitions focus on only one aspect of neutrality, namely the political aspect, while neglecting its other dimensions.

4-Meanwhile, other scholars have defined it as "the employee performing their duties with impartiality and objectivity, free from personal whims, and without political, philosophical, or religious bias, while refraining from publicly expressing or promoting their personal opinions or exploiting the public position for personal gain." [12].

This definition, however, neglects the impact of the duty of neutrality on the rights and freedoms of both employees and service recipients. French scholar Jacques Robert notes that the protection of rights and freedoms can only be guaranteed if public institutions remain neutral.

In light of all that has been discussed, we can conclude that the duty of functional neutrality entails performing official duties and responsibilities with impartiality and objectivity, treating service recipients and employees equally and fairly, without discrimination based on affiliations or differences. It requires always pursuing the public interest while refraining from exploiting the public position to restrict rights and freedoms, seek personal gain, or promote any particular idea or agenda. Public service, which is the subject of neutrality, has an objective meaning represented by the functions and activities carried out by employees, regardless of who occupies the position.[11].

It also has a formal concept, represented by the profession itself, which is governed by a special legal system that distinguishes it from other professions. It is characterized by permanence and continuity, where individuals dedicate themselves to it in exchange for certain guarantees and privileges, as seen in Europe and the Arab world.

Neutrality can be divided into two types. The first is positive neutrality, which entails performing duties with impartiality and objectivity according to the law, without bias toward personal, political, ideological, regional, or ethnic considerations. This is reflected in treating employees and service recipients equally and fairly, serving all without discriminatory or preferential treatment.

The second type is negative neutrality, which involves refraining from supporting any party at the expense of the public interest or another party, and resisting personal interests and

inclinations that conflict with the public good. This is manifested by abstaining from exploiting the public position for personal gain, such as accepting bribes, commissions, gifts, or loans, and avoiding favoritism or bias toward some individuals or against others.[13].

The Origins of the Concept of Public Employee Neutrality and Its Characteristics

This idea also emerged In the United States following the enactment of the Hatch Act on August 22, 1939, as amended on July 19, 1940. The Act, in principle, affirmed the political neutrality of the majority of federal employees. This neutrality does not prevent an employee from belonging to a specific political party, attending Its meetings, voting, or signing protest petitions. However, the duty of political neutrality requires that the employee not actively participate In the campaigns of the party to whichh they belong or engage In fundraising on Its behalf[14].

As for Iraq, the position of the Iraqi administrative judiciary, according to the sources consulted, confirms that there is no judicial ruling indicating the emergence of the duty of neutrality within administrative courts. This can be attributed to the absence of this duty in Iraqi employment legislation. However, the lack of explicit reference to this duty in employment laws and judicial practices does not necessarily mean that employees in Iraq are not bound by its principles. All state employees are required, based on general principles, to refrain from anything that could undermine the duties of their office. Furthermore, this duty can be implicitly inferred from certain provisions of the State and Public Sector Employees Discipline Law No. 14 of 1991, as amended.[14].

General Characteristics of the Duty of Neutrality

The duty of neutrality is characterized by flexibility, as it is a general obligation imposed on all employees, regardless of the type of public service in which they work. It varies according to the employee's position in the administrative hierarchy, the nature of the tasks they perform, and the type of office they hold. It is also a continuous duty that governs employees' behavior throughout their service, both inside and outside the institution. Moreover, it can extend to include the conduct of candidates seeking to enter the public service. To better understand these characteristics, they are discussed as follows:

1. Strengthening the Obligation to Neutrality

Some employees are subject to stricter adherence to the duty of neutrality due to the sensitivity of their positions and the functions they perform. For example, high-ranking officials and judges are particularly required to observe this duty. The level of compliance with the duty of neutrality varies according to the employee's official rank and their place in the administrative hierarchy [15]. While the duty of neutrality is imposed on every employee, the degree of adherence to it should be proportional to the level of responsibilities assigned to them. The obligation to observe this duty increases as the employee rises in the administrative hierarchy [10] . The Iraqi State and Public Sector Employees Discipline Law No. 14 of 1991, as amended, serves as the legal basis for obligating high-ranking officials to observe the duty of neutrality. It imposes a set of positive and negative duties that they must either fulfill or refrain from violating. However, the constitutional legislator has provided an exception to the general rule by imposing a specific duty on high-ranking officials and reinforcing their obligation to neutrality. Article 127 of the 2005 Constitution stipulates that the President of the Republic, the Prime Minister and members of the Council of Ministers, the Speaker and members of the Council of Representatives and their deputies, members of the judiciary, and holders of special ranks shall not exploit their influence to purchase or lease any state property, nor shall they enter into contracts with the state in the capacity

of obligors, suppliers, or contractors[16].

2. Judges and Adherence to Neutrality

The constitutional legislator has emphasized the neutrality, objectivity, and professionalism of the judiciary, aiming to shield it from anything that could compromise its integrity or even give rise to suspicion, given the importance of judicial work. The current Iraqi Constitution stipulates that judges and public prosecutors are prohibited from: secondly, belonging to any political party or organization, or engaging in any political activity. However, this obligation was not specified in the Judicial Organization Law No. 160 of 1979, as amended[17].

The Legal and Constitutional Basis of the Principle of Functional Neutrality

Neutrality for functional purposes is a significant concept that has shaped the way the current government is running. In the Iraqi context, this concept is crucial since the 國 has made laws to ensure the government is neutral, thereby discouraging the use of the government for the gain of a particular political group. This implies that all the services offered should have the goal of serving the entire population, not particular individuals. Therefore, the workers will have to execute their duties in a fair, clear, and honest manner without considering politics, religion, or personnel.()

The topic of functional neutrality plays a major role in the way the government functions today. In Iraq, the term plays a very important role as it enables the legislation of a set of rules that maintain the neutrality of the government and ensure that no political group benefits from the government. This implies that all services delivered by the government have to benefit all people and cannot only target certain people or groups. Government employees have to carry out their services equally and without bias.

According to article 16, all Iraqis are granted equality in terms of opportunity. This means discrimination in recruitment or promotion on grounds not related to job qualifications is a violation of this article. The Iraq Constitution promotes equality and provides all people with an equal chance in life.

The neutrality in functionality is also an important aspect of the laws that relate to the civil service and the issue of employees in the state of Iraq. The laws mandate the employees to work for the benefit of the public and not to utilize their work for the benefit of their personal and political interests. For example, the State and Public Sector Employees Discipline Law Number 14 of 1991 makes it clear that the employees should work according to the principles of integrity and maintain the honesty of the office they hold.

“Functional neutrality” in the Iraqi law indicates the manner in which the government treats public issues. Given the diverse number of religions, races, and ideologies existing within the boundaries of the Iraqi nation, it is significant to maintain a fair recruitment process that does not favor one sector over others and recruits the most qualified personnel. Lack of a fair recruitment process may cause the government to favor one sector over others, thereby causing discrimination and decreased efficiency within the provision of public services.”

This is why Article 20 of the constitution enshrines the right to participate in public affairs. This does not only entail voting during elections but also includes proper administration of public affairs, which cannot be achieved without an impartial administration.

. [18]

Constitutional and Legislative Provisions Governing the Principle of Neutrality

Functional neutrality is a key term in public service in the Iraqi legal system. Although it isn't directly defined in the 2005 Iraqi Constitution, it has a general concept that can't be achieved if no one is left to be neutral in this process. According to Article 14, it is necessary to treat everyone with equality in respect to law. It involves not only having rights, such as liberty, suffrage, and freedom, but also having an equal chance to be employed in any level of the government. No discrimination is allowed if it involves politics, native beliefs, or opinions, since it violates equality.. [19]

Article 16 raises that all Iraqi citizens are entitled to equality of opportunity, and public service is one of the important tools for ensuring equality, hence any appointment or promotion in the service based on political or tribal affiliation is a violation of this right. Article 20 gives the right to citizens to participate in public matters, which should not be confined to voting and entering political parties; another interpretation of this article is the neutrality of the administration. In case of the latter's non-neutrality, it would not be possible for every citizen to have equal opportunity in influencing or benefiting from public services.()

Article 22, the second clause of the Constitution says that the government guarantees protection for workers in their rights and assists them in their struggle to increase labor income and welfare among themselves and their families a livelihood. This portion of the Constitution underlines the fact that public services are meant to help people live with dignity, rather than causing a political problem. Thus, they are expected to be just and without bias.

Further, the pieces on independent institutions, such as Integrity Commission and Independent High Electoral Commission, indicate the significance of maintaining an unbiased administration. Since these institutions are formed to ensure integrity and transparency, along with keeping any political elements to a minimum, it has become essential for these institutions to remain unbiased....[20].

Iraqi laws are designed to support the basic rules of governance. The Civil Service Law No. 24 of 1960, along with its updates, sets clear rules for hiring and promoting people in government jobs, making sure these decisions are based on skills and qualifications. This means that political or religious beliefs should not influence these processes.

This statute explains the rights and responsibilities of public workers, as well as the various offenses, along with the punishments for them. The one significant responsibility stated under this statute is the need for workers to uphold the highest standards of ethical conduct in their service to the government, refrain from engaging in activities which might adversely affect the integrity or reputation of the service, or derive personal or political advantage. The statute provides various punishments, from warnings to dismissal, for those who violate these norms.

The rules in this legislation show how the concept of impartiality operates in the real world. These rules use general concepts based on the constitution and make them specific duties that come with consequences in case one violates them. This makes the matter a legal one and thus an obligation and not merely an ethical one. This legislation on corruption, including the Integrity Commission and the Illicit Gains Act, aims at ensuring integrity and transparency in the running of the government. This is made possible by ensuring that public servants do not face political or personal interference.

Regarding Iraq, the policy of functional neutrality has a basis in a legal framework of rules, both the constitution and laws. The constitution outlines the general notions of equality, equality

of opportunity, and the principle of nondiscrimination. The laws are more precise in addressing the application of functional neutrality in the civil service code of conducts, code of discipline, as well as anti-corruption laws, with a requirement of the civil service to always be functional and neutral, as a violation of the law attracts a punishment. The application of the policy of functional neutrality in Iraq, therefore, indicates the policy's significance, as it maintains the civil service in the country as free from political interference as possible....[21].

The Role of Administrative Judiciary and Its Impact on Consolidating Impartiality

The Administrative Judiciary is a special court system that monitors the efficiency of public administration and safeguards individuals from improper practices of the government. Its establishment was necessary as legislators realized that there is a need for a conflict resolution system between the government and the public that is different from the slow and general procedure in the regular civil court system. The Administrative Judiciary System began with the State Shura Council Law No. (65) of 1979, which kept on being modified from time to time to establish specific rules for such administrative courts. However, the most important development took place in 2013 with the introduction of the Fifth Amendment Law No. 17, which enhanced the administration of such courts, along with the establishment of a Higher Administrative Court to oversee appeals over court authority. [22]

" The administrative judiciary system is grounded in laws requiring that government actions are governed by those laws and that those who are suffering are provided access to an impartial court where they can seek relief. The Constitution of Iraq promotes judicial autonomy and secures to all individuals, regardless of allegations, access to justice, either through ordinary courts and administrative tribunals. This will ensure that all individuals are dealt with fairly and that these administrative courts work in favor of the nation and not just the administration. Additionally, to address matters that may arise between individuals and the government, an especial court system has been adopted. This ensures that matters get considered either according to some laws and not those ordinary laws. There are two important benefits associated with this court system's special nature. This will, therefore, bring about settlement and lack of unfairness when dealing with matters arising from administrative actions. Through judicial autonomy, administrative actions will thereby be challenged, and individuals will get compensated and revert to their previous state. This will lead to government officials pondering and considering all matters when being unfair. They know their deeds are reviewable by a judge familiarized with administrative law. The second impact is associated with the establishment of objective judicial standards, which develop a common judicial language used to assess the administration's behavior. The judicial language developed eliminates personal and political discretion, as the judicial evaluation in administrative courts is based on professional standards and firm judicial interpretative guidelines provided by specialized judicial precedents. It is thus more probable that judgments become depoliticized and objective.

The effects of these functions and powers on the protection of rights, as well as the enforceability of the legality of administrative actions, have extensively been recorded in the literature of legal research, which confirms that the administrative judiciary has had, and continues to have, the role of a guardian of the rights of individuals against the administration in Iraq. However, the reality of its implementation confirms that the guarantor of its impartiality is not automatically ensured merely by the existence of the administrative courts. These obstacles

manifest in overlapping or fragmented jurisdiction among different judicial bodies, the weak institutional infrastructure of administrative courts across all geographic levels, issues concerning judicial appointment structures and practical guarantees of judges' independence, as well as political and economic pressures that may influence litigation processes.

Studies and analyses addressing the Iraqi judicial system after 2003 clearly indicate that transformations within the judicial authority have at times produced centralization or pressures that may hinder practical impartiality. Thus, the impact of administrative judiciary in consolidating impartiality remains contingent upon the strength of constitutional, legislative, and institutional safeguards that support its functioning[23].

To maximize the impact of administrative judiciary in achieving impartiality, the existence of institutions and laws must be accompanied by effective safeguards: mechanisms for the selection, appointment, and training of independent and specialized judges; a clear separation between advisory and judicial functions within relevant institutions so that advisory bodies do not simultaneously act as litigants or judges; transparent and efficient judicial procedures that balance the administration's interest in ensuring the smooth operation of public services with the individual's right to redress; and the geographical and technological expansion of administrative courts to guarantee access to justice. Also, keeping records, publishing, and standardizing court decisions helps judges make fair, clear, and reviewable choices. This change is often mentioned in Iraqi legal writings as essential for maintaining fairness in the administrative court system. [24].

Methods

This study adopts a method that describes and analyzes information. It gathers data from books, research articles, and relevant laws. The research is expected to analyze the legal and administrative concepts concerning functional neutrality and try to make conclusions and provide practical suggestions for improving the function of functional neutrality. The analysis is organized around the conceptual meaning of neutrality, its constitutional and legislative foundations, administrative and judicial safeguards, practical manifestations in the civil service, and the principal challenges affecting implementation. The reviewed materials are interpreted comparatively and analytically to identify recurring legal-administrative principles and practical implications for public administration.

Results and Discussions

Functional impartiality in public administration is a major tenet that helps maintain the stability and unity of the state. It ensures that public service providers undertake their duties irrespective of political influence or political parties and personal empathy. A well-performing public servant is one who adheres to the rules and regulations of the land and is impartial in his treatment of all people, nor does he side with his friends or in favour of those in power. This is what keeps public administration in a well-functioning and impartial condition even in the case of a change in government or administration.

Being fair and non-biased has numerous positive implications. For instance, while hiring new staff, it should be the goal to select the most qualified personnel based on their skills, through

fair and transparent procedures. In the realms of implementing policies or delivering services, employees should deal with everyone equally, without conferring any special favors on any individual or exploiting their authority for selfish advantages... [25].

Impartiality involves being fair and not leaning to one side when it comes to matters of government contracts and procurement. It ensures all individuals are treated equally and that everything is done in an open and fair manner, without prejudice. This is one of the most crucial aspects when there is an election or when providing advice to political leaders. Here, it is crucial for all officials to remain impartial for all aspects to remain fair.

However, applying this principle is not easy. One of the challenges is when politicians get involved in employment opportunities, attempting to ensure that their supporters are the ones given employment, and this might make it less effective. There is also the challenge of ensuring that the employee speaks freely as a member of the public and, at the same time, maintains objectivity in his workplace. In addition, in cases where there is a lack of supervision and promotion from management, the existing policies may fail to work properly. In such places, employees sometimes become less fair as a result of working environments... [26].

Applications of Functional Impartiality in Administrative Practice

Functional impartiality is a key element in providing excellent public services. Public officials should serve people in a neutral and impartial way, without being influenced by their personal feelings and opinions or political and external pressures. The policy of functional impartiality ensures a smooth functioning of public services. Public officials must give more importance to people's needs rather than their own. Public officials must not be involved in politics to ensure public services remain efficient and consistent.

The constitutions, as well as national laws, ensure that there is equity in any government. The law that regulates service, such as the Civil Service Law, contains the necessary elements that ensure equity in this aspect, such as equity, merit, and security.

Judicial oversight helps to ensure equality. The legal system examines actions taken by the government to ensure that these actions are constitutional and adhere to other ideals such as equality and justice. Judicial oversight helps to ensure that these actions are fair and legal... [27]

Manifestations of Functional Impartiality in the Civil Service

"Functional impartiality in Iraqi civil service: not just a word or a phrase, but an agreement of working effectively and honestly. It means that public servants are supposed to be concerned with the service of the community and not allow political or personal influences to interfere. Legally, it is manifested through fairness and merit; people deserve to be employed in accordance with their capabilities, not because they know someone. This is usually accomplished by open competitions to choose the best candidates for public employment, restriction of political influence in hiring, and providing services equitably without bias.

Fair treatment is not only warranted in the cases of recruitment but also while being on job. The 2006 State and Public Sector Employees' Guide ensures equal treatment to all, by motivating employees to perform their duties without being biased on grounds of religion, ethnicity, or politics. It also ensures privacy of information, not accepting any gifts from anyone that might affect their integrity, and declaration of personal interest on the commencement or during employment. Furthermore, the Integrity Law demands employees to report any corruption or undue use of authority and become liable to prosecution for not doing so.

The present government can learn fairness from the Federal Public Service Council formed under Law No. (4), which deals with this matter in 2009. The council's fairness is ensured while selecting and promoting staff according to certain professional criteria while maintaining their financial and administrative independence. Therefore, fairness becomes a major aspect of an organizational policy rather than a personal trait.

It is important to note that in the diversified Iraqi political setting, the neutrality of the Iraqi government should be maintained and should not be linked to or controlled by political parties. For such reasons, the Iraqi government stated that civil servants are not allowed to get involved in politics during work hours, but they are permitted to do so outside work hours. Doing so will help the Iraqi government provide equal and good services to the entire Iraqi citizenry. Iraqi lawmakers clarified that it is important for government employees to provide assistance to the citizens and treat them equally without inquiring about their beliefs and ideas on politics.. [28].

There are proposals regarding more fairness in public services. This involves ensuring a stronger political party system where competition remains only in parliament and city councils, increasing power to parliament to monitor activities, and ensuring that working in public services does not create a conflict with leadership position membership in a political party.

Below are a few ways to ensure fairness in the Iraqi civil service:

- Recruit persons on the basis of their skills, not connections or loyalty.
- They must follow strict guidelines to avoid discrimination and nepotism.
- Report corruption in a transparent manner.
- Use independent recruitment groups such as the Federal Public Service Council.
- National duties and politics have to be kept separate while doing national work.
- "Change party rules and parliamentary procedure to facilitate the emergence of genuinely non-partisan institutions."

The Role of Oversight Bodies In Ensuring Compliance with Impartiality

"Functional impartiality" means that public workers must do their jobs without letting personal or political interests affect their work, focusing only on what is best for the public. In Iraq, studies show that there is a general belief that the current laws do not clearly explain this responsibility. Instead, related rules are found in different laws that cover various aspects of being impartial, like limits on political activities and behavior guidelines, rather than being presented as one clear legal rule.

The legal system includes several important laws: the Civil Service Law, which outlines how to hire and promote civil servants based on their skills and experience; laws that deal with discipline and penalties for workers who break the rules; specific laws to fight corruption and require officials to disclose their assets; and laws that set up independent groups to investigate and oversee these issues. [29].

In Iraq, the Civil Service Law (Law No. 24 of 1960 and its updates) is important for managing how employees interact with the government. It establishes rules regarding recruitment, promotion, and job functions. The State Employees' Discipline Law also states rules regarding holding employees accountable as well as the possible sanctions they can face. Various parties cooperate with each other with regard to ensuring justice. Integrity Commission is one of the most important parties. It is an independent body that combats corruption. It investigates cases of corruption, prevents them from happening, addresses public complaints regarding corruption,

carries out public education campaigns against corruption, and makes sure people disclose any assets they might need. It is independent. As such, it can verify any kind of injustice. It can specifically verify any injustice encompassed in corruption or abuse of power. Its website and activities illustrate how it investigates, prevents problems, enlightens people, and addresses public complaints....[30].

In 2003, to check the loyalty of the workers, there was the formation of a group called the National Accountability and Justice Commission. This commission went through the records of employees in order to decide who needed to be retained or discharged by following certain rules. It sought to introduce fairness by dismissing individuals loyal to the old regime and returning others on the basis of legal norms. In the way these rules were implemented, many arguments arose; the workers questioned if it had been a fair process. Scholars do study problems and rules of such "purification" processes and their influence on the government's effective functionality... [31].

The Federal Board of Supreme Audit scrutinizes the financial statements, oversees the use of federal funds, and identifies any misuse of those funds. This body is significant for ensuring that it is not using the money for political use. It works independently, ensuring that the government is being just. Reports indicate how the board oversees the use of funds, ensuring rules and regulations are followed.

Oversight institutions use various techniques to promote equality. They control appointments according to skills through job regulations, shortlists, and tests and interviews. They also regulate professional conduct, conduct political activities for prohibition in institutions, and the misuse of government resources. Members are required to submit their personal interests, income, and business activities. This is accompanied by periodic financial audits, with others in cases where there is a possibility of misconduct. Citizens can lodge complaints. Each of the ministries has internal inspection offices, such as the offices of the Inspector General, with disciplinary committees to punish offenders, which can be appealed to the courts. Where there is criminal conduct, the offenses are referred to the courts. The above guidelines are provided by administrative regulations or independent institutions... [32].

Applying fair ideas from theory to reality has several large challenges. The various monitoring bodies may overlap in their duties, resulting in confusion, competition, and unproductive collaboration. Such bodies may look autonomously functioning, but in the case of a lack of funds or personnel, or if they are politicized or power-localized, they are not in a position to carry out their duties. It becomes challenging to uphold professional standards through political networks and personal loyalties.

Furthermore, policies concerning the enforcement of accountability on individuals have resulted in mental and professional challenges within the workforce. The local and international calls and reports on changes concerning the workforce indicate that there is a need to overhaul the civil service and legislation surrounding the issue... [29].

Oversight bodies have important roles to do, and those roles are not limited to the punishment of those who disobey, but they also have to ensure a fair working environment. This involves the establishment of a clear policy of what fair looks like and how to behave in a professional way, the monitoring of the performance of workers, as well as using fair recruitment and promotion processes in line with clear regulations. It's also vital that all punishments given are appealable by different, independent processes to ensure that everything goes with an element of

fair. It's vital that the protection of 'whistleblowers,' or those who reveal inappropriate behavior, occurs in order to protect them from the danger of facing harm. It's also vital that the leaders are trained in the areas of fairness as well as public services, while the oversight bodies ought to work in a better way to share information. It's thought that in order to address all of the above, a modern, clear 'Civil Service Law' with open rules has to be established.

Challenges and Future Prospects of the Principle of Functional Neutrality

The notion of functional neutrality stands at the core in the approach to public administration. It implies that government personnel should carry out their functions without political bias, which contributes to honesty and efficiency. Moving societies open new challenges and opportunities for this concept.

A major challenge to functional neutrality is the increasing intertwining between politics and administration. Most political parties try, in many countries, to put their sympathizers into government positions, which aids in making their policies more dominant. This contributes to public administration becoming more politicized and less neutral. Where this happens, it may provide hindrance to public workers from doing their jobs fairly and jeopardize equal opportunity for everyone...[33]

It's becoming increasingly difficult to remain a neutral individual, especially as a result of new technology and social media. Currently, it is possible for government employees to express their political opinions on social media, which causes a problem of whether this impacts their objectivity in their employment. Additionally, the issue of "fake news" makes it difficult to remain a neutral individual.

Challenges Facing Neutrality (Politicization, Partisan Pressures, Corruption)

Lack of functionality in the legal framework is one of the most important factors in pursuing justice and equality, particularly in a democratic state. This requires the state, as well as the judicial system, police, and politicians, to remain free from all sorts of political and corrupt influences in order to treat all people equally and administer their duties in a just manner. In Iraq, although the concept of functionality is highlighted in their constitution and laws, challenges arise in pursuing it effectively... [34]

Politicization of the Judiciary and Administration: Eroding Judicial Independence

Intervention by politics within the judicial system is a serious issue concerning justice in the Iraqi courts. Political interference is influencing the judicial system and making it less judicial and turning it into a political tool.

"The Iraqi Constitution of 2005 states that 'the Judiciary shall be independent' and 'no person or body shall interfere with its decisions unless where the law so provides.' Unfortunately, the reality is that the executive interferes in the judicial system. For instance, the Federal Supreme Court, which is the highest court, was established as the result of an order by the Prime Minister, which makes it vulnerable to political interference right from its inception."

Since the year 2003, there has been a significant change in the political surroundings in Iraq because of political and sectarian quotas. Currently, the judiciary and key posts in the judicial branch are recruited in terms of these quotas and not in terms of capability and judicial integrity. The judicial branch has failed to maintain its independence and its capacity to address cases in a fair hearing. The Federal Supreme Court has also been accused of being partial in its rulings, especially in the matter involving the formation of a government and the relation between the

Independent Commissions and the Prime Minister. [35].

Partisan and Sectarian Pressures: Corrupting the Institutional Environment

Political parties and religious groups exert intense pressure on legal and administrative bodies, making it difficult for these bodies to be impartial. Political Parties' Role in Recruitment and Advancement: Well-organized political parties exert a great influence on recruitment and advancement decisions in government positions such as those in courts and other legal bodies. It often becomes more desirable to be loyal to a party or a religious group as opposed to being qualified for a position or truthful and honest as expected of those in legal bodies. This has led to a loss of confidence in legal bodies, which are now viewed as supporting particular party ideologies. Moreover, Iraqi law fails to demarcate lines between working in a political party and working in a governmental position..[36].

Issues with Outside Financing: The Political Parties Law in Iraq faces significant problems, such as the funding issue. The political parties have funding amounts coming from external organizations, thus raising concerns regarding their loyalty. The issue was addressed in 2011 by a new law putting the funding transparency of the political parties under review, but the support of major political groups resulted in the law not being enforced. This questionable funding gives these parties more power and allows them to influence legal and judicial systems unfairly. [37]

Institutional Corruption and Patronage: Draining Public Funds and Undermining Integrity

- Corruption is a serious issue in Iraq that affects fairness. Money that should be used for the public is being misused for personal benefit and to win loyalty from others. Many government offices in Iraq have a lot of corruption. Jobs, contracts, and projects are often given to friends or family instead of the most qualified people. This leads to a lot of wasted money, with billions spent without real improvements in services or development. Because of this, the distance between the government and the people is increasing, and trust in fairness and equal chances is decreasing..[38]

-Lack of Accountability and Oversight: There are bodies such as the Integrity Commission that are tasked with oversight, but this does not happen because of a high quota system. The bodies can also be utilized for political ends such as eliminating rivals or excusing unfair behavior instead of working to combat corruption. Corruption in courts involving bribery and nepotism is rife; however, this may go unpunished due to judges' influence and fear of leaders in government.. [39]

Proposals for Strengthening Functional Neutrality and Developing Public Administration

Two of the major success factors for today's organizations are functional neutrality and improved public administration. By functional neutrality is meant that the workers can execute their tasks fairly without any extraneous influence on them. Public administration improvement involves the smooth operation of the processes using best practices and modern technology. For these objectives to be realized, strategies should be chosen by the organizations involving people, technology, and functioning of the organization....[40]

1. Establish Objective Evaluation Systems

Make performance evaluation systems that use clear and open key performance indicators (KPIs). It's important that these evaluations look at real accomplishments instead of things like how long someone has worked or personal connections. This approach helps to minimize bias and promotes fairness for all employees..[41]

2. Enhance Transparency in Administrative Processes

Use open data policies and provide reports on how the organization financially and

administratively performs. This will help increase levels of accountability and eliminate any element of unfairness. Allowing transparency will also help the organization promote integrity as it will be based on honesty and fairness.

٢. Establish Reporting Channels for Bias

Create clear and safe ways for people to report incidents of bias or discrimination, and protect those who speak up from any backlash. These procedures help quickly find and fix unfair practices.

٤.Strengthen Functional Independence

Give employees the freedom to make decisions related to their jobs, while also creating a clear structure that outlines who is in charge and what their responsibilities are. This way, employees feel more responsible for their work and rely less on specific instructions from others. [42]

5. Develop Programs to Raise Awareness of Implicit Bias

Hold regular training sessions to help people understand implicit biases and learn ways to reduce their impact. This will create a fairer and more objective workplace.

- Ideas for Improving Public Administration

Reengineering Administrative Processes

Instead, simplify processes and unscramble complex regulations in redesigned ways of doing. This will enable faster transactions and optimize business operations through removal of unnecessary steps. This will, therefore, optimize consumer convenience.

2. Digital Transformation and Automation

Employ the use of advanced technologies to automate daily activities such as document control and online services delivery. Reduce errors and enhance efficiency and accuracy with the automation of such activities. Develop online platforms that will enable users to access services and enjoy a better experience..[43].

3. Enhance Governance and Oversight

Provide rules in proper management by setting up self-technologies to monitor practices and defining proper rules to fight corruption. This includes monitoring practices on a daily basis to ensure all people act in line with proper ethics.

4. Develop Leadership Competencies

Provide special training programs for managers to develop them as efficient leaders, especially as transformational and participative leaders. They will be able to manage their teams more effectively.

Encourage teamwork and knowledge transfer by creating arenas where workers can share their experiences. This will increase learning in the organization as well as performance...[44].

The descriptive-analytical review shows that functional neutrality is not merely an ethical expectation but a legal-administrative principle that connects equality, merit, integrity, and the continuity of public service. The reviewed constitutional and statutory framework supports impartial treatment, equal opportunity, restrictions on abuse of office, and judicial review. However, the Iraqi framework regulates neutrality through dispersed provisions rather than through a single comprehensive definition. This fragmentation can create uncertainty about the precise scope of employees' obligations and the institutional mechanisms responsible for enforcing them [19], [20], [21], [22].

A second result concerns the relationship between neutrality and merit-based public service. Recruitment, promotion, performance evaluation, and access to public services are the administrative areas in which neutrality becomes most visible. When decisions are based on qualifications and transparent criteria, neutrality supports institutional competence and public confidence. Conversely, patronage, partisan loyalty, sectarian considerations, and personal connections undermine equal opportunity and weaken the distinction between political leadership and professional administration [23], [28], [31], [32].

The analysis also identifies oversight and administrative justice as central safeguards. Administrative courts, integrity bodies, audit institutions, and the Federal Public Service Council can limit arbitrary administrative discretion by reviewing legality, investigating misconduct, and promoting professional standards. Their effectiveness, however, depends on institutional independence, clear jurisdiction, adequate resources, transparent procedures, and protection from political pressure. Thus, the existence of oversight bodies alone is insufficient unless their organizational and procedural guarantees allow them to act impartially [25], [26], [27], [33], [34].

Political interference and corruption remain the most significant practical barriers to functional neutrality. The reviewed material indicates that politicized appointments, partisan pressure, patronage, conflicts of interest, and misuse of public resources can transform public office from a service-oriented institution into an instrument of private or political advantage. These practices also reduce citizens' trust and may discourage employees from reporting misconduct. Accordingly, anti-corruption mechanisms, protected reporting channels, transparent asset and interest disclosure, and enforceable disciplinary procedures should be treated as integral components of functional neutrality rather than as separate governance concerns [24], [35], [38], [39], [42].

Finally, the study indicates that strengthening neutrality requires both legal reform and administrative modernization. Clear internal codes, periodic training, objective performance indicators, digitalized procedures, transparent recruitment, and publication of administrative decisions can reduce opportunities for discretionary favoritism. Digital transformation may improve traceability and consistency, but it must be accompanied by accountability and governance safeguards. Functional neutrality should therefore be institutionalized through coordinated legal, organizational, technological, and human-resource measures that preserve employees' legitimate rights while ensuring that official authority is exercised exclusively for the public interest [44]–[45], [46]–[48].

Conclusion

Functional neutrality is an important concept within public administration as it act as an inspiration to public servants to be truthful and honest, and thus build a trust between the public and the government. Nevertheless, there are some challenges or difficulties like political interference and lack of knowledge regarding some laws that might make it difficult to apply the concept. There is a need to have some rules and regulations and create an awareness among the workers within public administration to have a fair and efficient system.

The analysis further indicates that functional neutrality in Iraq should be strengthened through regular employee training and awareness, clearer internal policies, periodic institutional performance review, modernization of the legal framework, and stronger safeguards against

political or personal interference in administrative decision-making. These measures should be implemented together with merit-based recruitment and promotion, transparent procedures, independent oversight, and accountable digital administration so that neutrality functions as an enforceable institutional principle rather than merely an ethical aspiration.

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