

The role of administrative control in activating the blacklist

¹A.L. Ruqaya Mohammed Obaid, ²A.L. Haider Adnan Sadiq

Abstract

Inclusion in the blacklist represents one of the most important sanctions imposed by the administration on the contractor who violates his contractual obligations, since it is imperative that the contracting with the administration, when he concludes an administrative contract for the purpose of satisfying his general and necessary needs to fulfill his contractual obligations in a serious and agreed upon manner, according to When it is included in the contract concluded between the two parties and what is required in good faith in dealing, and in fact, this inclusion as a decision issued by the administration, must have legal effects either on the contractor with the administration or on the administrative contract itself, as the administration is committed to do a sentence of Procedures for the purpose of monitoring and activating the blacklist, we will take it up in this study.

Keywords: *blacklist, contractual obligations, administrative control*

I. Introduction

Idea of research

When the administration enters into relevant contracting contracts for the purpose of building residential homes for employees, paving the streets, building bridges, or any other legal work for the benefit of the state, it does so for the purpose of meeting the public and necessary needs through this type of administrative contract that is regulated by the laws and instructions of the state and what it contains of Objective and procedural provisions that are imposed in most cases to be through public auctions or tenders and the confidentiality of tenders and associated with them through to the selection of the appropriate body to implement the contract away from personal agreements and what may be related to financial and administrative corruption that negatively affects the implementation of the project, therefore puts Laws and instructions concerned with concluding contracting contracts and implementing them on control procedures by forming committees by the administration whose task is to follow up the contracting work and the timelines set for their implementation and to set the necessary penalties in case of breaching any of the contracting terms agreed between the administration and the contractor, but with all these procedures a violation is noted Contracts with the administration in the implementation of their obligations according to the schedules agreed

¹ Department of Legal Affairs, Presidency of Baghdad University

² Department of Legal Affairs, Presidency of Baghdad University

in the contract for long periods that may reach several years N, or the failure to complete the project according to the agreed specifications, which negatively affects the future performance of the project, and among the means adopted by the administration in dealing with the phenomenon of delay or negligence of the contractors in implementing their obligations is to include them in special lists developed for this purpose called the black list.

Thus we see that the administration is not free to impose any sanction on its contractors, but rather is bound by a series of procedures stipulated in the laws, instructions and controls on the subject of the sanction and blacklisting, as is the case for any sanction that must be governed by specific procedures and it makes sense to constitute identification or restriction Management with specific and specific procedures, its guarantee is important for the people who fall under the weight of these sanctions, in order to prevent the abuse of the administration and its arbitrariness against the parties that contract with it to impose that penalty, which is harmful to the interest of the contractors and harms the reputation of the administration in particular.

The laws regulating any penalty determines the effects of it, and this is the case in the case of blacklisting contractors to the administration, whether these effects are personal on the natural person or legal entity that was included in the black list, or if the material effects have their effects on the implementation and conclusion of the contract.

Research importance

The topic of the role of administrative control in activating the black list is one of the important topics in the scope of public law in general, and in the field of administrative law in particular, and the importance of this topic is due to the importance of black lists and lists of companies that are lagging behind and their role in removing contractors who cannot be relied upon to implement public projects Whether for lack of their integrity, lack of financial capabilities or restriction, or because of their lack of seriousness or neglect, the importance of research also appears in explaining the feasibility of these lists in deterring contractors contracting with the state and its institutions, and the ability of management to follow up and exercise control over the implementation of these projects, which increases the importance of research, Failure to consider this discussion of an accurate scientific research of this topic and this is what prompted us to go into it in order to reach sound procedures for blacklisting that guarantees the rights of both the administration and the contractors alike

Research problem

The research problem is that many public projects implemented by private contracting companies on behalf of the state and its institutions suffer from a lack of implementation, whether in terms of completion period or quality of work and without there being effective mechanisms for monitoring and follow-up, and on the other hand, this study tries to address the problem of inconsistency in The provisions organized by the Iraqi legislator regarding blacklisting contractors, and therefore there are differences in the procedures and implications of

Inclusion in the blacklist in the instructions and controls that organized this penalty to the extent that its application on the ground raises a state of contradiction that leads to harm the public and private interest?

II. Research Methodology

In this study, the researcher followed the descriptive analytical approach by reviewing the legal provisions that were mentioned in the laws and instructions related to this topic, as well as jurisprudence opinions that dealt with the issue of the role of administrative control in activating the black list, trying to discuss possible ways to confront the phenomenon of financial and administrative corruption in this field.

Research aims

The research aims to address the phenomenon of administrative and financial corruption prevalent in contracting contracts, whether in Iraq or in the Kurdistan Region, also aims to know the deficiencies and shortcomings in the work of administrative observers or contractors themselves in applying the special instructions and controls related to these lists.

Search Plan

We will divide this research into two topics, and allocate the first topic the legal provisions to include the name of a company or contractor in the black list, and show in the second topic the implications of listing the name of a company or contractor in the black list, then we ended our study with a conclusion that includes the essence of the researcher's findings and recommendations.

III. The first topic

Legal provisions for blacklisting a company or contractor

The blacklist is generally defined as the list of names of companies and contractors who violate the terms of the contract or their refusal to sign the contract after the issuance of the referral letter or notification thereof or any of the cases of inclusion stipulated in the laws and instructions regulating it. (1)

The instructions for implementing Iraqi government contracts No. 1 of 2014 also defined the blacklist as: ((That list for listing and raising Iraqi contractors from contractors and contracting companies when they violate their contractual obligations, and the procedures for listing and raising in that list will be in accordance with the instructions and controls regulating it)). (2)

The black list, called the exclusive or peremptory list, includes an exclusive enumeration of conditions that are arbitrary conditions in a manner that does not accept proof of the opposite, so that if one of these conditions is mentioned in a contract concluded between a professional and a consumer, the judgment shall be null and void. (3)

The blacklist method is characterized by many advantages, as it is not without criticism, as it is not surprising that the blacklist method as one of the methods used in determining arbitrary conditions, represents an effective guarantee for the stability of the transactions of the weak party, as well as facilitation of the judge who adjudicates the dispute. (4)

It should be noted that the black list is distinguished from other lists according to which companies that violate or weaken their contractual obligations are entered into, and the most prominent of them is the list of companies that disassociate themselves with benefits.

There are many, if both the black list and the list of sluggish companies are similar, that each of them is special for listing the names of the contractors, whether they are contractors or companies when they violate their contractual obligations, as well as when there is one of the reasons or cases calling for their entry into those lists, but besides this similarity there are points of difference. Among them, the first is in terms of the people included in the inclusion in these lists, as the names of Iraqi contractors and contracting companies that violate their contractual obligations, as well as the names of non-Iraqi contractors, Iraqi and non-Iraqi suppliers, and Iraqi and non-Iraqi consultants when they violate their contractual obligations are also included in the cases legally defined while The list of companies lingering includes the names of Iraqi and foreign contractors, suppliers, and suppliers. (5)

On the other hand, the black list is distinguished from the list of companies lagging behind in terms of instructions and controls regulating each of the two lists, as the black list is subject to the inclusion of the names of Iraqi contractors and contracting companies to instructions for classification and registration of contractors and contracting companies No. (3) for the year 2009 and the black list for listing, raising and suspending contractors Through Iraqis and Iraqi suppliers, and across Iraqis and Iraqi and non-Iraqi consultants, according to the controls of suspending, listing, and raising tenders or contractors who violate their contractual obligations with government contracting parties No. (5360) for the year 2013, while the issue of listing the names of Iraqi and non-Iraqi contractors, suppliers, and consultants to the mechanism regulates the inclusion of contractual contractors in the implementation of their obligations Contract No. (22241) for the year 2013. (6)

The black list is also distinguished from the list of companies that are lagging behind in terms of the type of company covered by these lists, as inclusion in these lists includes private contracting companies as well as contractors in the private sector, whether in the list of companies that are lagging or black list, but government companies are included as a rule in the list of companies that are lagging, in terms of the third paragraph of the mechanism for listing contractors, which states ((Government companies include provisions for listing in the list of companies lagging, with the exception of listing them in the black list)), and exception can be made in the event that there is one of the reasons for placing these companies in the list. In terms of paragraph (8 / d) of the mechanism for the inclusion of the contracting contractors in the list of companies that are lagging, as it states that ((in the case of repetition of the subject of delay by the contractor who practiced his work after the expiry of the period referred to in paragraph (8 / c / iv)) then this will be The topic is one of the reasons for inclusion in the blacklist ...)). (7)

It is worth noting that the administration contributes to the activation of the black list by a series of measures that the implementing body must take for the purpose of listing the name of a company or contractor in the black list, and the decision to include the black list cannot be issued immediately, but must be preceded by a set of formal and substantive measures Before its release from the administration. (8)

As for the formalities, we find that they relate to the decision itself, and if any of these procedures fails, it will make the administration's decision to include defective in the form defect, and therefore its offer to be canceled. Among the most important of these procedures is the contractor's excuses and the reason for the inclusion decision (9)

As for the contractor's excuse, we find that it is an important measure for both the administration and the contracting party alike. As for the administration, its importance lies in making the administration manage its matter and does not rush to impose the penalty, as the imposition of the penalty may not benefit the public interest and may incur large economic burdens upon its resort to That penalty, as for the importance of excuses for the contractor with the administration, so that he is aware of his command and knows the intention of the administration to impose the penalty on him, so he will reconsider his violation of his obligations

Legal during the warning period , and by referring to the position of the Iraqi legislator regarding the excuses, we find that the instructions for the registration and classification of Iraqi contracting companies and contractors did not provide for the contractor's excuses, but the controls facilitated for their implementation obligated the contracting authorities to attach the warnings addressed to the contractor whose obligations were violated from among the attachments requested by the Ministry of Planning In order to include that contractor in the black list, either with regard to controls No. (20) for listing, suspending, and lifting contractors who have been evicted from the blacklist issued by the Ministry of Planning, which means consultants, suppliers, and unrated Iraqi contractors and foreign contracting companies, it did not explicitly provide excuses contrary to the controls Previous to it, but it stated that the contracting parties must follow all legal procedures in accordance with the legislation in force, and by referring to the text of Article (10 / Fourth) of the instructions for implementing Iraqi government contracts No. 2 of 2014, we find that it stipulated: (In the event that the supplier of goods and services is violated or The consultant has his contractual obligations, and the contracting authority must formally warn him, and when he does not respond, the breached obligations will be implemented At his expense ...), It is indicated in this field that the Ministry of Planning has indicated the method of excuses for the violating contractor through the competent notary, unless the contract includes a text that allows the administration to direct the excuses directly. (10)

We believe that although the general rules guarantee the necessity of the contractor's excuses with the administration before any administrative penalty is imposed on it, then the legislator should provide for excuses from contracting companies and contractors with explicit text in the relevant instructions, as the excuses represent an important guarantee for the contractor with the administration.

As for the reason for blacklisting, according to the general rules, the principle is that the administration

It is not responsible for the reasoning of its decisions unless the law stipulates otherwise. In this case, negligence in causing an administrative decision results in a defect in the legitimacy of the administrative decision, and in relation to the position of the Iraqi legislator, we find that the instructions for classification of contractors (1) for the year 2015 came to the necessity of causing the decision of the administrative body that requests the Ministry of Planning to include the companies or the evacuated contractors so that the government contracting authority must mention the reason for requesting the inclusion of the evacuated contractors, otherwise their request It is rejected by

the Ministry of Planning. As for the controls pertaining to suppliers, consultants and contractors who are not classified No. 20 of 2016, it did not include a reference to the necessity of causing the requests of contracting parties when submitting their request to the Ministry of Planning for the purpose of listing in the black list. We believe that this constitutes a legislative deficiency and the Ministry of Planning must avoid it, by providing a text indicating the reasoning of the requests of the contracting authorities.

As for the substantive procedures for listing the name of a company or contractor in the black list, a special committee must be formed in this regard and this committee will verify the facts attributed to the contracting company or the contractor and the violations committed by the company, whether the violations related to the implementation of the terms of the contract, or the violation of the relevant instructions and controls. The link and after the commission investigates these facts, it is proposed.

The competent authorities shall include the name of the company or contractor in the black list and the duration of the name's presence on that list, as well as the proposal to refer the company or contractor to the competent courts if the nature of the violation requires such referral.

As for non-Iraqi contractors, suppliers, and consultants, Article 11 / Second of the instructions for implementing Iraqi government contracts outlined the concept of the black list for them, as I defined it as:

The Iraqi and non-Iraqi suppliers, Iraqi and non-Iraqi consultants, when they violate their contractual obligations from the contracting authorities in accordance with the regulations regulating it. (12)

In addition, the instructions specify the cases that achieve it. The names of contractors and contracting companies can be included in them, represented by submitting a fictitious bid and proving distorting or falsifying tenders or any document in the tender documents related to the topic of listing and refraining from signing the contract form after reporting the referral decision and without a legitimate excuse with the intent to harm the public interest. Evidence of providing information or matters contrary to the truth in relation to the work referred to him with the intention of harming the public interest, proving bribery or attempting to bribe or collude with one of the state's employees, and proving that he did not adhere to the rules of the profession by following the methods of unfair competition and issuance of a final ruling from a competent court ordering the contractor's bankruptcy or The contractor or his imprisonment or imprisonment for committing a misdemeanor or a crime against honor and proven crime

Violation of the terms of supplies or technical specifications contracted or contracted for in a way that violates the specifications and does not process or compensate for the supplied materials with the intent to harm the public interest. (13)

It is worth noting that there is a set of procedures that the government contracting party must take for the purpose of listing, raising, and suspending the names of contractors or bidders who have violated their contractual obligations in the black list. These procedures begin with the formation of a technical committee by the government contracting authority, after one of the cases of inclusion in the black list is achieved, and after withdrawal. Work from a contractor who violates his contractual obligations, and a technical committee is formed to consider requests

for listing and raising bidders or contractors who have breached their contractual obligations in the black list. This committee studies applications for inclusion or removal from the list and submits the necessary recommendations to the head of the contracting authority, paired with the duration

Inclusion, which must not exceed (3) years for the purpose of approval, and the government contracting authority must observe a number of procedures when requesting the inclusion and raising of bidders or contractors who violate their contractual obligations in the black list. These procedures begin with the Ministry of Planning approaching an official letter signed by the head of the government contracting authority For the purpose of requesting the inclusion of bidders or contractors who violate their contractual obligations in the blacklist or raising them, and all related priorities are attached with the letter requesting inclusion, including a copy of the contract, a copy of the referral book, a copy of the identity and certificate of incorporation of the company duly authenticated, and the contracting authorities provide an official warning to Bidders or contractors who violate their contractual obligations require that their obligations be fulfilled, otherwise work is withdrawn and then blacklisted, provided that it is issued by the competent notary.

The second procedure is the formation of a central committee in the Ministry of Planning. After referring the application for inclusion by the technical committee of the government contracting authority according to the procedures that we previously indicated to the Ministry of Planning, the latter will form a central committee, and this committee in turn undertakes the task of examining the applications submitted to it by Government and private contracting bodies include the bidders or contractors who violate their contractual obligations in the blacklist or remove them from them or suspend new activities for them until the issue of listing on the blacklist is resolved or not, and this committee also reviews the priorities and discuss the facts and listen to the statements of the parties to the conflict and consider their defenses after Informing them officially by the contracting authorities and before submitting the appropriate recommendations for these requests to the Minister of Planning, as well as it must consider requests to remove from the blacklist or inclusion for those covered by it and for a period not exceeding (3) years starting from the date of the circular to the contracting authorities, and the issue of consideration of Requests of contracting parties to include bidders or contractors who violate their contractual obligations in the blacklist After completing all the approved procedures within (60) days from the date.

The decision to suspend is issued if it is inside Iraq and within (90) days if it is outside Iraq, and they invite the chairman of the committee to hold meetings of no less than two meetings per month, and the chairman of the committee may request an extraordinary meeting whenever the need arises, and then the committee issues its decision to suspend activities New for tenders or contractors who violate their contractual obligations and whose blacklisting is required, provided that the suspension period does not exceed (60) days inside Iraq and (90) days outside Iraq, starting from the date of issuance of the suspension decision and circulating it to the contracting authorities to abide by it. (), And a question arises in this regard, when will the names of the contractors or bidders who violate their contractual obligations remain on the blacklist? The controls on commenting, listing and raising contractors or bidders in the blacklist are answered to this question, as decisions to suspend or include and raise bidders or contractors are the bidders who violate their contractual obligations in the blacklist and not deal with them are effective from the date of issuance of the circular to the contracting authorities and remain in effect until a

letter is issued by the Ministry of Planning to remove the names from these lists, at the request of the head of the contracting authority that includes removing the name of the company or contractor from the black list.

IV. The second topic

Implications for blacklisting a company or contractor

After listing the name of the company or the contractor in the black list, there are a set of effects that result from such listing, foremost of which is to download the contractor category for one degree for a period of one year that is valid from the date of raising his name in the black list, as well as preventing dealing with the contractor during a stair period .His name is in the black list, and with reference to the instructions for registering contractors, it is clear that they classify contractors based on the cost of the contracting, and it starts with the excellent degree of contracting, no matter how much it costs without having a specific ceiling for it, and ends with the tenth class for contracts that cost no more than 300 million Iraqi dinars.

As for contracting companies for construction, electrical or mechanical works, they are classified according to the capital of these companies that are dedicated to conducting their business, where they start with the excellent degree for the contracting company, whose capital is estimated at 100 million.

As for the system for registering, classifying, and determining the degrees of contractors in the Kurdistan Region, it is in the event that the contractor is included in the black list, his rank is lowered for one year for a period of two years, effective from the date of raising his name from the black list, and in the case of the inclusion of the name of a contractor in the black list once again withdraw

His identity issued by the committee, his registration shall be permanently canceled and he shall be prohibited from carrying out the works, with reference to

The grades of contractors in this system show us that they distinguished between degrees of construction contracts that start

From the first degree and be for the contractors, whatever their cost, provided that they are not less than one and a half billion dinars

It ends in the tenth grade, and the contracts for which the cost of each one does not exceed one hundred million dinars, and between the degrees of electrical, mechanical and chemical contracting works, which are five degrees and start with the first degree, and for the projects that whatever their costs and end up with the fifth degree, and for the contracts whose cost does not exceed 500 million.

And when comparing in this regard between the instructions in force in Iraq compared to that window in the Kurdistan region, we notice that both instructions provide for the downloading of one degree, but with the difference in the duration Inclusion, according to the instructions in force in Iraq, the download period is one year compared to the instructions in force in the region, which have a download duration of two years, and we support the position of the Kurdistan legislator in this regard because the longer the download period, the more deterrence

for companies in giving more seriousness to their business, which enhances The role of listing names in the black list and activating the role of these lists from a practical point of view, on the one hand, and the instructions in force in Iraq were taken with all degrees of contracting combined without distinction in terms of reference, in contrast to the instructions in the region that distinguished between construction contractors on the one hand and contractors Electrical, mechanical and chemical works on the other hand, which is a good direction from the Kurdistan legislator because the distinction between these contracts according to their nature gives the administration a better space in which to conduct its work in monitoring and follow-up on the work of these companies and include them in the black lists and their control, and according to the instructions in force in Iraq and after they are included The name of the company or contractor in the black list The contracting company or contractor whose name was included in the black list has the right Objection to the decision of the executing or beneficiary party Within (15) days from the date of notification and the minister decides on this objection in light of the reasons presented by the objector and the concerned authorities within (30) days from the date of registration of the objection in his office.

His decision is final in this regard, and the contractor's objection does not stop the course of actions to be taken against him. As for the instructions in force in the region, the contractor whose name was decided on the blacklist has the right to object to the Minister of Planning by the implementing or beneficiary ministry within (15) days From the date of notification, the Minister of Planning may study his objection in the light of the reasons presented by the objector and the concerned authorities. The objection of the contractor does not stop the course of actions to be taken against him, and from the observation of instructions in Iraq and the Kurdistan Region in this regard, two main points can be indicated, the first is that the instructions in Iraq and in the Kurdistan Region have A period of (15) days has been specified during which the contracting company and the contractor whose name was included in the blacklist are entitled to object to the decision of the administration in this regard. As for the second note, it is that the instructions in Iraq have specified a period of (30) days for the competent authority to consider the objection contrary to the instructions in The region that neglected to set a period to consider the objection, which constitutes a lack of instructions, must be addressed in the future, because setting a period for the competent authority to consider the objection is important in the regularity of the administration's work and exercising its control in the arbitrariness of the competent authorities on the one hand and protecting the rights of contractors on the other hand.

The question that arises in this regard is whether it is permissible for the contractor or the company whose name is listed in the black list to apply to contract with the departments once the period of putting his name on the black list expires or is it necessary to issue a decision to remove his name from that list?

For the purpose of answering this question, we say that re-dealing with the contracting company that was decided to be placed in the blacklist should not be automatic or automatic, but a decision must be issued to remove the name of the company or contractor from the black list from the authority that issued it, and in the instructions for registering contractors. The contractor who was included in the blacklist submits an application to the objections review committee, to consider removing his name from the blacklist and the committee's recommendations are subject to the approval of the minister and the committee for justified reasons that it recommends removing the name of the contractor or contracting company from the blacklist before the end of the listing period and keeping it

with the same previous degree Based on an editorial request by the contractor or the managing director of the company that includes the reasons and justifications after verifying their authenticity and the opinion of the beneficiaries, this recommendation is subject to the approval of the minister and the removal of the blacklist is the same procedures used for the status of the name and that all government departments are informed accordingly. It should be noted that to say otherwise means that the contractor or the company is assumed to be of good conduct. Throughout his blacklisting period, and his name is raised according to the aforementioned procedures, the Minister of Planning must issue an administrative decision to do so. In this regard, we focus on some obstacles and problems that occur in practical life, which is the fact that the contractor or the company whose name is on the black list is referred to other projects under his authority, whether in the same ministry that suggested putting his name on the blacklist or in other institutions and ministries, so does the prohibition of dealing Also taken with regard to those projects, according to the position of the Iraqi legislator on this issue, we find that the ban includes all contracting contracts for that contractor or the company, and even other contracts that are under his custody during the embargo, and it is not permissible to deal with him unless that ban is lifted, so that the contracting parties can implement it His account after withdrawing the work from him, because paragraph (2) of Article Twelve of the instructions for implementing and following up projects and works of national plans has obligated the government departments to create a special record to record the names of persons or companies that are to be included in the black list, just as the fifth paragraph of the same article I was obligated to the authority authorized to issue a decision to put the name on the black list and to inform the relevant government authorities to include the name of the company or contractor in the black list and It is forbidden to deal with it for the prescribed period, while the ban in the French and Egyptian laws does not originally apply except to contracts for an attachment or a specific ministry. As for the rest of the ministries and departments, the ban has no effect except in the case of exchanging lists of those deprived of dealing as in French law or the presence of fraud and manipulation in the documents of contracting or attempting to bribe and attempt as in the case of Egyptian law.

V. Conclusion

After completing a study on the topic of the role of administrative control in activating the blacklist, we present the most important results that we reached, with the most important proposals in this field, as follows: -

First: The results

1. This study dealt with the phenomenon of administrative and financial corruption prevalent in the contracting contract and showed the deficiencies and shortcomings in the work of administrative observers or in the work of contractors themselves in applying the instructions and controls for these lists.

2. The study indicated that for the purpose of correct inclusion of the names of consultant contractors and non-Iraqi suppliers who violate their contractual obligations, a technical committee should be formed once and a central committee in the Ministry of Planning.

3. The study showed that there are many public projects implemented by contracting companies for the benefit of the state and its institutions that are lacking in implementation, whether in terms of the period of completion or the quality of work and without there being effective mechanisms for oversight and follow-up.

4. The study revealed ambiguities in the administrative procedures to activate the blacklist as well as the administration's lack of seriousness in monitoring and follow-up, as those projects are not implemented according to the accuracy required by law and instructions and the existence of suspicions of financial and administrative corruption about their implementation and the resulting material damage in the public budget The state on the one hand and the interest of individuals on the other hand.

5. The study showed that the scope of the black list is narrower in terms of listing government companies and is broader than listing non-governmental companies. Among this study, there are several black list types, one for Iraqi contractors and the other for foreigners.

Second: the proposals

Through my study of the subject, some suggestions appeared to me that I wanted to make briefly, perhaps they are taken into account:

1. We suggest that the Iraqi Ministry of Planning and Development Cooperation issue standard instructions for the inclusion of contractors who violate their legal obligations covering all contracts and all nationalities.

2. That all the investigative procedures be carried out by the Ministry of Planning and not the contracting authorities as stipulated in the instructions for classification of contractors so that the contracting authority that requested the listing is not a discount and a ruling at the same time.

3. We propose to the Iraqi legislator to amend the second paragraph of Article Fifteen of the Instructions for the Registration and Classification of Contracting and Contractors Companies No. 3 of 2009 by making the contractor's degree downloadable for a period of two years, not one year, if one of the blacklisted cases is proven.

4. We recommend the Iraqi legislator to take the degree of contracting separately and not collectively and on the basis of distinction in terms of reference by making business, mechanical, and chemical contracts on the one hand and between construction works on the other.

References

1. Dr. Amer Qasim Ahmad, Consumer Legal Protection (Study in Comparative Civil Law), PhD thesis, submitted to the College of Law Council, University of Baghdad, 1998.
2. Dr. Mustafa Ahmed Abu Amr, Summary of Provisions of the Consumer Protection Law, 1st Floor, Al-Halabi Human Rights Publications, Lebanon, 2011.
3. Dr. Jaber Gad Nassar, Administrative Contracts, Arab Renaissance House, Cairo, 1998.

4. Dr. Tariq Sultan, Management Authority in Imposing Sanctions on Its Contracts in Administrative Contracts and their Controls (A Comparative Study), 1st Floor, Arab Renaissance House, Cairo, 2010.
5. Muhammad Abdullah Al-Dulaimi, Management Authority to Terminate its Administrative Contracts, Master Thesis, submitted to the College of Law and Policy, University of Baghdad, 1983.
6. Raed Jasim Kazem, Procedures for Blacklisting a Management Contract and its Effects, a research published in the Journal of the College of Law, University of Qadisiyah, No. 2, 2017.
7. Dr. Muhammad Al-Qasari, Explaining Administrative Decisions, A Guarantee of Rights and Freedoms, and Effective Judicial Control, Arab Renaissance House, Cairo, 2002.
8. D. Muhammad Muzaffar, Management authority in imposing administrative sanctions in Yemen, 1st floor, Yemen, 2012.
9. Dr. Muhammad Kak Allah Smile, The role of administrative control in activating the black list (a comparative study), research published in the Journal of the College of Law and Political Science, Salahuddin University, first issue 2017.
10. Dr. Mahmoud Khalaf Al-Jubouri, Administrative Contracts, 1st Floor, Dar Al-Nasher for Culture, Amman, 2010
11. Dr. Ahmed Othman Ayyad, Aspects of Public Authority in Administrative Contracts, 1st Floor, Arab Renaissance House, Cairo, 1973.
12. Dr. Suleiman Muhammad Al-Tamawi, Principles of Egyptian and Comparative Administrative Law, Unprinted, Arab Thought House, Cairo, 1955.
13. Rasha Muhammad Jaafar Al-Hashimi, Administrative Control over the Authority's Authority to Impose Sanctions against its Contracted Persons, 1st Floor, Al-Halabi Human Rights Publications, Beirut, 2010.