

The Political Censorship on the Electoral Campaign

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Abstract

Interest in the elections in Iraq has expanded following the political changes that occurred in 2003, and the legal framework for any elections is the main constituent of the electoral process. The importance of research in the field of elections in Iraq is linked to the recentness of the Iraqi experience, contributing to providing information. It also provides a vision of the implications. The legal frameworks are based on the procedures taken by the commission, as it is the body responsible for managing and organizing the electoral process in Iraq, and that the main engine and effective and influential criterion for the success of any electoral process depends mainly on the electoral system that the country adopts to conduct the elections and exit a representative parliament. Out of the people's valid will and representative of their aspirations in the present and the future.

Definition and Significance of the Study:

At the onset of the 20th century, the election process in many countries worldwide witnessed a considerable evolution. This development came to life due to the independence of many countries and enlarging the range of Rights and public freedoms. All constitutions of the world stipulate the right of the individual to form associations and establish political parties which has played an important role in influencing government decisions in many areas, including those related to the electoral process. The importance of the issue comes from the fact that the Iraqi experience in the field of elections and democracy in general is a recent experience. One of the most important stages of the electoral process.

Objectives:

Voting is a right and a duty imposed by the honour of citizenship, belonging to the homeland, and submitting to the people's will. The right to vote is considered one of many rights that human beings have, and his fundamental freedoms that are not decided and ascertained quickly and conveniently. People gained these rights after a bitter struggling. The censorship on the elections, in all its stages, strengthened the confidence of electors with the election integrity. In addition to that, various bodies monitor elections, such as watching civil society organizations, observing the political parties, and the surveillance of the public opinion, which enters the political monitoring framework. The integrity of the elections is assessed through the extent of adherence to the rules of behavior, laws, regulations, and instructions regulating the electoral process by all participants in this process. In order to ensure the conduct of a fair and confidential electoral process, it is imperative that all stages of the electoral process and its procedures be monitored, starting from the registration procedures and determining the electoral districts, through the electoral campaigning, and ending with voting, counting, and announcing the results.

Problem of The Study:

The absence of laws governing electoral spending on electoral campaigns, as some candidates obtain funding for their advertising campaigns from unknown sources, whether internal or external, and weak oversight over electoral campaigns, as the Iraqi legislator entrusted the task of overseeing electoral campaigning to the Independent High Electoral Commission. It is not permissible, as this is considered a breach of the principle of neutrality and independence, and it is unacceptable for the judgment and the opponent to be together. The Constitution of the Republic of Iraq for the year 2005 and the electoral laws

did not refer to the role of political oversight over the electoral campaign stage, whether it is popular oversight or public opinion oversight.

Research Methodology:

In order to achieve the scientific and theoretical feasibility of this research, we must adopt the method of analysis with an accurate diagnosis of the problem and a comparative approach at the level of legislative trends.

The Research Plan:

In order to reach the idea in the shortest, easiest, and clear position in front of the reader, we have adopted a dual division of the research idea, through two topics, the first topic: the concept of political control, which consists of five demands, the first requirement: popular censorship, the second requirement: public opinion oversight, the third requirement: parliamentary oversight, the fourth requirement: the monitoring of civil society organizations, and the fifth requirement: media and press censorship. Whereas the second topic: the mechanism for practicing political oversight, and it consists of three demands: The first requirement: the legal regulation of political control, the second requirement: assessing political oversight and the third requirement: assessing political oversight.

Keywords: censorship, politics, campaign, propaganda, election.

1. The Concept of Political Control:

It gains its name because it is practiced by direct contacts with political action such as popular censorship, public opinion, parliament, civil society organizations, the media and the press, and that the main goal that political oversight seeks over the electoral process in general⁽¹⁾ is to ensure the compatibility of electoral procedures with the principle of legality, which will be clarified as follows:

1.1 Popular Oversight:

Popular oversight means: the censorship that the political people undertake to exercise, and the political people are represented by those qualified to exercise political rights, the most prominent of which is the right to vote. The referendum is at the forefront of the means by which members of the political people exercise control over the actions of the executive authority, and the referendum is the presentation of an issue to the electorate to take their opinion on it through voting, and the referendum may be personal: for example, if a vote is taken on a specific person, for example, a referendum to approve the president of the republic if he is the only candidate for this position. The referendum may be objective: as if it takes place on a certain

act, action or proposal, such as the referendum on a law or treaty, and here it is a method for controlling behavior, action, or suggestion, and nevertheless, the referendum may in fact be a personal referendum for the owner of the disposition or work. The result was rejection, as this rejection means withholding confidence in the owner of the act or action, and in France in 2005, voters were called to a referendum on the draft European constitution that was to be applied among European countries, a referendum was held on this project, and here the socialist parties criticized the draft constitution, and the economic and social conditions, and called on their supporters to vote against it. Indeed, the European constitution was rejected in France despite the French President Jacques Chirac's call to vote in his favor⁽²⁾.

1.2 Censorship of Public Opinion:

The term public opinion refers to the group of opinions that prevail in a particular society at a time regarding specific topics related to their public and private interests, and the various popular, trade union and party bodies and organizations participate in forming public opinion by presenting their ideas and trends and calling for them by various means, where the audio-visual means play a major role in disseminating them. And mobilizing and directing public opinion through it⁽³⁾. Public

opinion censorship is an ancient phenomenon as old as humanity. The ancient civilizations in Egypt, Greece, and the Romans knew it, as Islam defined it, and public opinion as a term that did not appear until relatively late, in France in the eighteenth century. During the French Revolution, the term was used to express control over the behavior of investors on the Paris Stock Exchange, then it became popular after that in the modern era, and in Iraq it is clear that this type of censorship has a great impact on regulating the work of the administration and preventing it from abuse of power, especially the press. That which exercises freedom of expression of opinion, as it is the tongue of the nation expressing it, public opinion is stronger than laws because it works in the field in which it may violate or break the law⁽⁴⁾.

1.3 Parliamentary oversight

Parliament stems from the assumption that the people are not able to exercise sovereignty by themselves under direct democracy, and that they must refer the task of governing to their representatives, and thus that the people exercise sovereignty under representative democracy, through the people choosing their representatives to represent them in government through elections, and even This parliament is able to hold representatives accountable, it must have a specific age, and the Iraqi legislator under the Constitution of the Republic of Iraq of 2005 stipulated parliamentary oversight and listed it within the powers of the House of Representatives in Article (61). Parliamentary oversight is exercised over the actions of the executive authority through legal tools that define goals The most important of which are envisaged are:

First - the question: what is meant by it: an inquiry directed by one of the representatives to a minister or to the speaker of their council, with the intention of inquiring about a specific point related to one of the matters within his jurisdiction related to the work of his ministry, and the question is a personal right of the questioner, as the member may carry out the process of withdrawing the question before The answer to it, and no member of Parliament has the right to interfere in this issue, in addition to that,

the question procedures are simpler than the interrogation procedures, which are more complicated compared to the question, but if the question is not answered by the responsible minister, or the ministry, it is permissible to transfer The question is an interrogation, but it is not permissible to convert it in the same session⁽⁵⁾.

Second - Interrogation: It means: an accusation directed by a member of Parliament to a specific minister or prime minister, and it is considered one of the most dangerous means of parliament for the government, and that the effects of interrogation are dangerous for the government, because the effect of it is to withdraw confidence from the government or one of its ministers. Accordingly, interrogation is an effective means of control, and the reason for this is due to the right that it grants to all members of the interrogation provider, unlike what it is in the question, and this appears in a practical way in the right of any member of Parliament to present the questioning in writing, to facilitate its deliberation between Members of Parliament and the government, and it is required that it be accompanied by evidence, facts, and facts that condemn the interrogator, and sufficient time must be given to the interviewee to study the subject of the interrogation.

Third - Parliamentary investigation: Parliament may resort to forming investigative committees in the event that it feels that the ministry has been accused of negligence in financial or political affairs, and here the committee summons officials and others, whom it deems necessary to summon to hear their testimonies to find out the truth, review files, and documents. And conducting all the requirements of the investigation without being satisfied with what is applicable in the question and the interrogation, in order to see what the ministry would like to see in its answer that it gives in the discussion, and these committees may be permanent or temporary, established for the purpose for which they were formed, so they are established. This committee after collecting sufficient data and information by submitting it in the form of a report to the Council, and the House of Representatives determines the government's

default or not, and then this method does not have any right or authority⁽⁶⁾.

1.4 Monitoring Civil Society Organizations

Civil society organizations represent the essence of civilized democratic societies, so the state cannot be described as civilized unless there are civil society organizations, and the state standard has become dependent on the role these organizations play and the extent of government support for them, so that the United Nations Economic and Social Council issued on 7/25/1996 A set of recommendations included (70) articles according to which civil society organizations are considered the representative of society, and they must enjoy the status of partners for countries in the United Nations. Civil society is a form of community organization in order to achieve cooperation between individuals and groups in the economic, social, and cultural fields, and the protection of rights And the interests of the various groups, and most modern countries have recognized the right to form civil society organizations, and cooperated with them after the increasing obligations on their shoulders, and the public interest required the establishment of mediating organizations between the individual and the state, and thus civil society organizations are considered a link between the components of society despite their differences in form. And the size, importance, and roles they play between countries⁽⁷⁾.

The designations of each country for these organizations differ according to the legal system prevailing in it and the extent to which individuals enjoy freedoms in order to form these organizations. In France, the work of these organizations is regulated by a law (July 1 of 1901), and they are known as associations. Article (1) of it stipulates that Defining the association as' an agreement whereby two or more persons put their knowledge, activities and experiences permanently to achieve a service or goal other than dividing profits or benefits among themselves. 'In Egypt, the first article of the Egyptian Associations and Civil Institutions Law No. 84 of 2002 defined the association as' all A group with a continuous organization for a certain or indefinite period consisting of natural persons, or legal persons, or both of them together whose

number in all cases is not less than ten, for a purpose other than obtaining material profit. "The Iraqi legislator defined non-governmental organizations in Article 1 of the Law Non-governmental organizations No. (12) for the year 2010 as 'a group of natural or legal persons who registered and acquired the legal personality in accordance with the provisions of this law seeking to achieve non-profit purposes'⁽⁸⁾.

1.5 Media and Press Censorship

The media play a major role in building democracy, activating political participation represented in mobilizing the masses, and directing public opinion towards participation in the elections, through the different roles they play in the political level, and one of the most important roles that the media play in supporting the electoral process is their adoption A set of political programs in which political human rights are clarified, as well as raising awareness about the electoral process by adopting several political programs, in which they clarify the mechanisms of the electoral process, its objectives and the law that governs it, and access to the media in modern society is necessary for the dissemination of platforms and party programs Where the media provides, for the majority of voters, the necessary information to choose the right candidate in front of the ballot box, in addition to the method of displaying information related to the voting options, a very important factor in achieving the stage of democratic elections, and it is incumbent upon them to cover the elections completely with complete neutrality, so the media coverage process requires intensive efforts. For media professionals, for example, holding seminars, conferences, election rallies, and landscapes TV⁽⁹⁾.

2. Mechanism for Exercising Political Oversight

After clarifying the forms of political oversight over the administration's actions, it is necessary to clarify how to exercise this control during the electoral campaign stage in each of its forms, and then evaluate this oversight in the electoral campaigning stage, and this will be clarified as follows:

2.1 Legal Regulation of Political Censorship

Regarding political parties, we find that censorship under the one-party system is not available and ineffective, and in some countries it may reach non-existent, because the one party is a party with a dictatorial nature, and here censorship is self-censorship by the party only, in a way that achieves victory in all Parliamentary seats, as for the other supervisory bodies, their role is often weak, but in light of the multi-party system that is based on the presence of two parties or more, we find that each of them is able to influence public opinion through a stable and permanent organization that gains strength and stability, and political parties can Under the multi-party system, it can influence public opinion by directing and forming its public will, and making it able to understand everything that is going on around it. The multiparty system encourages an increase in the diversity of public opinion by allowing each opinion to express itself within an independent party, and the important role is Political parties have the right to control the electoral campaign campaign by carrying out the electoral mobilization of the masses and the election campaign to the candidates, and the dissemination of their ideologies, and the political party performs its role where the dispute is in the terms of the election campaign, such as the distribution of speech time in the event. Likewise, the parties select the candidates and present them to the voters, whether in the individual election or in the list system, and the party supports its candidates financially, propagandally, publicly, and organizationally, and the party's cadres and branches are committed to calling for the party's candidates and attracting neutrals and hesitants to the party's electoral base⁽¹⁰⁾.

Article (74) of the Constitution of the Republic of Egypt of 2014 stipulates that 'Citizens have the right to form political parties with notification regulated by law, and it is not permissible to initiate any political activity or to establish political parties on a religious basis, or based on discrimination on the grounds of gender, origin or sectarianism, or Geographical, or the practice of an activity hostile to the principles of democracy or clandestine, or of a military or

quasi-military nature, and it is not permissible to dissolve parties except by a court ruling, 'and that the practical reality of the nature of the political system in Iraq since the establishment of the Iraqi state, and until 2003 is without the guarantee of the existence of parties However, after 2003, the contemporary party experience indicates the large number of political entities competing in the elections, unlike the partisan experiences in developed countries, in which two or more parties are competing for power. For example, the number of Entities competing in the 2010 Parliament elections are (675) entities, but in the 2014 Parliament elections the number of competing entities reached (107) entities, and perhaps the main reason for this is the absence of the Political Parties Law, the existence of which is an urgent necessity in order to organize Political and financial affairs within the party, and laying down conditions and controls for establishing political parties.

2.2 Political Censorship Calendar

With regard to political parties, the supervisory role of political parties is affected by the electoral process, according to the party system in force in the country, and the space for democracy available for party work. In France, which is one of the multi-party countries, political parties often strip the people of their sovereignty, as they seek to monopolize power, Its practice in implementing the stated policy in its programs, or the optional program, and the most important problems facing political parties and affecting the performance of their oversight role is the problem of financing political parties, and the inequality between them in financing, this requires huge sums that are not sufficient for members 'contributions to cover these expenses, for example. Meetings, election campaigns, printing of leaflets, wall ads, and advertisements broadcast by television or in newspapers.

In Iraq, it is possible to evaluate the role of political oversight over the electoral campaign stage by clarifying the role of popular oversight by studying the political reality of Iraq, which is characterized by complexity and crises, which in turn leads to a weakening of the role of popular oversight over the entire electoral process, including the electoral campaigning stage, and

the reason for that is To the weak political awareness of the people, weak confidence between political parties, especially their political leaders, double standards, and the perpetuation of political and sectarian quotas⁽¹¹⁾.

2.3 Political Oversight Assessment

Political oversight over the administration's business has advantages that distinguish it from others, but this does not prevent the existence of some faults and disadvantages that it has, and this will be clarified as follows:

2.3.1 Advantages of Political Control

The most important advantages of political control over the work of the administration are:

First - political censorship is characterized by not being bound by a certain deadline.

Second - Political censorship is concerned with public issues of concern to a larger audience than citizens, unlike judicial oversight, which is required by whomever turns to it to have a personal and direct interest.

Third - Political censorship is characterized by the multiplicity of its means and the seriousness of the consequences, which may sometimes lead to the overthrow of a ministry or the dismissal of some ministers.

Fourth - Exercising political control over the work of the administration by Parliament limits the deviation of the government in the use of its authority, which entails protecting the rights and freedoms of individuals, and the commitment of the government to respect the principle of legality and not deviate from it⁽¹²⁾.

2.3.2 Defects of Political Oversight

Despite the advantages that political control enjoys over the administration's business, this does not mean that it is free from defects, the most important of which are:

First - It is affected by partisan considerations and thus is not useful in some cases, because the majority party may not wish to criticize its members who are in power, and minority parties may not be able to exercise oversight due to their lack of the required majority.

Second - It is affected by the general political level and thus its lack of usefulness in developing countries or dictatorial countries, and then the effect of this control rests in countries that guarantee political freedoms, and where there is strong parliamentary opposition.

Third - Political oversight does not result in canceling or compensating the administration's actions. The penalty for this type of control does not cancel the work that is in conflict with the law, nor does it compensate for it. Therefore, the illegal act will remain in place.

It is evident from the foregoing that the role of political oversight over the administration's actions appears clearly in countries where the law prevails, its provisions are applied, and the circle of public freedoms and rights is expanding, while many developing countries that are not subject to the rule of law and do not respect the will of voters have a role of oversight. The political is weak and ineffective⁽¹³⁾.

Conclusion:

We show the most important results and recommendations that have been reached, as follows:

First - Results:

1- The Iraqi legislator did not distinguish between mental capacity and moral capacity in the laws of successive elections.

2- The application of the proportional representation system is more realistic than others in Iraq, because it is characterized by the multiplicity of nationalities, religions, and sects, as this system allows the formation of political parties and enables small parties to participate in coalition governments.

3 - There are many party systems and differ from one country to another according to the electoral system prevailing in it, and the conditions that must be met to establish political parties differ according to the prevailing system in each country.

4- The Iraqi legislator confused the two terms electoral campaigning and electoral campaign, although the two terms lead to one meaning, but

the term electoral campaign is considered more comprehensive and accurate than the term electoral campaigning.

5- The Iraqi legislature did not specify deterrent penalties for violating the conditions and regulations for the conduct of electoral campaigning, and its penalty was limited to imposing a fine, while other laws may punish them with imprisonment.

Second - Recommendations:

1- We recommend that the Iraqi legislator must adhere to the proportional representation system in the constitution and electoral laws, and not deviate from the mechanism of its application in the distribution of vacant seats on the competing lists.

2- We recommend that the Iraqi legislator standardize the terminology (electoral campaign, election campaigning), and use the term (electoral campaign), as this term is more comprehensive and accurate.

3- We recommend that the Iraqi legislator activate the role of political parties in monitoring the electoral campaigning stage, and equality between candidates belonging to political parties in using the media to introduce themselves and spread their electoral propaganda.

4- We recommend that the Iraqi legislator activate the role of judicial oversight in all stages of the electoral process, including the stage of election campaigning, that there should be a wider role for the judiciary in all stages so that it is equivalent to the role of the administration.

Margins:

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