



## RESEARCH ARTICLE

## Monitoring the Employee's Work and Its Role in Maintaining the Prestige of the Job Comparative Study

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ARTICLE INFO	ABSTRACT
Received: May 24, 2024 Accepted: Jun 26, 2024 <b>Keywords</b> Administrative oversight Function Oversight role of management Types of oversight	Administrative oversight indicates the proper implementation of strategies set for institutions and organizations of all kinds alike. It also stresses the need to take into account financial and non-financial, administrative and non-administrative, technical and non-technical measures when designing or developing its program. Hence, the implementation of appropriate administrative control programs that would contribute to preserving the prestige of the job and that have an effective role in developing the capabilities of the administration by improving the performance of its employees. The idea of the study was formed from the researcher's desire to understand the supervisory role and its impact on the performance of employees, and the study requires access to an understanding of the nature of the supervisory role, and an effort must be made in order to reach an accurate understanding of the supervisory role on the performance of employees, and administrative control is considered a major pillar of sound management. It is one of its elements, and it is necessary to work on knowing the legitimacy of this oversight, and the importance of the study stems from several points. As some researchers believe, it is appropriate to pay attention to the results of oversight reports on administrative oversight and its importance within the administration and on employees, as well as the extent of the legitimacy of this oversight by the administration.
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### INTRODUCTION

#### First: the importance of research

Man has known the idea of administrative control over job performance since ancient times, but it is still shrouded in ambiguity and surrounded by a lot of misunderstanding. Nevertheless, this did not detract from its importance in any organization. Oversight is one of the most important areas of research in the current era, because of its great importance at the level of organizations in its various governmental, private and other fields. This study aims to investigate administrative control and its role in preserving the prestige of the job, and educating employees of its importance in improving performance.

There is no doubt that the job has many services for the people and society in which people's affairs are conducted and their interests are met, so there must be a supervisory system that monitors the employee and the extent of his commitment to perform the tasks of the job, and not to exploit it for his personal purposes. It was found that positive legislation has formed bodies and committees to

monitor the work of the public employee and hold him accountable for breaching his job duties or exploiting his job for his personal interests, and for this purpose several laws have been enacted. (1)

### **Second: the research problem**

The issue of administrative control over the work of the employee raises the problem of regulating this control and the topics it includes regarding the definition of this control, as well as researching its legitimacy and the types of this control.

It is possible that through the topic of the research, the question raised about the definition of control over the work of the employee and what is the legitimacy of this control and what are the types of administrative control. We will try to answer these questions by researching this topic.

### **Third: Research Methodology**

Through the descriptive approach, we dealt with the study of administrative control through its definition, the legality of this control and the types of this control, so we adopted the legal approach in analyzing the opinions that were expressed in defining control over the employee's work and researching its contents and content to extract the most important provisions and principles regulating it, in addition to that studying and analyzing the most important texts To determine the legitimacy of this control and to know its types.

### **Fourth: the research plan**

In order to define the administrative control over the employee's work in a broader way, we will address that in this research, which consists of two requirements:

#### **The first requirement**

We will shed light in this requirement on the definition of administrative control and the legitimacy of this control, which will be in two branches and as follows:

#### **First section**

##### **Definition of management oversight**

The oversight of the work and behavior of the employee in the texts of Iraqi laws is available and abundant, and this indicates its legitimacy in Iraqi law and its importance in maintaining the employee's performance of his job with full transparency and clarity and ensuring that the employee does not abuse his job because he knows that there is control over his work and behavior. Oversight is considered one of the important administrative processes because it aims to ensure the quality of performance, good production, and the achievement of the goals set in the administration, with the accompanying guidance of the administration in the right direction and working on its development and reform.

In view of the importance of actual investigation, prior anticipation, and general guidance for each administrative action carried out, jurisprudence has dealt with the subject of oversight from many angles, most of which involve one meaning and one goal.

Returning to the origin of the word, in the Arabic language, we find that "neck" denotes "an erection to take into account something," and from that is the derivation of the neck because it is erect. And Al-Raqeeb, in the form of a 'fa'il' meaning an active one, is the keeper from whom nothing is missing. And the sergeant of the army is its vanguard, and the sergeant of the people is their guard.

In the French origin of the word, we find that it is a combination of two words, 'roles' and 'contre', which generated the word controle. In the use of this phrase, it denotes the keeping of another record, other than the main record, to make two different entries, for comparison between them, later, in order to control matters.(2)

And since in every society (authority) there is someone who seizes and exercises it, just as society or a social group is necessary for the life of people, so the existence of power is necessary for the social group and therefore for human life, because without it, the social group would also disintegrate for life and be swallowed up by other groups.

In order to live and continue to live in society, there must be rules that determine the behavior of individuals in society, that is, there must be rules of behavior that govern the behavior of individuals in society. These social rules of conduct may include a prohibition from doing an act that may harm individuals or even society itself. It may also include an order to perform some actions that are imposed by the interest of society. These rules of conduct that impose abstention or doing some actions are (the law) (3)

With and if that is the case, then anybody in the state cannot take a decision or take action unless it is compatible with the legal rule that governs it, that is, within the limits of the competence of this body that is determined by the law, and this is in fact (the principle of legality), so the legitimacy is realized, then Through the relationship between power and law, power is not exercised except in accordance with positivist law or the legal system in its progressive legal base. (4)

We conclude from the foregoing that the element of balance that society needs to ensure its security is the law, as its rules (i.e. the law) guarantee the achievement of justice and the establishment of balance for conflicting interests, and the intended justice here is (legal justice), meaning that all members of society must be equal before the law without preference or discrimination between one person and another or between one group and another.(5)

And since the modern state is based on the principle of legality, which we can summarize as (the rule of law). The requirement of this principle is that the state is subject to the existing law in its actions, and that individuals can, through legitimate means, control the state in the performance of its function, so that they can return it to the right path whenever it deviates from the limits of the law, intentionally or negligently. (6)

Some may think that this censorship is a censorship based on restricting the power of the state. In fact, the state has no authority, but the authority (in the state) belongs to the rulers. The rulers are the holders of power in the state and they are the ones who exercise this power. And the exercise of power by rulers takes place by taking (decisions) that regulate the life of individuals in the state, or (the life of the state) if the expression is correct.

These (decisions) that the rulers take to organize (the life of the state) are the laws, so the exercise of power by the rulers is crystallized and takes place at the same time by the legal rules set by the rulers, that is, the laws. This authority is (laws). (7)

Oversight is an essential task in any organization, and in order to achieve the required effectiveness, especially in large and complex organisations, it is essential that an oversight mechanism be put in place that allows supervision of the various activities that take place in those organizations, and also allows for a re- Correct the destination of these activities, if necessary. (8)

Oversight of the public administration in general and the work carried out by the employee in particular is a necessary and extremely important process for many considerations, the most important of which are:

-The public act is a human act that is performed by a human element and is therefore subject to error and deviation, which necessitates monitoring it to avoid error and correct deviation.

-The expansion of the activity of the public administration, the diversification of its work, and the increase in the number of its employees, all of this requires monitoring these activities and works to ensure that they are proceeding according to the plan set for them, and that the employees of the administration work in accordance with the specific legal procedures and perform the work entrusted to them with quality and productivity, even if it is proven otherwise, correction of deviation and straightening warp will be done.

-The public administration enjoys privileges and exercises powers whose misuse may harm the rights and freedoms of others, which necessitates the necessity of subjecting them to effective control in order to remain within the scope of the law and work for the public interest and the common good and to prevent it from arbitrariness and tyranny. (9)

Based on the foregoing, oversight can be defined and in light of the advanced understanding as (monitoring the legality of rulers' actions within the scope of the applicable laws). (10)

Through this, we can define administrative control as: an important basic strategic process for administrative operations, because it is related to determining the success of the various stages of work in terms of planning, organizing, implementing and evaluating, as it is an administrative tool that includes a package of procedures that measure performance and make sure that each employee plays his role, and identifies errors And deviations in the workflow, which makes it like an indicator that judges the success of operations or not, and in a way that helps correct wrong paths through what it provides to senior management in terms of information and results on performance and workflow, and it can exist in the form of an internal self-monitoring department in the system, or External, affiliated to higher authorities in the state, and play the role of oversight, auditing, monitoring errors and abuses, and developing necessary remedies for them.

We find that the role of oversight is based on monitoring the legality of the actions of rulers within the limits of the scope of the laws in force, which are first and foremost a matter of human development, full of imperfections, and characterized by short-sightedness.

It is evident from this that oversight is far from a mere periodic investigation; It is not, in particular, an act whose conclusion is the organization of a report of the violation, which is a report of the seizure thereof. Nor does it envisage imposing penalties on the violator, before correcting the defect that resulted in the violation. The authors in the science of modern management present control as a real "philosophy". Oversight, and its practice, must be open to the process of managing and managing the organization's affairs, in all its details (11). Accordingly, oversight should be an act that guards against making mistakes, and correcting them when they fall into them. It should also be an incentive for good performance and coordination between the various operations leading to it. Likewise, administrative control is the exercise of authority to direct workers, and it includes the organization of manpower, control of resources and equipment, personnel management, supply operations, personnel training, readiness and readiness, hiring and dismissal, and discipline.

## **Section two**

### **The legality of administrative oversight**

The state of law is the state of legitimacy, so every action and every rule derives its legitimacy from it, and thus its binding force and then its legality from its compatibility in form and content with the legal system of the state. (12)

Oversight is every activity that is represented by follow-up, investigation, and evaluation of the degree of compatibility between the completed work, the estimates, and the approved programs, in order to bridge the gap between this and that, and to make the necessary corrections, when necessary. Oversight also means identifying, on a permanent basis, the strengths and weaknesses of the organization, and approving a system through which we can, formally or informally, make the

activities of the members of the organization conform to the provisions of the established rules. Control, as well, is to provide the means through which it is confirmed that the departments within the organization work effectively, in coordination, with each other, and in synergy and cooperation. In addition, oversight attracts organization towards good performance, and pushes for the removal of any behavior that is inconsistent with good performance. (13)

Administrative control is an important and influential process in all administrative processes, especially the famous stages (planning, organization, implementation and evaluation), because it ensures the perfect workflow, as well as monitors the performance and commitment of employees and ensures the application of best administrative practices during all operations. At the level of planning, it makes sure that the correct plans are drawn up, in which the objectives, policies, procedures, and time limits are specified, in order to provide the perfect start for any project or work. Whereas, in the process of organizing, it is responsible for ensuring that all matters are placed in their correct positions in terms of structure, distribution of tasks, and the correct employment of human energies in order to achieve the highest levels of efficiency in performance. The role of administrative oversight is very important in the implementation process, as it turns here into a balance and a measurement tool that gives direct indications of the extent to which operations are successfully implemented, and whether they are heading correctly towards achieving goals, or whether they need to be stopped and re-adjusted by redirecting efforts in an optimal way. And the continuation of this control throughout the work stages of any project is what guarantees a reduction in the rates of errors, and guarantees direct solutions if errors are detected. Even with the completion of all stages, the subsequent administrative control process is very important, as it provides a comprehensive evaluation of the project or service that has been worked on to be achieved, and it can establish numerical ratios that show the quality of the results and the size of the achieved success, as well as the size of the delay, regression or errors.

One of the axioms of the law is that the legal rules lose their value if they lose their sovereignty (what is the value of the law that is not applied)? If the direction taken by social relations differs from the principles imposed in the legal rules without being corrected, then these rules lose their justification for their existence, and thus their sovereignty is undermined actions and words according to the degree of discrepancy between those trends produced by the legal rules and those in which the tributaries of social, economic and political relations flow. (14)

The principle of the subordination of power to law is the axis around which the rule of law revolves, whether or not, and this meaning can be extracted clearly in the words of one of the jurists who says: "It has now become a given that it is not sufficient to protect the rights of individuals and their public freedoms to ensure the rule of law in their relations with each other." Rather, it has become necessary to confirm this protection to prevail in their relations with the state and the public bodies that derive from it. (15)

In more precise terms, conducting the intended behavior within the framework drawn by the law gives it (legitimacy) and thus leads to arranging the results that were intended for its conduct, while conducting that behavior in a framework other than the framework defined by the law labels it (illegitimate) and thus leads to the imposition of the penalty. The determinant of illegality is determined by the legal rules.

The specific penalty for illegality is considered this penalty (one of the important pillars that constitute the principle of legality). The principle of legality cannot be realized if it has no value unless there is a penalty that entices the actions of the administrative authority whose activity goes beyond the scope specified for it by laws and regulations.(16)

Whatever form of punishment is inflicted on individuals in both its civil and penal forms, or that is inflicted on the administrative authorities, such as annulment of an administrative decision or a

determination of the unconstitutionality of a law, it in fact remains the necessary (to visualize the principle of legitimacy in the legal system).(17)

In sum, the establishment of the modern state on (the principle of legality) allows individuals, through legitimate legal means, to supervise the performance of its functions.(18)

This is the legal basis for the legitimacy of oversight, so as long as the law protects individuals and their freedoms from the arbitrariness of the administration in its procedures, whether in its decisions, it protects administrative rights or its material actions, the commitment of the administration to submit to it (i.e. the law) and its submission to it in practice is the real guarantee for the protection of the rights and freedoms of individuals or their enjoyment of those rights and freedoms.(19)

The legitimacy of censorship in man-made laws, including Iraqi law, derives its existence from the state's legal system, because legitimacy is an idea or a legal concept that can only be realized through the legal system according to it, the philosophy of each legal system, especially in statutory laws, including Iraqi law.

And by highlighting the legitimacy of oversight, we note that it has great importance - which is within the work system - and is usually within its administrative structure and follows the higher leadership - lies in its focus on important elements topped by the process of controlling the pace of work and ensuring its progress in an orderly and correct manner, and its making sure that results are achieved through follow-up continuous, in addition to its significant impact on preserving budgets and human capital. In the event of errors, abuses or inaction in the performance of work, administrative control is the basis for reform and correction operations. Here, it is noted that the institutions that lack the presence of administrative oversight and control processes through an internal entity located within its structure are institutions that face frequent and numerous errors in a large proportion. This does not mean that institutions with administrative control are free from mistakes, because mistakes are an implicit result for those who act in accordance with the saying: He who does not work does not make mistakes, but the intransigence in making mistakes and persistence with the ability to change them is what must be worked on to change them.

## **The second requirement**

### **Types of oversight**

The prominent feature of the legal state is the submission of all public bodies in the state to the law in order to protect the rights and freedoms of individuals, so there must be a destination for individuals to turn to if public bodies abuse their rights or confiscate their freedoms in violation of the law. Accordingly, appropriate protection must be organized for the legal rules that restrict the activity of public authorities, in a way that leads to subjecting those authorities to legal rules that restrict their activity.(20)

The protection established for the rights and freedoms of individuals in the face of the arbitrariness of public bodies on their rights and freedoms can be shaped by a form of oversight, and this oversight may be oversight by administration (administrative oversight) or public oversight (public prosecution in Iraq), and accordingly we will talk about these two oversights in two sections that we devote The first branch is for management oversight, and we allocate the second branch for public oversight (the Public Prosecution in Iraq).

### **Management Control (Administrative Control)**

What is meant by administrative control is the self-control practiced by the public administration on itself, and it is a means by which the administration can make sure that the goals have been achieved completely and on time. Administrative control presupposes that employees respect the ethical

principles that they have acquired from the social and functional environment. The people assume that the public employee adheres to moral values more than the businessman, because public service is considered a trust placed by the people on the neck of the public employee to preserve it, and therefore it is not like other jobs. (21)

Administrative control includes three main steps or stages:

1- Defining control standards or setting performance rates. For example, determining the number of words that the scribe must hit on the typewriter in one minute, or the number of correspondence of a certain type that must be completed by an employee of a certain level. Performance criteria include three elements: the amount of work to be completed, the quality of the work and the time required to perform it. It should be noted that some work is measurable, such as writing work, while others are not measurable, such as the activities of administrators and technicians.

2- Measuring performance or evaluating the completed work, based on the control standards set in advance. It should be noted that whenever the standards are clear and understandable, the measurement process is easy.

3- Correcting deviations or differences between what has been done and what should be done.

Correcting the deviation requires first revealing its causes, then searching for means of treatment, and finally the immediate application of these means, and the means of treatment are many and varied. They may be in amending the established plans, in redistributing tasks and responsibilities, in increasing the number of employees or training them, in reviewing performance rates, or in finding a system active incentives etc. (22)

The summary of administrative control is that the administration itself monitors the conformity of its actions with the law, either at the request of individuals or on its own, and this control takes three forms at work, which are: (23)

### **1-State grievance**

Before starting this type of oversight, it is necessary to know the term state grievance, as some jurists or law researchers use the term (administrative grievance) to distinguish it from (judicial grievance) (24) which is submitted by individuals in the form of a lawsuit. (25)

(State oversight) is by means of a request submitted by stakeholders to the person who has acted in violation of the law, asking him to reconsider his behavior, either by withdrawing it, canceling it, amending it, or replacing it with someone else after he has seen him in the face of the error he has committed. (26)

The state grievance can also be defined as that which is submitted by the interested party (affected by the decision) to the one from whom the decision contrary to the law was issued, asking him to reconsider his decision, either by withdrawing it, canceling it, or amending it, or by replacing it with someone else, after showing the wrong in the decision. (27)

### **2- The presidential grievance**

Here, the aggrieved complains to the president of the source of the decision, and the president, based on his presidential authority, withdraws, cancels, or amends the decision in a way that makes it conform to the law, and the president decides to exercise this authority on his own without a grievance.

The presidential grievance is a grievance submitted by the concerned person to the presidential authority issuing the decision, which has the right to amend, withdraw or cancel decisions issued by its affiliated bodies that are not in accordance with the law, in implementation of the principle of self-management control over its work.

It can also be defined as the grievance submitted by the person affected by the decision to his superior, the source of the decision, and the president, based on his presidential authority, withdraws, cancels, or amends the decision, in a way that makes it conform to the law, provided that it is noted that the president may exercise this authority on his own without grievance. (28)

### **3- Grievance to a special committee**

This committee is usually composed of administrative employees from a certain class and provides individuals with some guarantees that are not available in the two previous methods. This third method was the link between the judicial administration system and the administrative court system in its technical sense.

However, administrative oversight in its three forms has directed arrows of criticism at it from all sides. The most important criticism leveled at the administrative oversight is that it does not have a guarantee of the rule of legitimacy because the source of the decision may refuse to admit the error and its boss may go along with it, and the administration may have a desire or interest in liberation from the shackles of legitimacy. On top of all this and that, if the dispute between management and individuals is left to be decided by the administration itself, trust in the souls of individuals cannot be established, because one of the requirements of justice is that the arbiter should not be an adversary in the dispute.(29)

Therefore, attention turned to searching for a kind of oversight, and it was (judicial oversight) that represented the greatest guarantee for individuals to resort to in litigating public bodies and protecting them from arbitrary administration, considering the judiciary an important and effective factor in maintaining the principle of legality and establishing the legal system of the state by subjecting public bodies to the law. (30)

However, judicial oversight is practiced according to the systems' adoption of a unified judiciary, i.e. the ordinary or judicial judiciary or the dual judiciary, which is that in the legal system in the state there are two independent judicial bodies: Disputes between individuals and administrative bodies on the other hand, as these bodies act in accordance with the methods of private law.

As for the administrative judiciary, its competence is generally limited to adjudicating administrative disputes, i.e. those disputes that arise between individuals and the authorities or administrative bodies, or between the administrative bodies themselves when these bodies act as a public authority and invoke their behavior by the methods of public authority or by the methods of public law. The administrative judiciary consists of specialized and graduated courts according to the types and nature of administrative disputes. (31)

Among the Arab countries that adopted the administrative judiciary independently of the ordinary judiciary are: Egypt, Syria, Iraq, Lebanon, Tunisia, Jordan, Morocco, the Kingdom of Saudi Arabia and the Sultanate of Oman. And Libya, there is also an administrative court within the formations of the League of Arab States. (32)

We find that the criticism directed at the administrative oversight cannot in any way overthrow the oversight capacity of the administration or consider that oversight to be useless, because the various forms produced by the administrative oversight throughout its long career in protecting the rights and freedoms of individuals against the abuse of the administration is the best witness to This statement, although there are some concerns and doubts about the administrative oversight in its impartiality, does not preclude a vigorous endeavor to reform the defects in the administrative oversight and to correct the faults it suffered in order to remain a source of trust to protect the rights and freedoms of individuals.

Administrative control is a continuous administrative process practiced by the administration authority for the purpose of verifying the extent of adherence to administrative laws and regulations



and the extent to which state employees in the administrative apparatus comply with the law. The rule of allocating administrative goals, and then the oversight establishes the basic guarantee of the rights and freedoms of individuals to protect them from the executive authority's violation of their rights.(33)

Accordingly, it can be said that the administration's conduct of this type of control (whether on its own initiative or based on a grievance or through a special committee is actually aimed at achieving the interest of the administration itself. Achieving the public benefit, which is the main goal of the administrative activity, and the self-monitoring practiced by the administration on itself also aims to respect the principle of (legitimacy).

## **Section two**

### **Public oversight (public prosecution in Iraq)**

Iraq did not previously know a regular body with clear foundations and objectives. It is called, as it is today, the name (the Public Prosecution Authority), although the function of the Public Prosecutor was created since the days of the Ottoman rule, as it was stated in Article (91) of the Ottoman Basic Law issued in In 1876, in the section on courts, it was stated that (public prosecutors will be appointed to defend public rights in criminal matters, and the functions and degrees of these prosecutors will be determined in the law. (34)

The first chapter of the Law for the Formation of the Ottoman Regular Courts issued in (1880) regulated the work of the public prosecutor, as he was considered, according to Article (57) of the first chapter of that law, to represent the Ottoman authorities, and in this capacity he is charged with protecting public rights in criminal cases and monitoring the application of the law in order to preserve Public interest. (35)

Public prosecutors are directly linked to the Ministry of Justice, and they are appointed and dismissed by Sunni will based on the proposal of the Minister of Justice, or what was called (the Haqqaniya glasses). Their appointment is subject to the same conditions used for the appointment of judges. Therefore, public prosecutors were fit to preside over the court in which they work or other courts similar to them in degree, jurisdiction or membership.

The Public Prosecution apparatus in the Ottoman Empire and therefore in Iraq, as it was subordinate to it, consists of the Public Prosecutor before the Court of Cassation, and he heads the Public Prosecution Service, followed by the Public Prosecutor before the Court of First Instance.(36)

The public prosecutor was the representative of the government and the representative of society, and the law obligated the public to follow the orders issued to him by the Minister of Justice, and the plaintiff was considered responsible before him. (37)

In fact, the institution of (public prosecution) in the late days of the Ottoman Empire did not exist except in the texts of the law, and even if it existed, its existence was ineffective. After the occupation of Iraq by the British forces and their entry into Baghdad in 1917, and according to Article (14) of the Courts' Statement issued by the occupation authorities on 4 December 28, 1917, it was decided that the civil courts would continue to observe the Ottoman laws that were in force before the occupation, and then the occupation authorities issued a law of principles Al-Baghdadi Criminal Trials, and this law was put into effect at the beginning of 1919.

Under this law, there was no independent existence for the Public Prosecution, as this function was entrusted to the public prosecutors who had powers to pursue criminal cases and initiate accusations on behalf of the social body. (38)

At a later stage, Public Prosecution Law No. (159) of 1979 (2) was issued. Then (the Coalition Provisional Authority), after the occupation of Iraq in 2003, re-established the (Judicial Council)

under Order No. (35) and enforced on September 18, 2003, whereby the Public Prosecution became a judicial body attached to the Judicial Council, and it was given all the necessary guarantees for its members to work freely and independently. After the Public Prosecution was suffering from administrative and executive domination in the Ministry of Justice, represented by the Ministry of Justice.(39)

Therefore, the most important guarantees provided to the Public Prosecution is the independence of the Public Prosecution, and what is meant by independence here is to ensure that the apparatus carries out its function without interference or influence on its progress that would prejudice the application of the law and the loss of rights between the various agencies in order to achieve access to justice, but the work of the Public Prosecution is largely intertwined with the work of judges and administration, which makes cooperation an indispensable necessity.(40)

Among the aspects of public prosecution oversight is what came in Article (14) of the Public Prosecution Law No. (159) of 1979, which stipulates:

)- Article 14 First: The Public Prosecution has the right to appear in civil lawsuits to which the state is a party and related to civil rights arising from criminal lawsuits for the state in order to clarify his statements and readings, and to review and follow up the methods of appeal against the decisions and rulings issued in those cases.

Second: The court must notify the public prosecutor in the region of the cases mentioned in Paragraph (First) of this article at least three days before hearing them and provide him with a copy of the petition and its documents.

Third: The Public Prosecution shall be exempted from paying any fees because of its interventions in the matters stipulated in this article and the previous article.

Some writers went on to criticize the direction of the Iraqi legislature in limiting the cases in which the public prosecution intervenes in civil lawsuits, especially those in which the state is a party, because the public prosecution is the faithful guardian of the interests of the state and society. It always seeks to put the right in perspective, especially since the new conditions in Iraq differ from the previous ones in the field of economic, political and social transformations. What is required is to support this apparatus and provide it with aware, bold and experienced cadres capable of protecting public interests and contributing to building a state of law. (41)

Among the forms of public prosecution oversight is what came in Article (30 / second / a) of the amended Iraqi Public Prosecution Law No. (159) of 1979, which stipulates that (second / a) if the Chief Prosecutor finds that there has been a violation of the law in any judgment or decision issued On behalf of any court other than the penal courts, or in a decision issued by the Director of the Department of Minor Welfare, the competent director of the Welfare of Minors, or the justice executor that would harm the interest of the state, the minor, or the funds of any of them, or violate public order, then he takes over the appeal of the ruling or decision, or in the interest of the law, despite the failure The legal period if no one of the concerned parties has appealed it.

This method of appeal is practiced by the Chief Public Prosecutor and is called (appeal in the interest of the law). It includes legislative texts in their wording and content, general administrative regulations (and Islamic law), custom, international treaties, and foreign laws whenever referred to by national law and the rules of justice.(42)

It is concluded from this that the direction of the Iraqi legislator in the Public Prosecution Law limits the task of the Public Prosecution to intervening in lawsuits that affect the interest of the state, as is the case in Article (14) of the Public Prosecution Law. It makes him a plaintiff in it, and thus he is an original opponent, as the Egyptian legislator did with regard to the Egyptian Public Prosecution, and this is not consistent with the legal position of the Public Prosecution, which is neutrality between

the litigants, and that its main task is the general supervision of the penal and non-penal legitimacy as far as it relates to legal work that is not related to the political aspects that enter In the competences of other agencies in the state, and therefore it is incorrect to say that the Egyptian Public Prosecution has broader powers than the Iraqi Public Prosecution in the civil lawsuit.(43)

As for the oversight of the Public Prosecution at the present time, it is represented in the provisions of Public Prosecution Law No. (49) of 2017, which stipulated in its fifth and sixth paragraphs: (..... Fifth: Attendance before labor courts, the Judges Affairs Committee, and the Public Prosecution Affairs Committee Employees' judicial courts, administrative courts, disciplinary and customs committees, income tax audit committees, and any body, committee, or council of a penal judicial nature.

Sixth: Attending civil lawsuits to which the state is a party or related to civil rights arising from criminal lawsuits, stating his statements and readings, and reviewing and following up the methods of appeal against decisions and rulings issued in those lawsuits. Where we find that these texts are similar to what was stated in the abolished Law of the Public Prosecution No. (159) of 1979 regarding the role of the Public Prosecution in attending cases in which the state is a party.

The administrative oversight in contemporary legal jurisprudence and in the Iraqi law appeared after the development of legal concepts and as a result of the state of vulnerability and influence between Arab laws and Western laws. France is one of the principles that defines the features of administrative oversight, and if the Iraqi law adopted administrative oversight in all its forms (state grievance, presidential grievance, and grievance to a special committee), this matter did not prevent the existence of other oversight to which individuals and the administration invoke what is called (judicial control), but one of the most important The objection to judicial oversight is its restriction in some matters, including (acts of sovereignty) from the competence of judicial oversight No. (26) of 1962 as follows (the courts may not consider all that is considered an act of state sovereignty). Legal jurisprudence defines the acts of sovereignty as (those acts that are issued by the government as an authority of governance, not an authority of administration). (44)

That is, in the sense that the government undertakes the acts of sovereignty by virtue of its general powers to regulate its relations with other public authorities, whether internal or external, or takes them out of compulsion to preserve the entity of the state at home or to defend its policy abroad. (45)

As for the other control adopted by Iraqi law, it is the control of the Public Prosecution (General Prosecution) in Iraq, and this type of control requires the submission of a request from an interested person to the Presidency of the Public Prosecution in order to carry out this control not the automatic control. (46)

We find that the exclusion of (acts of sovereignty) from judicial oversight and the rise of parliamentary oversight (public prosecution) in the event of a breach of the law, and at the request of the aggrieved party, makes the oversight in Islamic law more comprehensive and smooth in work because it is automatic oversight on the one hand, and on the other hand, oversight Administrative in Islamic law does not exclude any action of the government in submitting to it, provided that this action issued by the authority violates Islamic legislation and its basic constants.

However, this provision has been abolished in Iraqi law according to what was stated in the Constitution of the Republic of Iraq for the year 2005, where it was stated in Article (100) of this constitution that (it is present in the laws to immunize any action or administrative decision from appeal), and through that we find All administrative decisions or actions are subject to judicial oversight.

## CONCLUSION

At the end of the research on the issue of monitoring the employee's work and its role in preserving the prestige of the job, we have reached a set of results and recommendations, the most important of which are:

First: the results:

- 1- Administrative control has an important and effective role in the performance of employees, as enhancing the level of control in the administration contributes effectively to enhancing the performance of employees, improving their level of production, and enhancing services to serve the administration and the responsibility entrusted to it. The lack of awareness of the importance of administrative control within the department leads to a deterioration in the level of performance of the employees, which poses a threat to the administration and its responsibilities.
- 2- The job performance of the department can be improved by enhancing its ability to train employees by implementing direct training programs that contribute to enhancing the understanding of the control role within the department, as vocational training contributes to enhancing the understanding of the supervisory role in the department.
- 3- Administrative control also works to enhance the principle of job loyalty, transparency and integrity in evaluation, appointment and promotion, which results in an increase in performance, efficiency in productivity and preserving the prestige of the job.

### Second: Recommendations

- 1- Work must be done to awaken the spirit of self-censorship of the public employee by harnessing the visual, print, audio and written media to stimulate the moral motives in the public employee and make his living conscience a watch over his work. The rest of the controls are secondary.
- 2- We recommend to the legislator the need to work on preparing a disciplinary policy within the scope of professional work by codifying disciplinary penalties and adopting a directed jurisprudence that plays a key role in proposing solutions to functional problems and showing functional violations and subjecting the administration's authority to impose punishment to judicial oversight and not immunizing any administrative decision from being challenged before The judiciary, given that the judiciary is a refuge for individuals from the injustice and arbitrariness of administration.

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