

## Abstract

Legal regulation deals with the issue of the referral order stipulated in the Criminal Procedure Code for the Iraqi Internal Security Forces No. (17) of 2008, contrary to what is the case in the general Code of Criminal Procedure and this due to the special organizational nature of the internal security forces and their special legal system, that is consistent with the nature of its mission, is that the matter requires that it have legal bodies to which the members of the internal security forces are subject, and the referral points are one of the legal legislator of the bodies referred to by the General Code of Criminal Procedure for the Iraqi internal security forces in Article (29) which is one of the important topics that deserve research and attention, as the importance of internal security forces is due to the allocating a special referral authority to the presence of many acts that the internal security forces community considers crimes, while in civil society are not considered crimes, including violating good order and orders, disobedience and escaping from service ... etc., and since discipline is the basis on which the internal security forces are based, and the armed forces in modern countries depend on speed in trial and the imposition of punishment, which requires punishing the offender immediately after the crime to serve as an example to others, while the work of civil committing the laws is slow in itself, for security and confidentiality considerations what must be available in maintaining security secrets, which requires the presence of looking into the crimes of the internal security specialized legal agencies in the forces, where the matter of referring the criminal case is considered one of the important issues from a practical point of view, and its importance lies in the case, and its transfer from the stage fact that it constitutes a continuation of the preliminary investigation, to the trial stage, and this requires the issuing

authority to take note of it in all its aspects, and this thesis comes to clarify the nature of the referral order, especially in light of the Code of Criminal Procedure for the Internal Security Forces, that the decision to refer the criminal case as a judicial decision is supposed to be issued by a neutral judicial authority where the same legislator of the Internal Security Forces has given authority to combine investigation and referral, and thus the investigation authority is the same as the authority to charge, which raises a state of doubt about the possibility of providing neutrality. This decision was issued by an administrative body, where the General Code of Criminal Procedure empowers the Internal Security Forces, the Minister of Interior or his representative, to order the referral, even though they are an executive authority for the laws and regulations. The referral order in this law is considered a judicial act, not part of the judicial authority's decision or an administrative order, and if it is judicial, what is the basis for that? Or in other words: Does the case referral order have the elements of the judicial capacity of the judicial work, and the extent of recognition of the referral order in this law in light of the texts that determine the subordination of the internal security forces' courts to the referral order, the Minister of Interior, and their lack of independence? dealt with this subject in the light of a plan that was divided into two chapters

The first chapter is a statement of the nature of the referral order, as we have devoted the first topic to clarifying the meaning of the referral order in the light of definitions, whether they are legislative or doctrinal. of linguistic and idiomatic definitions. We also referred in this section to the legal basis for the referral order

The second topic dealt with the subject matter of referral in the Code of Criminal Procedures for the Internal Security Forces after defining it and

briefly addressing its types, we made a comparison between referral and some criminal procedures close to it in terms of their effects and provisions

the Code We also referred in this topic to the legal nature of the referral order in .of Criminal Procedure for the Internal Security Forces

The second chapter has been devoted to explaining the procedures for the referral order under the Code of Criminal Procedure for the Internal Security its discretion, the conditions of this Forces, the authority issuing this order order and the ways to appeal or bringing appeal for cassation.

the first topic dealt with the issuer of the referral order in the applicable Code of tion, and the Criminal Procedure for the Internal Security Forces and its discre .formal and objective conditions of the referral order in this law

we dealt with cases of referral order and ways As for the second topic to appeal or bringing appeal for cassation.

We have concluded the theses the results and with a conclusion that includ suggestions that we have decided to take into account by the legislator of the .Code of Criminal Procedure for the Iraqi Internal Security Forces

I hope from the Almighty God , to help us by adding something for the good and righteous