

Anti-Corruption Legal Management Framework in Iraq: Evaluating the Effectiveness of the Integrity Law

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ABSTRACT

Evidently, administrative corruption in Iraq undermines public confidence, squanders resources, and hinders the sustainability of development efforts. Even after Iraq enacted the Integrity Law and established the Federal Commission of Integrity, persistent corruption issues within the government have raised doubts about the sufficiency of these laws. This study examines how the Integrity Law enhances the prevention of administrative corruption in Iraq, drawing insights from best practices in other nations. I analyzed translated laws from Iraq, the United Nations Convention against Corruption (UNCAC), and official reports produced by Transparency International, the World Bank, UNDP, and the OECD. More than 30 reviewed studies were examined to ensure comprehensive coverage of the legal, institutional, and political dimensions of anti-corruption. Research indicates that while the law promotes strong governance, its effective enforcement is hampered by inadequate coordination among institutions and political pressure. The study emphasizes the need for more rigorous enforcement, enhanced protection for whistleblowers, and alignment of regulations with international standards. Reforms are essential to bolster accountability and foster governance within Iraq's public sector.

Keywords: Administrative law, Enforcement mechanisms, Governance, Integrity Law, Iraq, Anti-corruption.

INTRODUCTION

If administrative corruption (when exploited for personal gain by government officials) goes unchecked, it undermines the rule of law, institutions, and social and economic progress. It disrupts government operations by skewing decisions made by society, diminishing service quality, and eroding the public's trust in government agencies. In Iraq's precarious political climate, administrative corruption contributes to political instability, increases inequality among citizens, and hinders post-war reconstruction.

Despite efforts to foster change, Iraq remains one of the most corrupt nations globally, according to Transparency International. Consequently, Iraq enacted Integrity Law No. 30 of 2011, which was later updated by Law No. 2 of 2016, empowering the Federal Commission of Integrity (FCI) to lead the fight against corruption. This was established as a crucial step to ensure that Iraq's laws aligned with the UN Convention against Corruption, which the country ratified in 2007.

Although the Integrity Law was introduced over a decade ago, the persistent issue of administrative corruption has prompted people to question the genuine benefits of its implementation. Is the Integrity Law effectively reducing acts of corruption in Iraq? This paper aims to explore this question through three objectives. First, it analyzes the substantive guidelines and framework of the Integrity Law. Second, it assesses the tools and actions required for implementing and maintaining these laws. Lastly, it assesses the results to identify gaps in the system that impact its effectiveness, which can subsequently be addressed. The study employs a qualitative methodology and compares international anti-corruption practices.

The primary sources include Iraqi laws (translated into English), critical international agreements such as the UNCAC, over thirty scholarly studies, and data from reports published by Transparency International, the World Bank, the UNDP, the OECD, and other institutions. Its principal value lies in explaining how Iraq's regulations to combat corruption align with global standards and suggesting practical changes to enhance institutional reliability. Additionally, Peacearchy provides policy advice relevant to lawmakers, anti-corruption specialists, and those assisting countries recovering from conflict.

LITERATURE REVIEW

Reducing corruption has become a priority in international governance, primarily because governments recognize how corruption undermines development, institutions, and public trust in government. The UNCAC, adopted in 2003 and embraced by Iraq in 2007, is the central international convention in the fight against corruption. This convention outlines the obligations countries must fulfill regarding crime policies, crime prevention, global initiatives, asset recovery, and ensuring transparency in public sector information (UNODC, 2020). Many experts consistently identify Singapore and Denmark as leading countries with effective anti-corruption enforcement due to their strong laws, robust political backing, and independent institutions (Mungiu-Pippidi, 2013; Rose-Ackerman & Palifka, 2016).

However, Johnston (2005) and Della Porta and Vannucci (2012) argue that effective legislation and rigorous enforcement are necessary alongside solid institutional practices. Researcher-created models support this conclusion. The framework emphasizes that to make progress against corruption, laws and their enforcement must be impartial, ensuring everyone is treated equally (Tamanaha, 2004). According to Institutional Theory, organizations' behavior is shaped by unwritten rules and traditions, indicating that reforms must be accompanied by changes in the underlying culture present in organizations (North, 1990; March & Olsen, 2006). Additionally, public choice theory suggests that unchecked bureaucratic officials often pursue rewards for themselves or their political allies (Buchanan & Tullock, 1962).

The effectiveness and detail of anti-corruption measures vary significantly across the MENA region. Most nations have outlined anti-corruption strategies, but their implementation often stalls due to powerful patronage groups, politicized courts, and a lack of public involvement (OECD, 2021; Transparency International, 2023). Tunisia and Jordan have made strides by establishing anti-corruption bodies and enhancing their laws to align with UNCAC's standards; however, enforcement remains weak and unreliable, as reported by the UNDP in 2019. In fragile states like Libya, Syria, and Iraq, where conflict has impacted stability, these issues are exacerbated by ineffective governance (Ghanem & Hamade, 2021; Hallaj, 2020). Iraq exemplifies this problem. Nearly two decades after the end of authoritarian rule and the collapse of institutions in 2003, the country established the Federal Commission of Integrity (FCI) through the Integrity Law No. 30 of 2011, later amended by Law No. 2 of 2016. The FCI is tasked with investigating corruption cases, presenting them to the courts, and promoting ethical governance (Al-Qarawee, 2018).

While asset disclosure, conflict of interest rules, and measures against illicit enrichment are included in Romania's law, their impact has been minimal in practice. Studies by UNDP Iraq (2020) and the World Bank (2022) highlight that limited investigatory capacity and external political influence pose significant challenges for the FCI. Additionally, whistleblower protections are inadequate, and many individuals lack an understanding of the commission's functions. Experts contend that individuals can easily manipulate the system for personal gain. Hassan (2020) and Al-Tamimi (2021) suggest that public choice theory supports the notion that, without strong institutions, officials might wield anti-corruption rules to target opponents rather than uphold integrity. Furthermore, Iraq lacks a cohesive strategy to monitor corruption or evaluate government agencies, undermining the accountability process (Transparency International, 2023).

Utilizing theoretical ideas helps clarify why these plans sometimes fail. It is evident from the Rule of Law framework that, in Iraq, corruption policies are not taken seriously due to the absence of uniform legal restrictions on influential individuals (Tamanaha, 2004). According to Institutional Theory, strong networks and bureaucratic opposition can bolster informal power, which undermines the effectiveness of formally established laws (North, 1990; March & Olsen, 2006). Public choice theory suggests that politicized appointments and a lack of government checks can be pretty risky (Authors, 1962). Although Iraq's Integrity Law aligns with international standards, its enforcement is hindered by political, systemic, and institutional obstacles. Examples from around the world demonstrate that strong laws alone are insufficient; the political system, judicial process, and engagement of civil society must support anti-corruption efforts. This research employs concepts from both theory and data to investigate the application of Iraq's Integrity Law and to provide practical suggestions for its improvement.

METHODOLOGY

This research employs a qualitative approach to investigate how Iraq's Integrity Law has been implemented to combat administrative corruption. Doctrinal tools are most suitable for analyzing statutes, doctrines, and institutional structures; however, qualitative methods enable the interpretation of laws within their primary political and administrative context (Hutchinson & Duncan, 2012). Consequently, it is possible to understand and explain how the law is implemented rather than merely what is recorded in legal documents. This becomes particularly significant when the legal system fails to function correctly in societies striving to rebuild after conflict. Key information regarding the Federal Commission of Integrity (FCI) is derived from Iraq's Integrity Law No. 30 of 2011 and amendments from Law No. 2 of 2016. Official Iraqi regulations have been made accessible and accurate through the translation of their materials.

Similarly, the study draws on FCI reports, including annual reviews, data on efforts against organized crime, and strategic plans. These sources facilitate the evaluation of both the strategies and outcomes achieved during the execution of the Integrity Law. Furthermore, the research incorporates court judgments, administrative instructions, and regulations from lawmakers on anti-corruption cases, as well as decisions from government officials. These materials elucidate how courts interpret and enforce anti-corruption regulations and whether these practices align with the law's intended purpose. Additionally, the study connects the Iraqi framework to international standards and instruments, such as the United Nations Convention against Corruption (UNCAC), the OECD Anti-Corruption Guidelines, along with policy recommendations from the World Bank, UNDP, and Transparency International (as referenced in UNODC, 2020; OECD, 2021; Transparency International, 2023; World Bank, 2022).

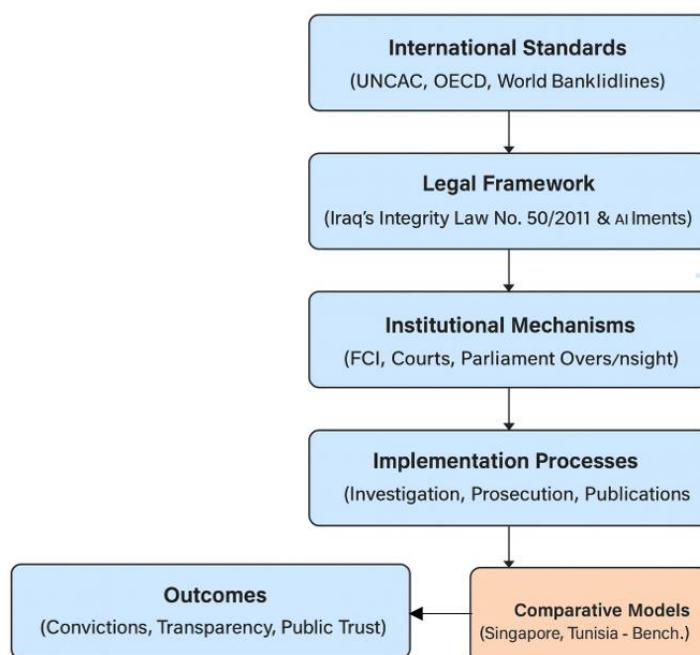


Figure 1. Conceptual Framework for Evaluating Iraq's Integrity Law.

To complete the analysis, this research examines and studies the comparative anti-corruption approaches taken by Singapore and Tunisia, whose strategies have led to significant improvements in reducing administrative corruption (Mungiu-Pippidi, 2013; Rose-Ackerman & Palifka, 2016; UNDP, 2019). Using these examples, it becomes possible to estimate Iraq's performance in terms of transparency, the independence of its institutions, and the efficiency with which it carries out laws. Nevertheless, the operation of the model gives a firm structure for analyzing Integrity Law in terms of its rules, practices, and effectiveness. It combines rigorous legal analysis and sound policy insights, providing a comprehensive assessment of international anti-corruption efforts.

ANALYSIS AND DISCUSSION

Structure and Content of the Integrity Law

Law No. 30 of 2011, subsequently amended by Law No. 2 of 2016, came into effect to tackle the issue of widespread corruption in administrative work in Iraq. Grounded in the Iraqi Constitution since 2003, the law

reflects Iraq's commitment to international anti-corruption standards, especially those outlined in the United Nations Convention against Corruption. The FCI is responsible for establishing anti-corruption regulations, conducting investigations, and referring identified violations to prosecutors. The main focus areas of the Integrity Law include asset disclosure, conflicts of interest, illicit enrichment, and protection for whistleblowers. It empowers the FCI to conduct investigations, review financial records, and seek assistance from other agencies. Additionally, it specifies penalties for corrupt activities, such as bribery, embezzlement, and offenses committed in public office. However, due to ongoing political interference and legislative deficiencies, the FCI's operational independence continues to face criticism (Al-Tamimi, 2021; Al-Qarawee, 2018).

Implementation and Enforcement Challenges

While the legal framework is solid, implementing the Integrity Law faces several challenges. UNDP Iraq (2020) and Transparency International (2023) indicate that political pressures often obstruct FCI's efforts. Because high-ranking officials are often protected by political immunity or powerful interest groups, holding them accountable is challenging, thereby rendering the law less effective. Collaboration between the FCI and key partners, particularly the judiciary, civil society, and media, is insufficient. There are inadequate procedures in place to protect whistleblowers in Iraq, and legal safeguards typically do not provide them with sufficient reassurance. Individuals who disclose corruption in government may encounter harassment or censorship (Transparency International, 2023). In countries where civic organizations aid in combating corruption, Iraq's restrictions on them have weakened the collaborative effort against corruption (Ghanem & Hamade, 2021).

Effectiveness and Measurable Outcomes

The effectiveness of the integrity law is evident when analyzing the relevant performance indicators. Deep-seated perceptions of corruption place Iraq 157th out of 180 countries in 2023 on Transparency International's index. According to the World Bank's Worldwide Governance Indicators, Iraq's control over corruption has not improved and may have worsened over the last decade (World Bank, 2022). Despite a moderate rise in FCI cases and investigations this year, which reached approximately 10,000, convictions account for only 8% (see the FCI Annual Report for 2023). Many public officials still fail to comply with asset declaration rules, and the government typically does not disclose details about actions taken. This suggests that, despite the existence of laws, they have a limited impact on reducing corruption. The public remains hesitant to trust efforts aimed at combating corruption. UNDP surveys from 2020 showed that about 30% of Iraqis believe anti-corruption agencies are truly autonomous or effective. Such skepticism underscores that many legal mechanisms have limited impact, underscoring the need to build new trust and reform institutions as a priority.

What experiences from other countries can teach Iraq valuable lessons? Systematically, ACRC implements its anti-graft policies by combining law enforcement with active public engagement, on-the-spot keyword tracking of assets, and transparent use of e-governance systems. This has prevented official misuse (OECD, 2021). Georgia embarked on fundamental modern reforms after 2003 by adhering to strong ethics, dismissing corrupt officials, and empowering anti-corruption bodies to act as prosecutors (Mungiu-Pippidi, 2013). Iraq's situation following the conflict is unique. Still, the principles shared by these models are evident, such as separating anti-corruption agencies from politics, increasing transparency, and fostering communities where people recognize the importance of laws. The efficiency of Iraq's FCI would improve if it enjoyed greater autonomy, released its findings openly, and connected with civil society organizations (Hallaj, 2020; Al-Qarawee, 2018). Iraq's Integrity Law explains and regulates the methods for combating corruption in government administration.

However, enforcing the law is challenging due to widespread political influence, poorly constructed institutions, and restrictions on enforcement. Research and experience from around the world agree that winning the fight against corruption requires a comprehensive, transparent, and resilient system. The law will succeed in Iraq when the country enhances institutional independence, aligns enforcement rules with global practices, and earns the public's trust in anti-corruption efforts.

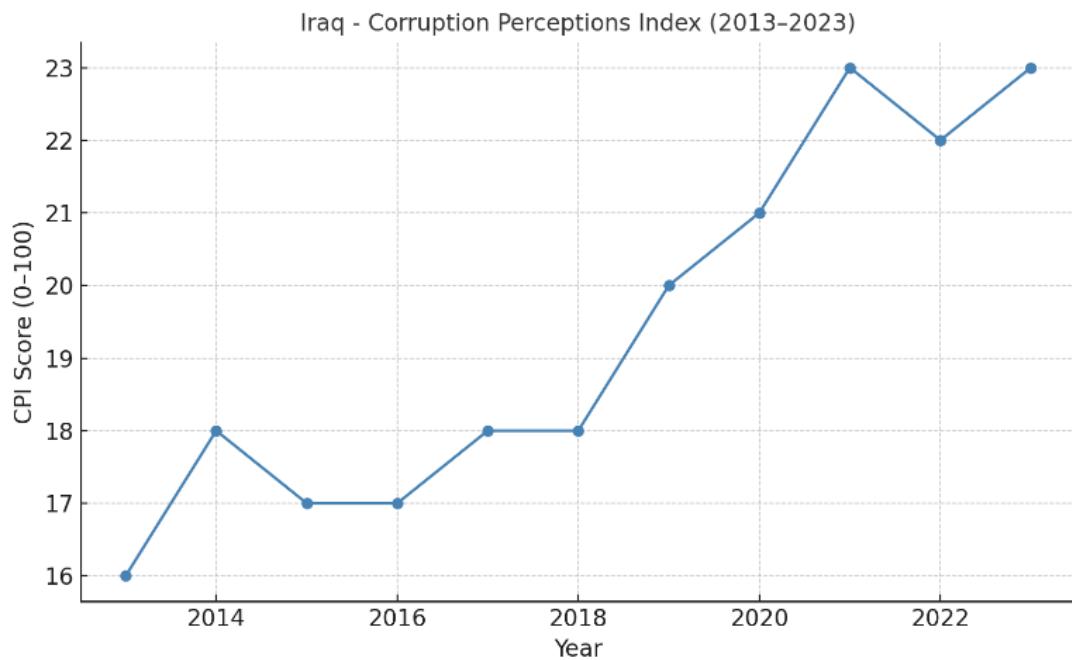


Figure 2. Iraq's Corruption Perceptions Index (CPI) trend from 2013 to 2023.

According to the scores, Iraq has consistently remained in the same low range, between 16 and 23, for years. The public criticizes corruption on a large scale, leading to ongoing issues for the country. Although the Integrity Law was enforced and updated, its effects have not led to changes in the country's CPI ranking. This stagnation in public trust highlights the need for effective methods to combat corruption and rebuild trust in the organization.

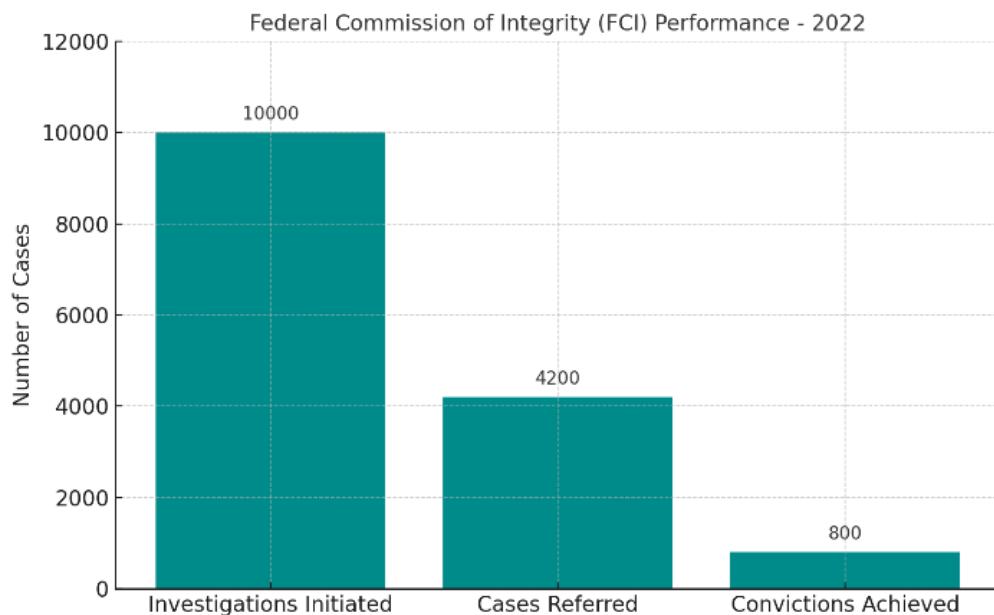


Figure 3. Illustrates the operational outcomes of Iraq's Federal Commission of Integrity (FCI) for 2022.

The data demonstrate that the Commission investigated over 10,000 cases but could prosecute only 4,200, with just 800 resulting in a conviction. This decline at each stage of the enforcement pipeline highlights significant issues within the system. The statistics indicate that Iraq's anti-corruption efforts are ineffective in court due to systemic problems. The results clearly show that many existing policies are not as effective as they should be in preventing corruption and holding individuals accountable.

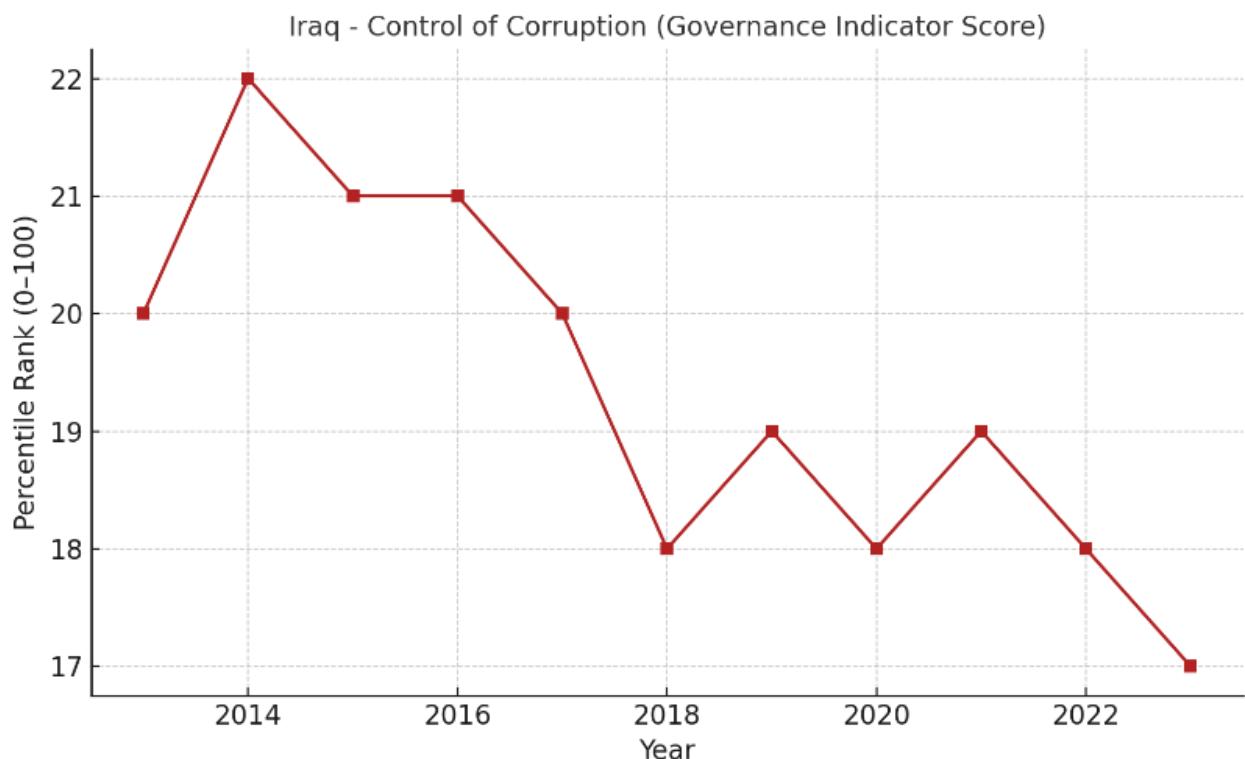


Figure 4. Depicts Iraq's Control of Corruption score according to the World Bank's Worldwide Governance Indicators from 2013 to 2023.

Iraq continues to rank below the 25th percentile during this period due to ongoing governance issues and significant institutional shortcomings. The data suggest that formal anti-corruption legislation, such as the Integrity Law, has no significant impact on practice. These results suggest that issues with political involvement, prosecutorial independence, and institutional capabilities persist. The chart illustrates that robust laws are insufficient unless institutions are better respected and their processes are improved.

Recommendations

Based on the research and results, policy and legal recommendations are made to enhance Iraq's anti-corruption efforts, with a particular emphasis on enforcing the Integrity Law. The IRU hopes that Iraq's domestic actions will align with the standards of the United Nations Convention against Corruption (UNCAC) and adhere to the practices established by successful countries in combating corruption. I encourage you to strengthen the Independence of the Integrity Commission. Ensuring that anti-corruption policies are enforced fairly and effectively requires the Federal Commission of Integrity (FCI) to maintain its independence. The FCI has the authority to investigate, despite its framework being subject to political control in major cases (Al-Qarawee, 2018; UNDP Iraq, 2020). Therefore, reforms should focus on:

- Enabling the FCI to determine and use its budget.
- Forming a group across political parties in parliament to oversee the government's actions in a non-party-related way.

It aligns with UNCAC Article 6, which asks each country to establish independent teams to prevent corruption (UNODC, 2020). Ensuring that the penalties are harsher and minimizing the after-effects of crimes is crucial. Despite its wide-ranging approach, the law still faces issues that diminish its effectiveness. It is vital to amend the rules to:

- Audit all laws related to corruption and ensure they align with the provisions of the Penal Code, Civil Service Law, and Financial Disclosure Regulations.
- State exactly what illicit enrichment is and apply criminal sanctions to cases of unexplained wealth following UNCAC Article 20.
- Establish fixed sentencing rules to prevent lighter judgments influenced by the political climate. According to Transparency International (2023), Hassan (2020), and Al-Tamimi (2021), ensuring fair penalties has become more challenging, leading to increased impunity for senior officials.

Protecting whistleblowers remains a significant challenge in Iraq's efforts to combat corruption. Although the law contains a provision for keeping witnesses' identities secret, it is not strictly enforced, and threats to witnesses remain common. Iraq should:

- Create a specific law that protects whistleblowers from getting fired, harassed, and threatened physically.
- Ensure there are safe and private platforms for reporters in the FCI.
- All interested public members should be able to access anti-corruption data and investigation findings by the OECD Guidelines (2021) and UNCAC Article 13 on civil participation.

It would help to promote a transparent environment and give journalists and NGOs extra power to monitor, much like watchdogs (Ghanem & Hamade, 2021).

The successful enforcement of laws against corruption relies on the efforts and principles of those who investigate and handle cases. The World Bank and UNDP report that Iraqi investigators and judicial officers often lack access to frequent training and resources. Some of the steps experts suggest are:

- Setting up a national group to train staff on fighting corruption with help from international groups.
- Delivering specialised education in financial forensics, gathering digital evidence, and international connections.
- Bringing together the FCI, Anti-Money Laundering Office, and the judiciary for major, international cases.

South Korea and Georgia serve as examples of how having well-qualified and independent government professionals can help combat elite corruption and foster stability in enforcement (Mungiu-Pippidi, 2013; OECD, 2021).

CONCLUSION

This study aimed to assess the impact of the Integrity Law on combating administrative corruption and promoting governance reforms. Through qualitative legal and comparative analysis, the study highlighted the composition, strengths, and weaknesses of Iraq's measures against corruption, emphasizing the role and effectiveness of the Federal Commission of Integrity (FCI). It was found that the Integrity Law is designed to adhere to international principles, but its enforcement faces numerous obstacles within the system and politics. A clear gap exists between what is mandated by law and what occurs in practice. While the law includes essential provisions regarding extensive asset declarations, conflicts of interest, and penalties for those involved in corruption, its application is not always consistent. Investigators often find that their efforts do not result in prosecution or conviction. This gap is exacerbated by inadequate practices among regulatory institutions and the absence of protections for whistleblowers. The lack of sustained political will and the weaknesses of government institutions contribute to this disparity. As seen in Georgia, Singapore, and South Korea, effective anti-corruption reforms require strong, independent institutions and a society that values integrity and transparency. Priorities for Iraq should include enhancing the autonomy of the Financial Crimes Investigation Unit, updating the judicial process, and protecting those who report corruption. Future studies should utilize data and case studies to assess how the Integrity Law is implemented. The Integrity Law and similar laws are essential, but cannot defeat corruption alone. A country's success depends on the quality of its government, which makes decisions, and its democratic institutions. Achieving transparency and accountability in Iraq depends on implementing new policies, demonstrating resolve, and working together under the rule of law.

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