

انتحال الوظائف والصفات في قانون العقوبات العراقي

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محمد حسين كاظم العيساوي

-

الدكتور حسن عودة زعال

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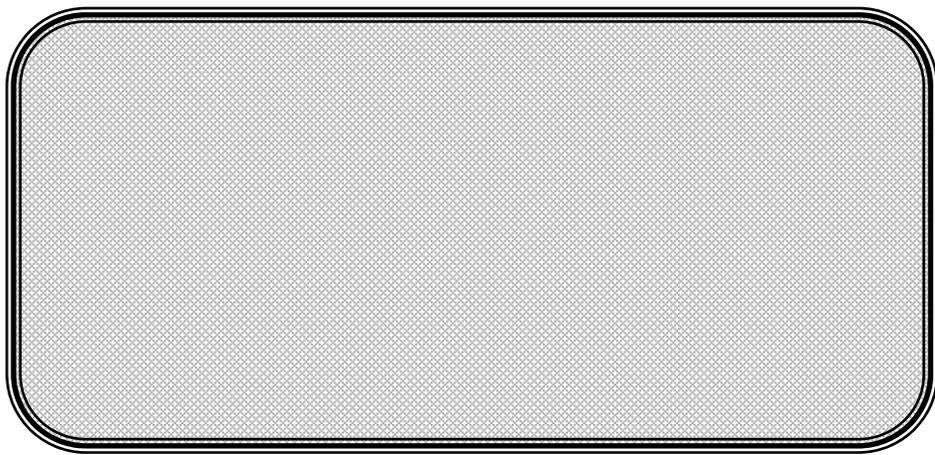
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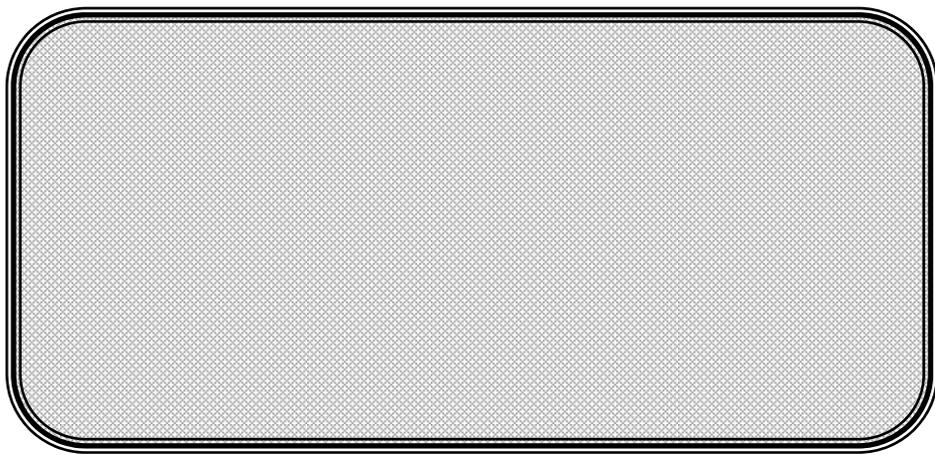
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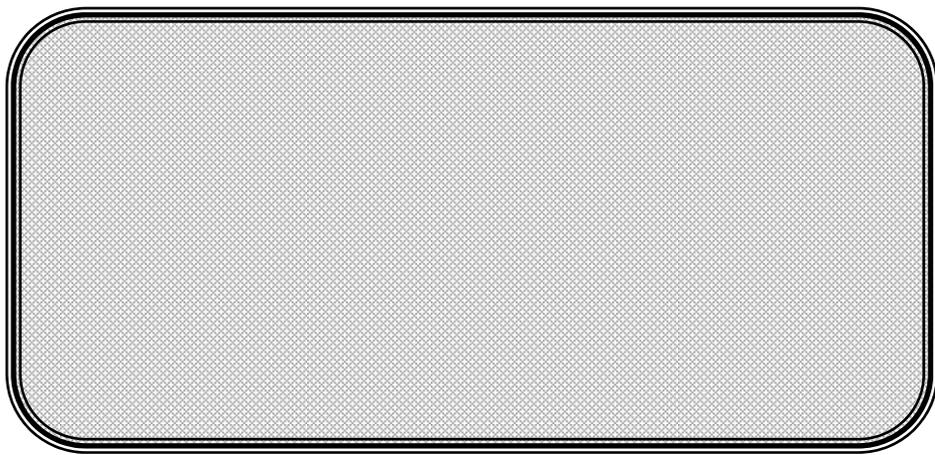
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Michele- Laure RASSAT, op, cit, p.559.

CONCL OF COURT OF HUMAN RIGHTS, SECRETARIAT GENERAL, DIRECTORTE GENERAL, LEGAL AFFARIS, DEPARTMENT OF CRIME PROBLEMS,STRASBOURG, 2001. EUROPEAN COURT OF HUMAN RIGHTS, SECOND SECTION, CASE OF SERIF V. GREECE CAPPLICATION NO. 38178/97; JUDGMNT, STRASBOURG 14 DEC 1999, FINAL 14/ 03 / 2000. P.8.

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COUNCIL OF COURT OF HUMANITY RIGHTS, op, cit, p.1-13.

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V.V. Raghavan, op, cit, p.272.

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The GERMAN PENAL CODE OF 1871, op, cit, p.85.

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The NORWEGIAN PENAL CODE, op, cit, p. 134.

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ANDRE PANCHAUD, CODE PENAL SUISSE ANNOTE, op, cit, p. 181.

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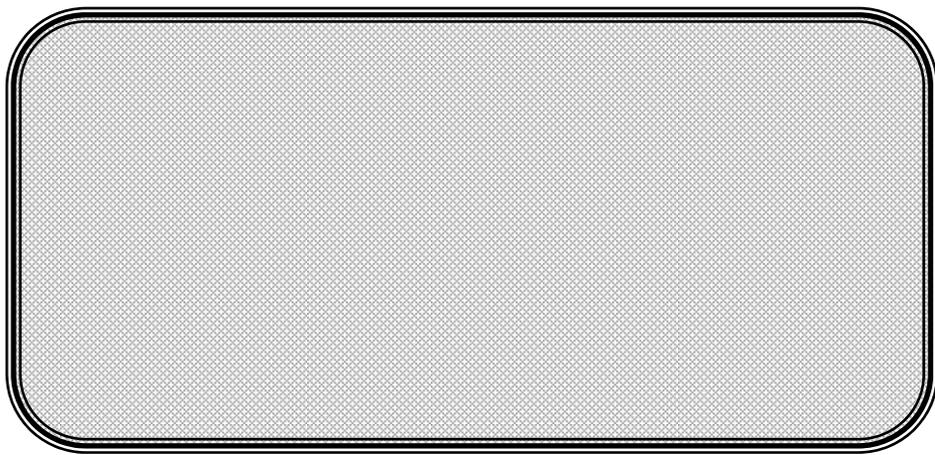
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R. GARRAUD, P, cit, p.653.* 412 (7)



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- (Trip, Corr. Seine, 9 dec 1936, S. 1937. 2. 13). (1)
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: PETITS CODES DALLOZ, 1952, op, cit, p. 457.
- (La Cour de Paris. Par arret du lo dec 1837 (2)
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: PETITS CODES DALLOZ, 1952, op, cit, p. 457.
- (Cass 27 juin 1834, S. 34. 1. 985). (3)
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R. GARRAUD, op, cit, p. 658-659. (4)

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Emile Garson, op, cit, p. 915.

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R. GARRAUD, op, cit, p. 660

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F. GOYET, op, cit, p. 189.

R. GARRAUD, op, cit, p.655.* HELIE FAUSTIN, op, cit, p. :

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HELIE FAUSTIN, op, cit, p. 299.* 220

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PETITS CODES DALLOZ, 1952 op, cit, p.456.*CODES DAUOZ, op, cit, p. (1)
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 R. GARRAUD, op, cit, p. 660 . 364 – 360

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R. GARRAUD; op, cit, p.662.* Emile Garcon; op, cit, p.913.* PETITS CODES DALLOZ;1952, op, cit, p.459.* F. GOYET, op, cit, p.192.* Michele-Laure RASSAT; op, cit, p.566.

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R. GARRAUD; op, cit, p. 666.* Emile Garcon; op, cit, p.913.* HELIE
FAUSTIN; op, cit, p.299.* V.V. Raghavan; op, cit, p.200

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R. GARRUD; op, cit, p. 556-657.

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Emile , op, cit. p. 914-915.

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R. GARRAUD, *op, cit*, p. 915

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V.V. Raghavan; op, cit, p.200.* F.GOYET; op, cit, p.189.* R. GARRAUD; op, cit, p.656. * Emile Garcon op, cit, p. 914–915.* Michele – Laure RASSAT; op, cit, p. 650.* HELIE FAUSTN ; op cit p. 299 .

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By: Roger CEDIE ; op, cit, p.1. * CODES DALLOZ; op, cit, p. 169.

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By : F. GOYET ; op, cit, P. 190

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(cass . 25 aout 1932) By: HELIE FAUSTIN; op, cit, p. 299.
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Jean Larguier, Ann-Marie Larguier, Driot Penal Special, 10^e edition, EDITIONS DALLOZ, Paris, 1998, p. 286. * Emile Garçon, op, cit, p. 920 – 921.

Roger CEDIE, op, cit, p. 457 – 459 * F. GOYT, op, cit, p.189 * Michele – : (3)

Laure RASSAR, op, cit, p.560 * HELIE FAUSTIN, op, cit, p.299 * R.GARRAUD, op, cit, p.659–666 * V. V. Raghavan, op, cit, p.200, 270 –274.

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R. GARRAUD; op, cit, p.666 * HELIE FAUSTIN; op, cit, p.299 * V. V. Raghavan, op, cit, p.200, 273-274 * Roger CEDIE; op, cit, p.457 – 459 * F.GOYET; op, cit, p.189 * Michele – Laure RASSAT; op, cit, p.650 .

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The GERMAN PENAL CODE OF 1871, op, cit, p.85. (1)

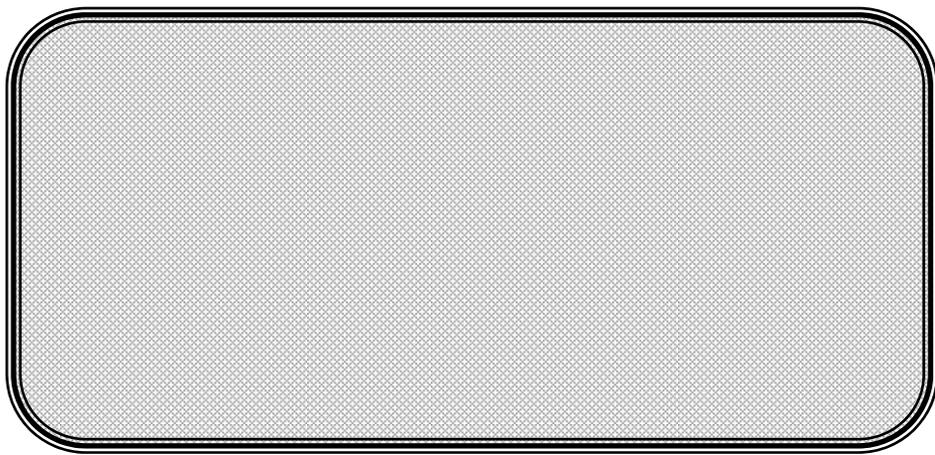
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V.V. Raghavan, op, cit, p. 199, 273-274. (4)



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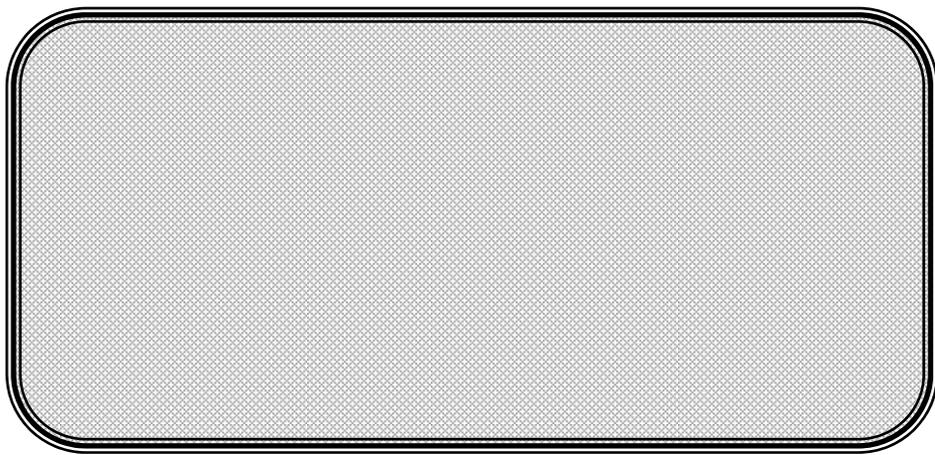
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			1998 / 7 / 13	3730	
			2000 / 12 / 11	3856	
			2001 / 5 / 7	3877	

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1997 / 9 / 24	1997 / / 699		.115
/ 3636	3482		
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2000 / 12 / 9	2000 / / 477		.116
/ 585	1031		
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2000 / 11 / 27	2000 / / 922		.117
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2001 /	/ 569	944	
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/ 583	1127		
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/ 301	380		
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1999 / 8 / 18	1999 / / 528	.123
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.2000 / 6 / 10	2000 / / 418	.125
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. 1999 / 9 / 4	1999 / / 573	.128
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. 1971	23	.139
	. 1979 160	.140
	. 1982 95	.141
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1948	40	.148
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. 1953		.154
. 1979		.155
. 1931		.156
. 1992		.157
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1976 / 8 / 9	911	
1983 / 2 / 5	160	
1984 / 7 / 15	812	
1984 / 9 / 19	1042	
1987 / 3 / 19	50	
1989 / 9 / 12	561	
1994 / 3 / 17	30	
1998 / 1 / 17	5	
1998 / 7 / 4	102	
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Assumption of Ranks and Offices
In
Iraqi Criminal Law
“ A Comparative Study ”

A Thesis Submitted by:
Mohammed Hussein Kadhum Al-Essawi

To The Council of College Of Law, University of Babylon
In Partial Fulfillment of the Requirement for the
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Supervised by
Professor
Dr. Hasan Auda Za'al

ABSTRACT

Assumption of Ranks and Offices includes two crimes, Assumption of ranks and offices, which are considered most important topics, because it is difficult to precaution from it. The offenders exploit the trust which citizens gave it to the ranks and offices. It committed by multi types can't be limited because it is developed and renew according to progress modern life. Especially, assumption which is adopted or admitted permission it is committed on offices which are considered very important thing or it is committed on ranks which are permitted by legislations according to the need of it, to distinguish some of offices, vocations and national social classes or foreign from others or to distinguish some of people who have right to carry it from others who have not that right. So that it's necessary to put end to assumption them, this was made by the majority of criminal legislations which are incriminate it even though it was under different names but it has the same aims in terms of structure and punishment.

The topic of Assumption of Ranks and Offices rise's many questions. We want from this research to discuss them in order to find out logic solutions to them. We should follow the style of analysis study, by considering the Jurisdictions and judges' judgments as well as Iraqi legislations which have concerned with this topic and compared them with their similarities in some of Arab and foreign legislations.

The research divided it into two parts preceded them foreword which is divided into two paragraph. The first paragraph devoted to its legislation development in Iraq and the second paragraph devoted to

named it. While the research's theme that came up with most of criminal legislations which dealt with both of assumption of Ranks and Offices, in addition to what is Iraqi criminal law No. 111, 1969 which its article 260 dealt with crime of assumption of offices and its article 261 dealt with crime of assumption of ranks, so that it is divided into two parts.

The first part dealt with crime of assumption of offices through three chapters. The first chapter concerned to show their identity which was divided into two sections. The first section devoted to define the crime and protection criminal to crime "public offices" in terms of its, administrative and, criminal meaningful and why it was punished who will assumption them. The second section distinguish assumption of office crime through the differences and similarities between them. The second chapter studies the elements of crime and we divided it into two sections. The first section devoted to its material element by made a one of states' assumption of offices without right. The second section devoted to its moral element which is represented by criminal intention which is based on tow bases knowledge and will "criminology". The third chapter concerned its punishment where the first section devoted to the punishment in Iraqi legislation, by presented its punishment, before the issue of the decision No. 160, 1983, and after the issue of the mentioned decision. The second section showed punishment in some Arab and foreign legislations.

While the second part is dealt with crime of assumption ranks by three chapters, the first chapter showed its identity which is divided into two sections, the first section devoted to define it, the protection criminal to crime "official ranks limited by crimed text", the scope of protection criminal to it and why it was assumption it a crime. The second section

devoted to distinguish it from the cheating crime by their differences and similarities. The second chapter showed its elements where the first section devoted to material base which represented by committing any state of assumption of official ranks publicly without any right. The second section devoted to its moral element which represented by criminal intention which was aroused controversy between jurists where some of them think it is enough to achieve general criminal intention while others think it needs private criminal intention in addition to general criminal intention. The third chapter is divided into two researches, the first devoted to its punishment in the Iraqi legislation, the second devoted to its punishment in some of Arab and foreign legislations. Finally, we finished the research with a conclusion presented the most important results and proposals which we are reaching to them.