

The Penal protection for the President

(Acomparative study)

BY

Tabark Najim Abd

Abstract

The position of the republic president is one of the most significant positions in the state. The republic president is the sponsor of the independence, land safety, constitution and law, treaties of the state. He is the top official responsible for the application of the constitution and the existence of the state.

The constitutional legislations shall contain legal articles ensuring legal protection for those who are in this position. One of these aspects of legal protection is the criminal protection which stands for two essential points. The first point is immunity. The republic state holds judicial immunity while practicing his tasks. In addition, he makes advantage of this kind of immunity even after the finishing of his tasks which he has conducted while he was in the office.

The main purpose behind empowering this kind of immunity to the state president is to guarantee the republic president fulfills his tasks free. However, this immunity is not absolute as legislations put exceptions for some dangerous crimes.

The second point is the enactment of legal articles condemning offending the republic president and proposing rigid punishment for such criminal

behavior if it happens to the republic president in comparison to in ordinary individual.

The position of the republic state in Arabic countries (including Iraq) is generally very important and critical. In spite of the change that happened after 2003, the collapse of the regime, the cancellation of 1970 interim constitution and the issuing of 2005 constitution that reduces the powers of the republic president, the person who occupies this position still holds large authorities as he is the president of the state and the protector of constitution. Thus, such position requires special criminal immunity characterizing him from other public officials. The problem statement the problem statement represents answering the following questions: Why most constitutions (including comparative ones) except Lebanese constitution don't mention the objective or procedural immunity that the presidents of all states enjoy? The constitutional and international convention recognizes the principle of immunity for the presidents of all states, Why the law of judging the republic president designated by article (93/ sixth) of 2005 constitution in effect has not been issued yet?, Why the protection of the republic president is extremely exaggerated in disciplinary laws by tightening up punishment on those who offend the president?, Study plan The current study has been divided into introduction, preface section and two chapters as follows: Preface section entitled (the concept of the republic president) includes the definition of the concept of the republic president and his features, the authorities of the republic president and the period of his office.

Chapter one entitled (what is the immunity of the republic president?) is divided into two sections: section one contains the concept of the republic president's immunity locally; section two contains the concept of the republic president's immunity internationally.

Chapter two entitled (the criminal protection of the republic president) is divided into two sections: section one the protection of the republic president related to his body and life; section two the protection of the republic president related to his honor and status.

The study has been ended up with conclusion, contain findings and recommendations.