

الرقابة القضائية على القرارات الإدارية الإلكترونية في قطاع التعليم: نحو مواعمة تشريعية
لمتطلبات العدالة الرقمية

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Judicial Oversight of Electronic Administrative Decisions in the Education Sector: Towards Legislative Harmonization For Digital Justice Requirements

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ملخص الدراسة

شهد قطاع التعليم العالي تحولاً جذرياً نحو الإدارة الإلكترونية، مما أدى إلى ظهور نمط جديد من القرارات الإدارية التي تتخذ آلياً عبر الأنظمة الذكية أو المنصات الرقمية، وتكمن المشكلة البحثية في أن القواعد التقليدية للرقابة القضائية على القرارات الإدارية صممت للتعامل مع القرارات المكتوبة والتقليدية، مما أوجد فجوة قانونية عند ممارسة القضاء الإداري لرقابته على القرارات الإلكترونية في الجامعات (كالقبول، والنتائج، والقرارات الانضباطية)، ولا سيما فيما يتعلق بإثبات ركن الشكل والسبب وتسبب القرار الإلكتروني.

تهدف هذه الدراسة إلى بحث مدى كفاية النصوص القانونية الحالية في تمكين القاضي الإداري من بسط رقابته على القرارات الرقمية في المؤسسات التعليمية، واستكشاف التحديات التي تواجه "العدالة الرقمية" مثل إشكالية إثبات صحة القرار الإلكتروني وحججه، وتعتمد الدراسة على

المنهج الوصفي التحليلي لتشخيص الواقع التشريعي، والمنهج المقارن لاستعراض تجارب قانونية رائدة في موازنة قوانين القضاء الإداري مع التحول الرقمي.

وتوصلت الدراسة إلى نتائج حيوية، أبرزها وجود "قصور تشريعي" في تحديد طبيعة القرارات الإدارية الصادرة عن الخوارزميات التعليمية، وضبابية في تحديد وقت صدور القرار والتبليغ الإلكتروني، مما قد يؤدي إلى إهدار حقوق المتقاضين، وتقدم الدراسة مقترحات لإصلاح الأطر القانونية، من أهمها ضرورة تحديث قوانين القضاء الإداري لتبني مفهوم "التفويض الإلكتروني"، وإقرار حجية الدليل الرقمي في المنازعات التعليمية، متبينة رؤية استشرافية تضمن الموازنة بين سرعة الإجراءات الرقمية وبين ضمانات الحقوق والحريات الأكاديمية تحت مظلة سيادة القانون.

Abstract

The higher education sector has witnessed a radical shift toward electronic administration, leading to the emergence of a new pattern of administrative decisions made automated through smart systems or digital platforms. The research problem lies in the fact that traditional rules of judicial oversight were designed to handle conventional, written decisions. This has created a legal gap when administrative courts exercise oversight over digital decisions in universities-such as admissions, grading, and disciplinary actions-particularly regarding the proof of formal requirements, legal grounds, and the reasoning of electronic decisions.

This study aims to examine the adequacy of current legal texts in enabling administrative judges to extend their oversight to digital decisions in educational institutions. It further explores challenges facing "Digital Justice," such as the difficulty of verifying the authenticity and legal weight of electronic decisions. The research employs a descriptive-analytical approach to diagnose the legislative reality, supported by a comparative methodology to review pioneering legal experiences in harmonizing administrative justice laws with digital transformation.

Preliminary findings indicate a "legislative deficiency" in defining the legal nature of administrative decisions generated by educational algorithms, alongside ambiguity in determining the exact time of issuance and electronic notification. Such gaps may compromise the rights of litigants. The study concludes by proposing legislative reforms, most notably the need to update administrative judiciary laws to adopt the concept of "Electronic Delegation" and recognize the legal weight of digital evidence in educational disputes. It advocates for a forward-looking vision that ensures harmony between the speed of digital



procedures and the protection of academic rights and freedoms under the rule of law.

1.Introduction

The rapid development of digital technologies has fundamentally transformed public administration, particularly in the education sector, where the use of electronic systems for issuing and managing administrative decisions is increasing. While this transformation enhances efficiency, transparency, and accessibility, it also raises significant legal challenges related to the validity of these decisions, the accountability of decision-makers, and oversight. These challenges are more pronounced in legal systems such as those in Iraq and the Kurdistan Region, where regulatory frameworks are still developing, creating a gap between technical practice and legal oversight. In this context, judicial review becomes a crucial mechanism to ensure that electronic administrative decisions comply with the rule of law and protect individual rights. Therefore, this study aims to clarify the legal nature of these decisions, evaluate the effectiveness of existing oversight mechanisms, and propose legislative harmonization to meet the requirements of digital justice.

1.1.Background of the Study

In recent decades, public administration has undergone a radical transformation driven by rapid technological advancements and the global shift towards digital governance. Governments are increasingly reliant on electronic systems for service delivery, data management, and administrative decision-making. This transformation has significantly impacted the education sector, where educational institutions have become increasingly reliant on electronic systems. Digital platforms are relied upon for student admissions, examinations, assessments, and disciplinary procedures. In Iraq and the Kurdistan Region, efforts to modernize public administration have accelerated, particularly after 2003, with an increasing focus on transparency, efficiency, and accessibility. Educational institutions, both public and private, have gradually adopted electronic systems for managing administrative processes. However, this shift has not always been accompanied by sufficient legal frameworks capable of regulating electronic administrative decisions and ensuring their compliance with applicable legal principles. Consequently, the transition from traditional paper-based administration to digital decision-making has led to new legal challenges, particularly concerning accountability, legitimacy, and the protection of individual rights. These challenges necessitate a re-examination of existing legal principles and highlight the importance of judicial oversight to ensure that electronic administrative decisions are subject to the rule of law.

1.2.The Importance of Digital Transformation in the Education Sector

Digital transformation in the education sector plays a pivotal role in enhancing efficiency, improving service delivery, and expanding access to education. Electronic systems enable faster processing of administrative procedures, reduce bureaucratic delays, and facilitate communication between institutions, students, and stakeholders. Furthermore, digital platforms contribute to increased transparency by enabling students to access their academic records, exam results, and administrative decisions in real time. They also support data-driven decision-making, allowing educational authorities to analyze performance and allocate resources more effectively. Despite these advantages, digital transformation entails significant risks, including technical errors, cybersecurity threats, and potential violations of privacy and data protection. In the absence of strong legal safeguards, these risks could undermine trust in educational institutions and jeopardize individual rights. Therefore, the integration of digital technologies in education must be accompanied by appropriate legal and institutional mechanisms to ensure accountability and integrity.

1.3.The Emergence of Electronic Administrative Decisions

The adoption of digital technologies has led to the emergence of electronic administrative decisions, which are decisions issued or Decisions are processed or transmitted electronically. In the education sector, these decisions include student admissions, exam results, scholarship allocations, and disciplinary procedures. Electronic administrative decisions differ from traditional decisions in several aspects. They are often automated or semi-automated, rely on digital data, and may originate from algorithms or electronic systems. While these features enhance efficiency, they also raise concerns about transparency, accuracy, and the potential for errors or bias in decision-making processes. Furthermore, the intangible nature of electronic decisions poses challenges to legal verification and documentation, raising questions about their validity, credibility, and enforceability, particularly in legal disputes. These issues highlight the need for clear legal standards governing the issuance and review of electronic administrative decisions.





1.4.The Role of Judicial Oversight

Judicial oversight is a fundamental mechanism for ensuring the legality and legitimacy of administrative procedures. It allows individuals to challenge administrative decisions before the competent courts and provides a means to protect rights and freedoms from arbitrary or unlawful actions. In the context of electronic administrative decisions, judicial review becomes increasingly important. Courts must adapt to new forms of evidence, including digital records and electronic communications, and establish appropriate standards for reviewing decisions issued through automated systems. Judicial review performs several important functions: it ensures that administrative authorities adhere to the limits of their legal powers, comply with legal procedures, and respect fundamental rights. It also promotes accountability and fosters public trust in administrative institutions. However, the effectiveness of judicial review in the digital age depends on the adequacy of existing legal frameworks and the capacity of judicial institutions to handle the complexities of electronic decision-making.

1.5.Problem Statement

Despite the increasing reliance on electronic administrative decisions in the education sector, the legal frameworks in Iraq and the Kurdistan Region remain largely rooted in traditional administrative practices. This creates a gap between technological advancements and legal regulation. The absence of clear and comprehensive legislation governing electronic administrative decisions raises several concerns, including the lack of standardized procedures, insufficient data protection safeguards, and limited judicial review mechanisms. Furthermore, courts may face difficulties in assessing the legality of digital decisions due to technical complexities and a lack of specialized expertise. Therefore, the main problem addressed by this study lies in the inadequacy of current legal frameworks to effectively regulate and monitor electronic administrative decisions, and the need to develop a coherent legislative approach that meets the requirements of digital justice.

1.6.Research Questions

This study seeks to answer the following main questions:

- a.What is the legal nature of electronic administrative decisions in the education sector?
- b.To what extent can the current legal frameworks in Iraq and the Kurdistan Region regulate these decisions?
- c.What challenges do courts face in exercising judicial oversight of electronic administrative decisions?

d.How can legislative frameworks be harmonized to ensure the effective achievement of digital justice?

e.What reforms are needed to enhance accountability, transparency, and the protection of rights in digital administrative processes?

1.7.Study Objectives

The main objectives of this study are as follows:

a.To analyze the concept and characteristics of electronic administrative decisions.

b.To examine the role of judicial oversight in reviewing these decisions.

c.To evaluate the existing legal frameworks in Iraq and the Kurdistan Region.

d.To identify gaps and challenges in the current regulatory system.

e.To propose amendments to legislation to align with the requirements of digital justice.

1.8.Methodology

This study adopts an analytical legal approach. It includes an examination of relevant legal texts, including the constitutions, laws, and regulations of Iraq and the Kurdistan Region. It also analyzes judicial decisions and administrative practices to assess the practical application of legal principles. This methodology helps identify potential reforms and adapt them to the local legal context. The study also includes a qualitative analysis to evaluate the effectiveness of existing legal frameworks and propose improvements.

1.9.Study Structure

This study consists of six main sections:

- Section One: Introduction,
- The second section presents the conceptual and legal framework, defining electronic administrative decisions and reviewing the principles of judicial review and digital justice.
- The third section addresses e-administration in the education sector, including its benefits, forms, and associated challenges.
- The fourth section focuses on judicial review of electronic administrative decisions in the education sector, analyzing its scope and limitations with respect to electronic administrative decisions.
- The fifth section examines the legal framework governing electronic administrative decisions in the education sector in Iraq and the Kurdistan Region, identifying gaps. The study also addresses the practical challenges of implementation.





- The sixth section proposes a framework for legislative harmonization, offering recommendations for aligning legal systems with the requirements of digital justice.
- The seventh section concludes with a summary of findings and a set of proposals aimed at improving the regulation and oversight of electronic administrative decisions in the education sector.

2.The Conceptual and Legal Framework

This section lays the theoretical and legal foundation for the study by examining the fundamental concepts related to electronic administrative decisions and judicial review within the framework of administrative law. With the increasing impact of digital technologies on the performance of public administration, it becomes essential to clarify the legal nature, characteristics, and implications of decisions issued electronically. Therefore, the chapter begins by defining electronic administrative decisions and identifying their distinguishing features. It then analyzes the concept of judicial review and its legal basis. Furthermore, it outlines the principles of digital justice that guide the organization of administrative work in the digital age. By establishing this conceptual and legal framework, the chapter provides the necessary foundation for understanding the challenges and developments that will be discussed in subsequent chapters.

2.1.Definition of Electronic Administrative Decisions

Electronic administrative decisions refer to decisions issued by public authorities via digital or electronic means using information and communication technologies. In administrative law, a decision is generally defined as a unilateral action intended to produce legal effects. This definition applies to decisions issued electronically (Craig, 105). These decisions may be fully automated, semi-automated, or communicated electronically. However, they retain the same legal force as traditional administrative procedures. What distinguishes electronic administrative decisions is not their legal nature, but rather the means and process through which they are issued. Unlike traditional decisions documented on paper and signed manually, electronic decisions are created, processed, and stored digitally, often relying on databases and software systems. This shift introduces new legal considerations related to credibility, reliability, and traceability (UN, 67).

2.2.Characteristics of Digital Administrative Procedures

Digital administrative procedures are characterized by several distinctive features that differentiate them from traditional administrative practices. Among the most prominent of these are speed and efficiency. Electronic systems enable rapid processing and immediate reporting of decisions, contributing to improved administrative performance and service delivery (OECD, 67). Another key characteristic is data reliance. Electronic decisions are based on digital inputs, making data accuracy, completeness, and security crucial. Errors in data processing can lead to incorrect decisions, affecting individuals' rights and interests (WB, 22). Automation also plays a pivotal role in digital administrative procedures. In many cases, decisions are made using predefined algorithms or rules integrated into the system. Electronic systems, while promoting automation and reducing human error, raise concerns about transparency, especially when the decision-making process is not easily understood by the individuals involved. Electronic administrative procedures are often intangible and decentralized; they may only exist in digital form and can be accessed remotely, which complicates matters related to documentation, jurisdiction, and legal verification. These characteristics require adapting legal frameworks to ensure effective regulation and oversight (EC, 9).

2.3.The Concept of Judicial Review

Judicial review is a fundamental principle in administrative law. It refers to the authority of courts to review administrative decisions and ensure their compliance with legal standards. It serves as a safeguard against arbitrary or unlawful actions by public authorities and protects individual rights. Traditionally, judicial review focuses on the legality of administrative decisions, not their substance. Courts examine whether a decision was issued by a competent authority, followed proper procedures, and respected applicable legal standards. This includes reviewing grounds for illegality, procedural violations, and abuse of power (Craig, 421). In electronic administrative decisions, judicial oversight faces new challenges. Courts must deal with digital evidence, automated systems, and technical processes that may be difficult to understand without specialized knowledge. Consequently, judicial institutions must adapt their approaches and develop the necessary expertise for effective oversight of the electronic decision-making process (Kerr, Ian R., et al., 213).

2.4.The Legal Basis of Judicial Review On Administrative Decisions

The legal basis for judicial review of administrative decisions rests on the principles of the rule of law and the right to access justice. In Iraq,





constitutional and legal provisions enshrine the authority of the judiciary to review administrative procedures and ensure their legality. Judicial review is usually based on several well-established grounds, including lack of jurisdiction, violation of legal procedures, abuse of power, and non-compliance with applicable laws. These principles also apply to electronic administrative decisions, although their application may require reinterpretation in light of technological developments. Procedural requirements in the digital domain may include compliance with electronic authentication standards, while jurisdictional issues may extend to the design and operation of information systems used in decision-making. This highlights the need for updated legal frameworks that explicitly address the unique aspects of e-government (Iraqi Electronic Signature and Electronic Transactions Law No. 78 of 2012, Article 4).

2.5.Principles of Digital Justice

Digital justice refers to the application of legal principles in a digital environment in a way that ensures fairness, transparency, and accountability. It aims to protect individual rights while promoting the optimal use of technology in public administration (UN, 89). Transparency is a fundamental principle of digital justice. Individuals must be able to understand how decisions affecting them are made, including the rationale behind automated processes. Without transparency, administrative decisions are difficult to challenge or verify. Accountability is another essential principle, requiring public authorities to remain responsible for decisions made through electronic systems. Even when decisions are automated, responsibility cannot be entirely delegated to technology (OECD, 56). Data protection and privacy are also central elements of digital justice. Electronic administrative decisions often involve the processing of personal data, which Ensuring that this data is handled securely and in accordance with legal standards, and the principle of effective judicial appeal guarantees the right of individuals to challenge electronic administrative decisions before competent courts. This includes access to evidence, fair procedures, and impartial adjudication of cases. Integrating these principles into national legal systems is essential to ensure that digital transformation supports the rule of law, rather than undermining it (WB, 40).

3.Section Two: E-Government in the Education Sector

This section examines the practical application of e-government in the education sector, highlighting how digital technologies are fundamentally transforming administrative processes and decision-making. It focuses on various forms of electronic administrative decisions, including

admissions, exam results, disciplinary procedures, and scholarship allocation, while reviewing their advantages, such as increased efficiency, transparency, and consistency. Simultaneously, this section addresses the risks and challenges associated with digital management, including technical errors, data protection concerns, and legal ambiguities. By analyzing these issues, this section lays the foundation for understanding the need for effective oversight and regulatory frameworks to ensure that digital transformation in education aligns with the principles of fairness, accountability, and digital justice.

3.1.Digital Transformation in Education

Digital transformation in the education sector refers to the integration of information and communication technologies into administrative and academic processes, thereby improving efficiency, accessibility, and service quality. Governments and educational institutions around the world have increasingly adopted digital systems to manage processes such as student registration, course delivery, assessment, and corporate governance (Selwyn, 18). In Iraq and the Kurdistan Region, digital transformation has gradually developed, influenced by broader efforts to modernize public administration and improve service delivery. Educational institutions have introduced electronic platforms to facilitate communication, manage student data, and streamline administrative procedures. These developments align with global trends emphasizing the role of digital technologies in strengthening education systems and promoting universal access to education (UNESCO, 42). However, the implementation of digital transformation is not without its challenges. Limited infrastructure, a lack of technical expertise, and inadequate legal frameworks can hinder the effective use of technology. These factors highlight the need for a comprehensive approach that combines technological innovation with legal and institutional reform.

3.2.Forms of Electronic Administrative Decisions in Education

Electronic administrative decisions in the education sector take diverse forms, reflecting the multiple functions performed by educational authorities. A prime example is student admission decisions, which are often processed through centralized digital platforms that evaluate applications based on predefined criteria.

Another important form is the issuance of exam results and academic assessments. Many institutions rely on electronic systems to record, calculate, and publish student grades. These systems may also issue automated decisions regarding student progress, graduation, or placement on academic probation. Disciplinary decisions are also increasingly taking an electronic form, particularly in cases where institutions utilize



electronic systems. Digital records are used to monitor attendance, conduct, and academic integrity. In addition, administrative decisions regarding scholarships, financial aid, and personnel management are often processed through electronic systems. While these forms of decision-making enhance efficiency, they also raise legal concerns about accuracy, integrity, and the potential for errors in automated processes. Therefore, ensuring that these decisions comply with legal standards is of paramount importance (Bates, 77).

3.3. Advantages of E-Decision Making

Adopting e-administrative decisions offers several significant advantages. First, it dramatically improves efficiency by reducing the time required to complete administrative procedures. Tasks that once took days or weeks can now be completed in minutes, contributing to improved service delivery (WB, 63). Electronic systems enhance transparency by providing individuals with direct access to information. For example, students can view their results and academic standing online, reducing uncertainty and increasing confidence in institutional processes. Digital decision making also supports accuracy and consistency, as automated systems apply predefined rules uniformly, minimizing the risk of human error and bias. This, in turn, can lead to more objective and predictable outcomes. Finally, electronic systems facilitate data management and analysis, enabling organizations to make informed decisions based on comprehensive datasets. This contributes to improved planning and resource allocation in the education sector (Katzenbach & Smith, 101).

3.4. Risks and Challenges of Electronic Administrative Decisions

Despite its advantages, electronic administrative decisions involve several risks and challenges that must be carefully addressed. Among the most prominent of these risks is the potential for technical errors or system malfunctions, which could lead to incorrect decisions or processing delays. These errors can have serious consequences for individuals, particularly in critical situations such as examinations or university admissions (Selwyn, 94). Another crucial challenge relates to transparency. Automated decision-making processes may lack clarity, making it difficult for individuals to understand how decisions are reached. This, in turn, can undermine their right to know and their ability to effectively challenge administrative procedures (Pasquale, 56). Data protection and privacy are also critical issues. Electronic systems often involve the collection and processing of vast amounts of personal data, increasing the risk of unauthorized access. In addition to data breaches or misuse of information, there are legal and institutional challenges, including the absence of clear regulations governing electronic decisions,



and the limited capacity of judicial institutions to address technical problems (UNESCO, 75). These challenges highlight the need for comprehensive legal frameworks and effective oversight mechanisms to ensure that the digital transformation in education is consistent with the principles of justice and the rule of law.

4. Judicial Review of Electronic Administrative Decisions in the Education Sector

This section focuses on judicial review of electronic administrative decisions in the education sector. It examines the role of the judiciary in ensuring that digital administrative procedures comply with legal standards. It clarifies the scope and limitations of judicial review, the challenges courts face in evaluating automated and electronic processes, and issues related to evidence in digital decision-making. Through an analysis of these aspects, this section emphasizes the importance of judicial review as a mechanism for protecting individual rights, promoting accountability, and maintaining public trust in digital governance. It also highlights the need to adapt legal principles and institutional capacities to address the complexities imposed by digital governance.

4.1. The Scope of Judicial Review in Administrative Law

Judicial review is a fundamental pillar of administrative law. It empowers courts to assess the legality of administrative procedures and ensure that public authorities adhere to their legal powers. The scope of review typically focuses on legality, procedural integrity, and the protection of fundamental rights, rather than the substance of the decision itself. Courts verify that decisions were issued by a competent authority, that they complied with legal procedures, and that they conformed to legal standards. According to the established principle (Craig, 420), in electronic administrative decisions, the scope of judicial review must take into account the unique characteristics of digital processes. Courts must assess the legality of automated systems, the validity of algorithm application, and whether electronic procedures meet legal standards of transparency, integrity, and accountability. The expansion of digital governance necessitates that judicial institutions develop expertise in both the legal and technical dimensions to ensure effective oversight (Broussard, 33).

4.2. Legality and Procedural Oversight in Electronic Decisions

Electronic administrative decisions are subject to the same principles of legality and procedural oversight as traditional decisions. Courts assess whether the issuing authority is legally authorized, whether procedural rules have been followed, and whether the decision respects the rights of



affected individuals (Kuner, 112). However, procedural oversight in the digital realm adds further considerations. For example, verifying electronic signatures, authenticating digital records, and complying with system protocols become essential elements of procedural legality. Courts must ensure that digital processes do not violate legal safeguards or deprive individuals of the opportunity to be heard (Müller). 48)

4.3.Challenges Facing Courts in Reviewing Digital Decisions

Judicial review of electronic administrative decisions presents several unique challenges. One of the main difficulties lies in the technical complexity of automated systems, which may rely on algorithms, databases, and software whose operation is difficult for judges to understand without specialized knowledge. Another challenge is the intangible nature of electronic evidence. Unlike paper documents, digital records can be altered, damaged, or lost, raising questions about their validity and reliability. Courts must adopt standards for accepting and evaluating electronic evidence to ensure the administration of justice. In addition, the rapid pace of technological change may exceed the capacity of legal institutions, leading to gaps between legal requirements and practical application. This underscores the need for ongoing judicial training, technical support, and collaboration with digital technology experts (Pasquale, 64).

4.4.Evidence and Proof in Electronic Administrative Disputes

In cases involving electronic administrative decisions, courts must deal with the complexities of digital evidence. This includes assessing the validity of electronic signatures, timestamps, system logs, and algorithmic outputs. The admissibility and reliability of this evidence are essential for effective judicial review. Courts also face the challenge of interpreting automated decision-making processes. Unlike human decision-making, which can be explained through reasoning and documentation, algorithmic processes can be opaque. Therefore, legal principles must adapt to enforce transparency in digital systems while allowing courts to verify the legitimacy and fairness of the outcomes (Broussard, 75).

4.5.Comparative Perspectives on Judicial Review

Internationally, judicial systems have adopted different approaches to judicial review of electronic administrative decisions. For example, the European Union emphasizes transparency, accountability, and data protection in e-government systems and requires that individuals have the right to access explanations of algorithmic decisions (EUA FR, 29). In other countries, courts have established specialized rules for electronic evidence and procedural safeguards to ensure that automated decisions

comply with standards. Based on existing legal frameworks, these comparative perspectives offer valuable lessons for Iraq and the Kurdistan Region, demonstrating how to adapt legal frameworks to maintain judicial oversight in the digital age (UNESCO, 75).

5.The Legal Framework Governing Electronic Administrative Decisions in the Education Sector in Iraq and the Kurdistan Region

This section examines the legal framework governing electronic administrative decisions in Iraq and the Kurdistan Region, with a particular focus on the education sector. It analyzes existing legislation, judicial structures, and institutional mechanisms that regulate administrative decision-making, highlighting the strengths and weaknesses of the current system. This section also addresses the practical challenges in applying legal provisions to electronic processes and identifies areas requiring reform. By evaluating national laws in light of international standards and best practices, this section provides a basis for proposing legislative harmonization and improving judicial oversight.

5.1.Overview of Administrative Law in Iraq

Iraqi administrative law is based on constitutional principles and legal regulations that govern the work of the public administration. The Constitution of the Republic of Iraq of 1974 guarantees (2005) The rule of law, the protection of rights, and the accountability of public authorities (Constitution of the Republic of Iraq of 2005, Article 5, Chapter Two, and Article 61) empower administrative courts and other competent bodies to review decisions issued by government entities and ensure their compliance with legal standards. Legislation such as the amended Civil Service Law No. (24) of 1960 and the amended University Service Law No. (23) of 2008 provide the basis for administrative decision-making, including powers, procedural requirements, and the rights of individuals affected by decisions. This legislation forms the legal basis for oversight of administrative procedures, including those issued electronically. However, many of these provisions were established before the widespread adoption of digital systems, resulting in gaps in the regulation of electronic administrative decisions.

5.2.Judicial Oversight Mechanisms in Iraq

Judicial oversight in Iraq is primarily exercised through administrative courts, which have the authority to annul unlawful decisions and protect individual rights. The courts review decisions based on their legality, adherence to procedures, and avoidance of abuse of power (Al-Khatib, p. 54). In cases related to electronic administrative decisions, the courts face challenges in verifying evidence, documenting digital records, and understanding automated processes. Although the law grants the courts



the authority to review decisions, the practical implementation of this authority is limited due to technical constraints and a lack of specialized expertise in digital technologies (Al-Mansour, p. 82).

5.3.The Legal Framework in the Kurdistan Region

The Kurdistan Region has its own legal and administrative system, operating under both the Iraqi Constitution and the framework of regional autonomy. Regional laws regulate administrative decision-making and judicial review within the region through a set of laws, such as the amended Civil Service Law No. (24) of 1960 and Law No. (12) of 2013, implementing the amended Federal University Service Law No. (23) of 2008. Similar to Iraq, the Kurdistan Region has adopted digital systems in public administration, particularly in the education sector. However, the legal framework governing electronic administrative decisions remains incomplete. While the 2005 Constitution of the Republic of Iraq and the draft constitution of the Kurdistan Region guarantee the protection of rights and access to justice, there are limited explicit provisions addressing digital governance, electronic documentation, or automated decision-making (Legal Office of the Kurdistan Regional Government, 2018).

5.4.Gaps and Shortcomings in Current Legislation

Both Iraq and the Kurdistan Region face significant gaps in regulating electronic administrative decisions. Key issues include the absence of clear rules for processes. Electronic decision-making and digital documentation, limited guidelines regarding electronic authentication and signatures and data security, the lack of specialized judicial procedures for reviewing automated or algorithmic decisions, and inadequate protection of personal data and privacy in digital systems all contribute to the increased risk of administrative errors, undermine transparency, and may limit access to effective judicial remedies. Furthermore, the absence of consistent legislation between Iraq and the Kurdistan Region further complicates the legal landscape, particularly for institutions and individuals operating in both regions (Al-Khatib 68).

5.5.Practical Challenges in Implementing Judicial Oversight

Courts face several practical challenges in overseeing electronic administrative decisions, such as the technical complexities of automated systems and algorithms; the difficulty of interpreting and verifying digital evidence; limited training and resources available to judges and administrative staff; and the fragmentation of legal systems and their failure to address cross-border issues between Iraq and the Kurdistan Region. These challenges highlight the need for legislative reforms, judicial capacity building, and institutional coordination to ensure the

proper regulation of administrative decisions. The electronic system should be used effectively and subjected to proper judicial review (Al-Mansour 91).

6. Towards Legislative Harmonization of Digital Justice

This section presents a forward-looking analysis aimed at addressing the legal and institutional gaps identified in previous sections. It focuses on the necessity of legislative coordination between Iraq and the Kurdistan Region to effectively regulate electronic administrative decisions in the education sector. This section clarifies the concept of digital justice and its requirements, emphasizing the importance of aligning national legal frameworks with international standards and best practices. It also proposes practical reforms aimed at enhancing judicial oversight, strengthening accountability, and ensuring the protection of individual rights in the digital environment. By presenting a comprehensive set of proposals, this section seeks to contribute to the development of a coherent and modern legal framework capable of supporting digital governance.

6.1. The Need for Legal Reform and Modernization

The rapid expansion of digital technologies in public administration, particularly in the education sector, has outpaced the development of appropriate legal frameworks. In Iraq and the Kurdistan Region, existing administrative laws were primarily designed for traditional paper-based systems and therefore lack the necessary provisions to effectively regulate electronic administrative decisions. Legal reform is essential to address this. Shortcomings and ensuring the compatibility of administrative practices with the reality of digital governance. Modern legislation must explicitly recognize electronic administrative decisions, define their legal status, and establish clear rules governing their issuance, documentation, and review (Susskind, 112). Without these reforms, the gap between law and practice will continue to widen, potentially undermining the rule of law and public trust in administrative institutions.

6.2. Harmonizing the Iraqi and Kurdistan Legal Systems

One of the main challenges in regulating electronic administrative decisions lies in the existence of separate legal frameworks in Iraq and the Kurdistan Region. Although both systems share common constitutional foundations, differences in legislation and administrative practices create contradictions that complicate legal oversight and law enforcement. Therefore, legislative coordination is essential to ensure consistency and coherence between the different legal systems. This includes harmonizing legal definitions, procedural standards, and judicial review mechanisms. Coordination does not require complete unification,





but rather the establishment of compatible legal standards that facilitate cooperation and mutual recognition of administrative decisions (Twining, 67). This alignment is particularly important in the education sector, where students, institutions, and administrative bodies may operate within both legal systems. A coordinated framework can enhance legal certainty, reduce disputes, and improve the overall effectiveness of administrative governance.

6.3.Integrating Digital Justice Requirements

Digital justice provides a framework for ensuring that technological advancements in administration are consistent with fundamental legal principles, including fairness, transparency, and accountability. Integrating these principles into national legislation is essential for regulating electronic administrative decisions. Transparency requires that individuals have clear information about how decisions are made, including, where appropriate, the logic of automated systems. This is especially important when decisions are made algorithmically, as a lack of transparency can prevent individuals from effectively challenging the outcomes (Pasquae, 142). Accountability ensures that public authorities remain accountable for their decisions. Through electronic systems, regardless of the level of automation used, legal frameworks must clearly define responsibility and provide mechanisms for redress in cases of error or misuse. In addition, data protection and privacy must be essential elements of digital justice, and legislation should establish strict rules regulating the collection, processing, and storage of personal data to prevent its misuse and protect the rights of individuals (Greenleaf, 89).

6.4.Proposed Legal and Institutional Reforms

To effectively regulate electronic administrative decisions, several legal and institutional reforms are necessary. These include:

First: Enacting comprehensive legislation to define electronic administrative decisions and their legal validity. This legislation should also include provisions regarding electronic signatures, identity verification, and record-keeping.

Second: Adapting judicial procedures to accommodate digital evidence and automated decision-making processes. Courts should be provided with the necessary tools and expertise to evaluate electronic records and understand the technical systems. This may include specialized training programs and the establishment of technical support units within judicial institutions.

Third: Administrative bodies should adopt standardized procedures for electronic decision-making to ensure consistency, transparency, and

compliance with legal requirements. These procedures should include mechanisms for auditing and reviewing automated systems.

Fourth: Cooperation between national and regional authorities should be strengthened to facilitate legislative coordination and ensure the effective implementation of reforms (Susskind, 134).

6.5.The Role of Courts and Administrative Bodies in Digital Governance

Courts and administrative bodies play a pivotal role in shaping the future of digital governance. Courts must ensure that electronic administrative decisions are subject to effective judicial oversight, while administrative authorities must implement digital systems in a manner that respects legal principles and protects individual rights. Judicial institutions must contribute to the development of legal principles by interpreting existing laws in light of technological developments and establishing judicial precedents to guide future practices. At the same time, administrative bodies must prioritize transparency, accountability, and user accessibility in the design and operation of digital systems. The successful integration of digital technologies in public administration depends on the ability of both courts and administrative institutions to adapt to new challenges and work closely together to support the rule of law (Twining, 102).

7.Finding and Recommendations

This conclusion summarizes the main findings of this study, highlighting the challenges and opportunities associated with electronic administrative decisions in the education sector. It also revisits the legal and institutional analysis presented in previous sections and emphasizes the need for harmonized legislation, effective judicial oversight, and adherence to the principles of digital justice. By combining theoretical, practical, and comparative perspectives, the conclusion offers practical suggestions to guide policymakers, administrative authorities, and judicial institutions in developing a comprehensive and modern framework for digital governance.

7.1.Conclusions

This study systematically demonstrated the development of electronic administrative decisions in the education sector, focusing on their implementation in Iraq and the Kurdistan Region. It also highlighted the pivotal role of judicial oversight in ensuring legitimacy, accountability, and digital justice. Digital technologies have fundamentally transformed administrative processes, providing significant advantages such as increased efficiency, improved accuracy, faster decision-making, and enhanced transparency. For example, automated systems enable universities and educational institutions to manage admissions, student





assessments, personnel management, and scholarship allocation more efficiently, reducing bureaucratic delays and improving institutional performance. However, the study reveals that these advantages are accompanied by significant challenges. Electronic administrative decisions introduce complexities that traditional legal frameworks cannot fully address. While automating decisions may reduce human error, it can obscure the underlying logic, making it difficult for individuals to understand or challenge the outcomes. Furthermore, technical glitches, data inaccuracies, and algorithmic biases can negatively impact the integrity and legitimacy of administrative procedures. The analysis also confirms that both Iraq and the Kurdistan Region possess basic legal frameworks in administrative law. However, these frameworks were primarily designed for paper-based processes and are insufficient to address the challenges of digital governance. Key gaps include the absence of clear rules for electronic authentication, verification of digital signatures, procedural standards for algorithmic decision-making, coordination among different judicial authorities, and legal provisions. Robust data protection. Judicial oversight remains essential as a mechanism to ensure that electronic administrative decisions comply with legal standards, protect individual rights, and prevent abuse of administrative power. However, courts face practical challenges in exercising oversight, including interpreting technical evidence, understanding complex algorithms, and adapting traditional legal principles to digital contexts. This study highlights that without judicial adaptation, oversight may be limited, undermining citizens' trust in digital governance. Comparative analysis shows that judicial authorities with robust e-governance frameworks prioritize transparency, accountability, and accessibility, ensuring that digital systems serve the public interest while respecting rights. Lessons learned from these examples indicate the need to update legislation in Iraq and the Kurdistan Region, harmonize laws, and build judicial and administrative capacity to meet the evolving demands of digital governance. In conclusion, while digital transformation offers tremendous potential for enhancing the education sector, its success hinges on a coherent legal framework, effective judicial oversight, data protection, and robust institutional capacity. Achieving digital justice, where technology contributes to both efficiency and fairness, is crucial to ensuring that administrative decisions are fast, accurate, transparent, accountable, and equitable.

7.2.Recommendations

Based on the study's findings, a set of comprehensive proposals can be presented for Iraq and the Kurdistan Region to enhance the regulation of electronic administrative decisions and advance digital justice, as follows:

First: Comprehensive Legislative Reform:

- a. Enact specific legislation that explicitly recognizes electronic administrative decisions and clarifies their legal validity.
- b. Establish clear procedures for issuing, documenting, and archiving digital decisions.
- c. Include provisions for algorithmic decision-making, ensuring accountability for automated outcomes, error correction, and appeal rights.
- d. Amend existing administrative laws to incorporate digital governance standards and address gaps in both Iraqi and Kurdistan Region law.

Second: Building Judicial Capacity and Strengthening Institutions:

- a. Develop specialized training programs for judges and court staff in the areas of electronic evidence, cybersecurity, and algorithmic processes.
- b. Establish technical advisory units within the courts to assist in evaluating electronic records, audit records, and other relevant documents. The system.
- c. Developing procedural guidelines and instructions for the courts to ensure consistent judicial review of electronic administrative decisions.
- d. Encouraging continuous professional development to keep pace with rapid technological advancements.

Third: Unifying legal frameworks across different judicial authorities:

- a. Harmonizing the laws of Iraq and the Kurdistan Region to reduce discrepancies in electronic administrative procedures.
- b. Facilitating the mutual recognition of administrative decisions to ensure legal certainty for students, employees, and institutions operating in different regions.
- c. Establishing joint regulatory bodies or committees to coordinate digital governance and address overlapping legal issues.

Fourth: Enhancing transparency and accountability:

- a. Mandating the documentation of all electronic administrative decisions in a verifiable and auditable manner.
- b. Providing individuals with clear explanations of how decisions are made, particularly in cases involving algorithms or automated processes.
- c. Establishing complaint mechanisms that enable citizens to challenge digital decisions quickly. Effectiveness.





Fifth: Data Protection and Privacy Guarantees:

- a. Enact comprehensive data protection laws addressing the collection, storage, use, and sharing of personal information in digital systems.
- b. Implement stringent security measures to prevent unauthorized access to or breaches of sensitive data.
- c. Guarantee individuals' right to access, correct, and control their personal information.

Sixth: Standardized Procedures for Digital Governance:

- a. Implement standardized protocols for issuing, monitoring, and reviewing electronic decisions to minimize errors and improve consistency.
- b. Introduce system checks to prevent tampering with or destruction of digital records.
- c. Enhance interoperability between national and regional administrative systems to streamline governance.

Seventh: Promoting Digital Justice Principles:

- a. Ensure that legislation and administrative practices support fairness, accountability, and accessibility in digital governance.
- b. Integrate citizen feedback mechanisms to enhance public trust in the decision-making process. Automated.
- c. Providing public awareness programs on digital rights, remedies, and administrative procedures to empower citizens.

Eighth: Learning from international best practices:

- a. Adopting lessons learned from countries with effective digital governance frameworks, focusing on transparency, procedural justice, and algorithmic accountability.
- b. Aligning domestic legislation with international standards and guidelines for e-governance, data protection, and administrative justice.
- c. Encouraging cross-border cooperation with regional and international institutions to enhance technical and legal expertise.

Ninth: Continuous monitoring and evaluation:

- a. Establishing mechanisms for the periodic evaluation of digital administrative systems to ensure compliance with legal standards and updating processes as technology evolves.
- b. Encouraging research and development in emerging technologies to anticipate future challenges in digital governance.
- a. By implementing these proposals, Iraq and the Kurdistan Region can establish a modern, transparent, and accountable legal framework for

electronic administrative decisions in the education sector. This framework will enhance public trust, protect individual rights, and ensure that digital innovation serves the principles of efficiency, fairness, and digital justice.

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