

Comparing the legal protection of women's rights under Jordanian and Iraqi law

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ABSTRACT

The legal landscape surrounding women's rights is always changing, particularly in light of the difficulties in attaining social justice and equality. The dedication of states to upholding and advancing fundamental rights is reflected in the legal system. In order to determine whether Iraqi and Jordanian laws adequately protect women's rights, this study will compare and contrast the two legal systems, examining how well they align with international human rights norms, pointing out the similarities and differences between them, and highlighting the advantages and disadvantages of each. Utilizing a comparative analytical methodology, the study examined the fundamental legislative texts and pertinent legal materials in both systems, employing evaluation instruments predicated on the principles of equality, justice, protection from violence, labor rights, and civil and political rights. These documents' conformity to international commitments and norms pertaining to women's rights was examined. The findings indicated that both Iraqi and Jordanian laws had made notable strides in a number of areas, most notably in acknowledging workers' rights and providing protection from violence. To better integrate worldwide standards, they still need to be updated and deal with a number of theoretical issues and missing texts. The investigation also showed that the two systems' levels of development and protection differed significantly. While Iraqi law still needs work, especially in the area of equality in civil and political rights, Jordanian law is more based on international norms. The study shows that there are legislative loopholes in both Jordanian and Iraqi law that need to be filled. Legislative growth in this field necessitates critical evaluation by pertinent authorities in order to bring texts into compliance with international norms, advance women's rights in a manner that yields scholarly and legislative benefits, and contribute to the theoretical and practical creation of more equitable and efficient legal systems.

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1. Introduction

Since it indicates how cultures have evolved and progressed in upholding the core values of equality and human rights, protecting women's rights is a global priority [1]. In the Arab world, where legal literature is entwined with cultural and social aspects that directly shape protective laws, safeguarding women's rights is especially crucial [2]. As part of the regional legal systems, the laws of Iraq and Jordan are focused on establishing a framework that upholds the rights and dignity of women [3]. However, there are still numerous unanswered problems regarding these laws' efficacy, particularly in light of more recent international agreements and norms that uphold the values of justice and equality [4].

The research gap is the requirement for a comparative analytical study that assesses how well Iraqi and Jordanian legal texts conform to international norms, exposes legislative flaws, and highlights the advantages and disadvantages of each system [5]. Studies that compare legislation within a single framework, track the differences and their causes, and gain a deeper understanding of the reality of legal protection and women's legal empowerment are scarce, despite the fact that numerous studies have looked at models of women's rights laws separately in both countries [6].

This research is scientifically significant because it adds a comparative analysis to the legal literature that represents the reality of legislation and helps to clearly map out advances and obstacles. This makes it easier for lawmakers, scholars, and interested parties to comprehend how to create legal protection for women in both systems, guarantee the advancement of their rights, and accomplish justice and gender equality. As a result, the study intends to evaluate the degree to which national laws uphold the values of justice and equality as well as offer useful and strategic advice for creating a legislative framework that complies with international norms and better advances the rights of women.

2. Literature Review

Women's rights are a collection of basic human rights that are necessary to protect women's autonomy and dignity. Civil, political, economic, social, and cultural rights are among them. They are based on the core ideas of equality and human dignity and focus on women's rights to labor, education, health care, and public engagement, as well as their freedom to make life-altering decisions and their protection from abuse and discrimination.

The cornerstones of legal protection are laws that ensure equal opportunities, preserve equality before the law, and shield women from all types of discrimination and injustice. In order to achieve a balance between rights and duties, they also rely on acknowledging the special position that women hold in society and making sure that this position is taken into consideration when creating laws [7].

2.1. Global and Cross-National Citations

The significance of women's rights around the world has led to the development of a number of agreements and conventions that serve as essential guidelines for the international protection system and specify the requirements that governments must meet in their domestic laws. The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which establishes the principles of equality, civil and political rights, labor rights, protection from violence, and legal discrimination, is one of the most well-known of these references [8].

Furthermore, the tenets of the Universal Declaration of Human Rights, the Universal Declaration of the Rights of Women, and associated international conventions offer direction on global norms to guarantee the defense of women's rights and promote the examination and advancement of domestic laws in accordance with these norms.

These sources provide the fundamental frameworks for research evaluation and comparison procedures. They aid in understanding how national laws integrate with universal human rights concepts and gauging how well they adhere to international commitments [9].

2.2. The Principal Women's Rights Legislative Routes in Jordan and Iraq

It is crucial to examine the legislative approaches used by Jordan and Iraq to safeguard women's rights because each system is influenced by its particular political, social, and cultural contexts, which results in differences in the scope and efficacy of its laws.

In Iraq, Since the ratification of the 2005 Constitution, which upheld the fundamental values of equality and human rights and highlighted the significance of safeguarding women and the family, legislation has seen substantial changes. This covers laws on legal discrimination as well as laws that support women's rights, such as the Labor Law, the Personal Status Law, and laws prohibiting domestic abuse. However, issues with the social and cultural framework and inadequate implementation mechanisms continue to hinder the practical application and implementation of these rules [10].

In Jordan, Legislation pertaining to human rights has started at a rather advanced point. Legislation and institutions have been put in place to safeguard women, and Parliament has passed a number of laws aimed at preventing violence and protecting families, including the Labor Law, the Personal Status Law, and the Family Protection from Violence Law. Although these laws are continually being updated, their application and dissemination present difficulties. Nonetheless, there are still some legal provisions that do not fully address all of women's rights, or their actual implementation is questioned.

The extent to which provisions are enforced and laws are revised to keep up with worldwide advancements, as well as their fitness for societal and cultural changes, are common challenges notwithstanding the disparities in the legislative trajectories of the two nations. Therefore, in order to improve and develop the legal framework and bring it into line with international obligations and women's rights aspirations, a comparative research that identifies gaps and emphasizes strengths and flaws is necessary [11].

3. A Critical Examination of Legislative Text

3.1. Research Approach: Evaluating Legal Texts Comparatively

One of the main tenets of legal studies is the comparative analysis approach, particularly when assessing the distinctions and parallels among various legal systems in a certain area—in this case, women's rights. This approach is predicated on a methodical and structured examination of legislative texts in the legal systems of Jordan and Iraq in order to determine whether or not they are consistent with international norms and standards pertaining to women's rights [12].

This approach's main goal is to gain a comprehensive understanding of how domestic laws protect women's rights by examining pertinent legal documents and determining how well they align with the universal principles set forth by international agreements, especially the Universal Declarations of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Practically speaking, the study compares the legislative texts pertaining to women's rights in the two laws, considering the historical and social circumstances that gave rise to them as well as the legislative trends that were prevalent in each nation at the time the laws were passed.

In order to provide an accurate and objective classification of legislative texts, facilitate comparisons and contrasts, and pinpoint their advantages and disadvantages, the analysis depends on particular evaluation techniques and indicators. In order to provide a thorough and impartial analysis, this strategy is put into practice by creating a comparative framework that specifies the

primary subjects to be examined, such as labor rights, civil and political rights, economic, social, and cultural rights, and protection from violence [13].

3.2. Standards of Justice, Equality, Violence Prevention, Labor Rights, and Civil and Political Rights are examples of evaluation tools

The study employed a set of criteria and instruments created based on international women's rights principles to offer a trustworthy and scientific evaluation of the substance of legal legislation. These criteria function as gauges of how well legal protection and sufficiency are attained [14].

- In order to ensure that women's rights are not only theoretical but are actually put into practice in a way that is both practical and effective, the Justice Standard assesses how well legal texts reflect the principles of social justice between the sexes and how much they take into account biological and social differences.

- With a focus on texts that ensure equality in civil and political rights as well as economic and social rights, the Equality Standard measures how well laws apply the equality principle and give women equal opportunities in a variety of fields without unwarranted discrimination.

- Protection from Violence: Evaluates whether there are effective and unambiguous laws that address domestic and gender-based violence against women, as well as whether there are deterrent penalties and preventive measures available, as well as complaint handling and victim support systems [15].

- Labor Rights: This standard discusses how well women's rights are protected in the workplace, including equal employment opportunities, protection from discrimination in the workplace, provisions pertaining to special leave, protection from unfair dismissal, and guarantees of occupational safety and health.

- Civil and Political Rights: This looks at how well laws reflect women's rights in the civil and political arena, including the right to vote, the right to participate in politics, the right to be represented in parliament, the right to marry, divorce, and have children, as well as the lack of discrimination in pertinent laws.

Legislative texts are objectively assessed using these standards, and any recommendations or gaps that might help raise the degree of legal protection afforded to women are noted. Analyzing the degree to which the law is in line with reality and states' international commitments necessitates a thorough review of the relevant legal provisions, drawing on original legal texts and pertinent court decisions, if accessible [16].

4. Comparative Evaluation of Texts and Codifications Concerning Women's Rights

4.1. Iraqi Law's View on Legal Protection

An essential first step in assessing laws pertaining to women's rights in Iraq is to comprehend the idea of legal protection. It seeks to demonstrate the scope of the legal protections that guarantee women's rights, allow them to exercise their fundamental rights, and shield them from discrimination and other breaches. This protection can be found in a number of places, including labor regulations, personal status laws, penal codes, constitutional texts, and laws pertaining to the fight against violence [17].

A. Key Legislative Texts

Articles of the Iraqi constitution that uphold the idea of equality among all citizens and forbid discrimination based on gender are among the legal regulations. According to Iraq's 2005 Constitution, "women and men are equal in rights and duties." Certain texts also contain regulations like the Personal Status Law, the Labor Law, and the Family Protection Law that are specifically designed to shield women from assault.

Other laws that expressly support women's rights include the Penal Code, which penalizes domestic abuse acts, and provisions pertaining to women's rights to work, education, and property. Though practical implementation frequently encounters obstacles, such as the limitation of some texts to particular cultural interpretations or inadequate enforcement mechanisms, the mere existence of these texts does not always ensure their effective execution [18].

B. Strengths and Weaknesses

- Strengths: commitment to CEDAW following ratification, the establishment of particular laws to prevent violence and discrimination, and the Constitution's emphasis on equality.

- Weaknesses: Limited protection for women against some types of domestic violence and discrimination in certain personal status laws; laxity of some texts in the face of traditional social practices; lack of legal awareness; and weak enforcement mechanisms [19].

4.2. Jordanian Law's View of Legal Protection

Legislative texts in Jordanian law also emphasize duties to uphold women's rights and allow them to fully engage in society, with a thorough legal framework facilitating this. Jordanians are equal before the law, according to the 1952 Constitution, which is still in force today. It also emphasizes the importance of maintaining social fairness, especially in relation to women's rights [20].

A. Texts and laws that are pertinent

The Personal Status Law, which governs marriage, divorce, custody, and alimony issues while upholding women's rights and the concepts of relative equality, is one example of pertinent Jordanian legislation. Furthermore, discrimination in employment prospects is illegal under the Labor Law, which also includes safeguards against harassment and discrimination against women in the workplace. The Penal Code has been amended to include measures criminalizing domestic violence and safeguarding victims as part of a continuous push to modernize laws to defend women's rights [21].

B. Strengths and Weaknesses

- Strengths: The presence of official institutions to oversee the application of laws, continuous legal modifications to advance women's rights, and a comprehensive legal framework that reflects international obligations.

- Weaknesses: Even if laws are in place, certain of their provisions need to be updated and improved, especially those pertaining to social and economic rights and personal status regulations, which don't always adhere to international standards. There are still concerns about how well they will be applied, particularly in places where social customs predominate in the law [22].

4.3. A Comparative Analysis of the Two Models

Comparing the codification of women's rights in the legal systems of Iraq and Jordan demonstrates comparable degrees of adherence to both national constitutions and international norms. However, because to variations in political, cultural, and legislative backgrounds, there are glaring disparities in how these concepts are actually applied and realized on the ground.

A. Similarities

1. Dedicated to International Values

Both nations have adopted CEDAW and have incorporated gender equality guarantees into their constitutions, along with plans to amend laws to conform to their international obligations.

2. Specialized Laws' Presence

Although their efficacy and influence vary, both Iraq and Jordan have a collection of laws specifically pertaining to women's rights, including work, personal status, and domestic abuse legislation, which are meant to safeguard fundamental rights.

3. Progressing toward modernization and development

Institutional bodies are in place to oversee and carry out the continuous efforts to create and amend laws in accordance with international standards [23].

B. Differences

1. The degree and scope of legislative advancement

- In Jordan, In addition to additional institutions that keep an eye on how women's rights are being implemented, including the Supreme Council for Women's Affairs, there are more recent changes to personal status laws and more sophisticated laws in some areas.

- In Iraq, But the efficiency of law enforcement is hampered by poor implementation procedures, little engagement with legislation revisions, and difficulties brought on by political and security disputes.

2. The degree of cultural and societal engagement

- In Jordan, notwithstanding many socioeconomic issues, there is a greater degree of maturity in community understanding and engagement with human rights organizations, which facilitates more efficient legislative implementation.

- In Iraq, Legal texts and cultural norms frequently intersect, making it more difficult to execute certain women's rights and perpetuating discriminatory practices in some places.

3. Mechanisms of Implementation and Institutional Frameworks

The National Institution for Women is one of Jordan's most successful official organizations and entities that constantly engage with laws and modifications.

In Iraq, Legislative implementation and infraction monitoring are weakened by the deterioration in the caliber of pertinent institutions and the lack of some efficient oversight and follow-up procedures [24].

The primary causes were as follows:

- Jordan's political stability and democratic maturity have resulted in more sophisticated legislative accomplishments and civil society engagement;

- Iraq's security and political challenges, such as conflicts and disputes, have slowed the process of updating and implementing legislation, lowering the level of protection afforded to women.

- Jordan's level of social awareness and cultural engagement, as the country has more room to create a society that is more tolerant and sensitive to women's rights than Iraq [25].

The following were further consequences:

Differences in codification results in differences in women's living conditions and degrees of involvement in social, political, and economic life. Compared to Jordan, where there are more comprehensive and efficient systems in place to safeguard women, Iraq's lax enforcement of the law results in gaps that are mirrored in higher incidences of violence and infractions against them.

In summary, disparities at the legislative and executive levels are evident on the ground even though Iraq and Jordan share similar approaches and tactics to defend women's rights. The real test of a law's efficacy is its practical application, which calls for more work to fortify institutions, raise community awareness, and accomplish justice and equality in a way that is both efficient and long-lasting [26].

5. Results and Discussion

One of the most important steps in determining if Iraqi and Jordanian laws safeguarding women's rights are effective and compliant with international norms is to evaluate and analyze the relevant legislation. The study's findings produced a number of conclusions on the degree of advancement, the degree of resemblance, and the difficulties in enforcing them, as well as the social and cultural elements that affect how laws are implemented in the two legislative systems.

First, The Degree to Which Laws Comply with International Standards

The study's first finding concerns how closely Iraqi and Jordanian legislative texts adhere to international treaties and accords pertaining to women's rights, especially the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It was discovered that the foundations and guiding concepts of both legislations aligned with these criteria. However, because of constant legislative revisions and the creation of legal frameworks in accordance with international responsibilities, Jordan had a higher degree of compatibility, especially with regard to justice and equality.

On the other hand, there were glaring gaps in Iraq, where certain texts lacked precise explanations of how they would be implemented and limited rights because of cultural or religious restrictions. Even if the texts were available, this reduced the efficacy of the legislation and had an impact on its actual implementation. These results show that a supportive atmosphere through awareness-raising, the establishment of pertinent institutions, and efficient monitoring of infractions is necessary; legislation alone is insufficient [27].

Second, Theoretical Difficulties with Both Laws

According to the study, the main theoretical issues facing law in Jordan and Iraq are related to the comprehensiveness, clarity, and adaptability of the legal texts to social and sociological developments. Among the many obstacles that Iraqi laws must overcome are cultural customs and religious prohibitions, which limit the application of women's rights, especially when it comes to matters like inheritance, labor, and domestic abuse. The actual implementation of certain texts is impacted by their ambiguity or limitations.

Notwithstanding legislative advancements, several laws in Jordan are rigid or include gaps that fail to adequately address the concepts of justice and equality. Due to regional variations and differing levels of public awareness of women's rights, there are also discrepancies in how some laws are implemented. Legislative substance must be continuously developed, legal amendment tools must be diversified to keep up with new advances, and relevant institutions must be made more aware of theoretical difficulties [28].

Third, Social and Cultural Aspects of Lawmaking

The study found a noticeable difference in the degree to which cultural and societal variables impact the creation and application of laws protecting women's rights. Since some populations in Iraq tend to oppose modifications they perceive as a danger to their way of life, religious, tribal, and cultural considerations are important in determining whether laws that demand equality or protection from violent acts are accepted.

Social obstacles still exist in Jordan, particularly in rural areas, despite the country's more secular and progressive atmosphere. Implementing key provisions—like women's rights to labor,

equality in inheritance, and protection from violence—that call for significant cultural change presents difficulties. This illustrates how laws are influenced by the social and cultural landscape and how continuous awareness-raising and educational efforts are necessary for legal interventions [29].

Fourth, Assessing Each Model's Legislative Advantages and Disadvantages

The presence of official institutions promoting women's rights and a strong political intent for legislative modernization were identified as Jordan's assets. This has contributed to the development of a more sophisticated legislative framework that complies with international norms and has explicit oversight and implementation procedures. The efficacy of these legislation is further increased when government entities and civil society organizations coordinate.

Despite the existence of several laws that protect women's rights, it was discovered that in Iraq, the effectiveness of legislative measures is limited by poor implementation and enforcement, as well as cultural and religious constraints. In addition, a lack of institutional support and community knowledge impedes the process of transformation and occasionally results in transgressions that ignore the legal rights guaranteed by the law [30].

In the end, the study shows that raising the status of women's rights necessitates a multifaceted strategy that includes revising laws, bolstering awareness campaigns, boosting inter-institutional collaboration, and tackling the social and cultural barriers that impede real progress in defending these rights.

6. Conclusion

The research's conclusions emphasize the significance of a thorough and methodical assessment of the legal frameworks ensuring women's rights in both Jordanian and Iraqi law. The analysis found a significant discrepancy between legal provisions and the actual application and implementation of the law. The findings demonstrated that both nations' laws are distinguished by the existence of multiple tenets and legal structures that ensure the defense of women's rights. However, in addition to inadequate awareness-raising initiatives and ineffective inter-institutional coordination, they face basic problems relating to their low effectiveness on the ground, which is caused by cultural and societal issues.

However, a deeper understanding of the principles of justice and equality under international standards, particularly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and related human rights declarations, shows that there are noteworthy and important legislative efforts, but they need to be expanded and supplemented. The study also showed how the cultural and socioeconomic distinctions between the two nations significantly influence the type of laws and how they are implemented, highlighting how crucial it is to consider the local context when creating laws and regulations.

These findings have scientific and procedural significance, emphasizing the necessity of updating and developing laws on a regular basis, adopting policies grounded in equality and justice, and fortifying oversight and implementation systems. The results also highlight the necessity of enlisting the help of civil society and human rights organizations to monitor and supervise implementation in order to guarantee legal compliance and produce real, useful outcomes in the defense of women's rights.

From a theoretical standpoint, this study opens up significant avenues for further investigation, especially in the areas of implementation mechanisms, field research on women's rights, and examining how laws affect the lives of women. In order to achieve effective and long-lasting protection of women's rights and help create more equitable and just societies, it also highlights the significance of researchers and policymakers implementing legislative approaches that consider global developments as well as cultural and social specificities.

To put it briefly, this study is a noteworthy scholarly contribution that illuminates the realities of legislation and alerts policymakers to the necessity of utilizing both local and global experiences to advance women's rights and realize social justice ideals, guaranteeing a more inclusive and empowering future.

Supplementary Materials: The following supporting information can be downloaded at: www.mdpi.com/xxx/s1, Figure S1: title; Table S1: title; Video S1: title.

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