

**Tribal lawsuits in Iraq for the year 1916
Historical and documentary study in its inception and
development**

Prepared by



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Abstract

The administration of the British occupation in Iraq issued a system of clan lawsuits for the year 1916 through this the British administration looked at the tribal community in Iraq as an independent entity independent of civil society, which treated the tribesmen as individuals away from "urbanization," which calls me to say that tribal society Who encouraged and pushed the administration of the British occupation to issue such a system after the occupation forces were able to get close to the heads of tribes and succeeded in this manner, which achieved the most goals and objectives.

From this point of view, and my desire to study this system since its inception to its application and its continuation until now and to know the causes of the emergence and resistance along time, and the accompanying criticism and acceptance, rejection and response, I undertook to study the concept of tribal custom and how to develop the system of clan lawsuits, The research has some tribal terminology used in this system and in the language of the clans to the conclusion derived from the research folds.

Key words: Clan Claims System - tribal custom.

Introduction:

Tribal justice is a source of separation between the crimes committed in tribal societies, and was concerned with two important cases of murder and shame on the day there was no courts or civil courts, It has been most of the tribes in Iraq resort to tribal custom Iraq was under Ottoman occupation Due to the absence of courts and judicial institutions in Iraq And away from areas of the majority of the population and the majority of the population of Iraq were rural residents So it was a tribal custom is the rule in suits and conflict that gets between them , The British occupation administration in Iraq has succeeded When she saw them resort to tribal custom in their rivalries I took the study of their psychological state and their customs and rules traded among themselves They proceeded to codify their own system The British occupation administration encouraged them to declare this system which was called "Tribal Claims System" , To be a law of their own continued to work for a period of time a system that has divided Iraqi society in favor of the British occupation administration . For the purpose of regulating the administration of justice and restore legal life The British occupation authorities have drawn up a number of laws, including the Iraqi Occupied Territories act of 1915 which was drafted after the occupation of Basra .The British administration looked at tribal society in Iraq as an independent entity independent of civil society which treated the tribesmen as individuals far from "urbanization.

Abbreviations

In some of the search margins, a number of symbols were used for some conventions:

- B. D. H Books and Documents House – Baghdad
- P. C. B.....The Penal Code of Baghdad
- S. A..... Sequence Almelvh
- D.....Document

First - a brief history of tribal custom:

The disputes and tribal disputes in Iraq before the British occupation Pre-empted under special rules laid down on the basis of (Tribal custom) since ancient times and continued until the British occupation of Iraq in 1914.

Coutume. It is the legal rule that arise from among people on a certain basis and follow them Is of great importance as a source of law, It is also what people know and walked on; In other words, usually no difference between the two words, Both give meaning to one definition, and this is what is called (al-Sawani) : The tribal law is not blogger, And sometimes it is written, Usually referred to in cases that arise within the tribe, Or between the tribe and other tribes.

The tribal judiciary was before the British occupation Based on the realization of the right and following judicial methods and fair without bias.

Divide suits according to their importance

- 1. killings and types**
- 2. Comment offender**
- 3. Compensation of the human in one of its members**
- 4. Al-Nahwah: It is a refusal to marry a relative of a woman**
- 5. Entourages: a compensation Scratching dignity and honor touch**
- 6. Shame: the accusation of view one of the persons**
- 7. Hooray: ask for help**

The British administration admitted to the local device, Rulers, politicians and officers were participating in the hearing to this type of complaints and how to solve them, and these rulers wanted the views of tribal elders when listening and resorting to them, And in this sense realized the occupation authority The occupied areas of Iraq Act of 1915 It can not be applied in the tribal areas, The law of the Iraqi territories occupied in 1915 It did not put a solution to this problem, and some tribal problems I therefore found the opportunity to issue a special regime for these areas To address these issues on one hand and control the clans on the other. Issued on the twelfth day of February 1916 on the development of tribal claims system (The Tribal Criminal and Civil Disputes Regulation) Which was approved by the team Percy Lake General Commander of the occupation forces was published in today atheist twenty of the same month Signed by Stuart George Knox Senior Justice Officer. This system has been developed Henry Robert Conway Dobbs H.R. Based on the Indian Frontier Regulation Issued in 1875 this system was first published in English and then translated into Arabic, This law has helped to stabilize the clans somewhat, The system gave political officers broad powers to deal with cases And the granting of political officers, head of the right to exclude some areas of the implementation of the system on them with the consent of the Commander in Chief and, in the event of a conflict in one of the clans The political officer to refer the case to the (tribal council) To consider them according to tribal customs.

One of the most dangerous powers granted by the regime to the political officer is the right (collective punishment) on a village or group of people in case they cover them up on a comet Or hide one of the issues guide He has the right after the approval of the Chief of Political Officers Deny some people who find them dangerous to security The regime also authorized the political

officer to replace the penalty of flogging with imprisonment This is a method used by the British to harass national elements Which stands in the face of the occupation to oppose British interests, When the occupation of Iraq is completed Issued the General Command of the occupation forces on the twenty-eighth of the month of July 1918 Issued a statement that included the application of this system in all the occupied territories, To expand the scope of the occupied territories, The regime has lifted the status of clan elders It is your responsibility to maintain security And the arrest of criminals and protection of transportation routes Collecting taxes and providing them with gifts and weapons, All this in return for their cooperation with the administration of the occupation.

Second - criticism to the clan claims system

It has been subjected to clan claims system to great criticism Politicians, administrators, thinkers, intellectuals and the elders themselves, and it remained such views between supporters and opponents of this system, So that the author of the system (Henry Dobbs) He defended the system after its release several years Some of them went on to say that this system was in line with the wishes of the tribes Because it facilitated conflict resolution in ways that were common to tribes, Whereas others have directed several criticisms of this system as well as the social risks it causes It citizens department to civilians and tribal In subjecting them to the judicial system , and thus it led to a lack of unity of the judiciary in one country, and encouraged to keep feudalism by granting the powers Clan elders and truncate land them up to stand next to them, And this hinders the development of the country and the lack of high level ,The newspapers took draws criticism and show cons of this system On society and that it has increased the incidence of crimes Some criticized the regime for being contrary to Islamic law, The purpose of the issuance of this tribal system It is to create social unrest And discrimination team of people to damage another team.

Third. Laws that provided for the introduction of tribal custom:

The clan claims system has been in force in the occupied areas of Iraq, And after the occupation of Baghdad British administration issued laws regulating the judiciary among these laws, which provided for the introduction of the tribal judiciary(Baghdadi Penal Code of 1918) Where tribal custom has become a source of law, In the sense that he authorized the imposition of the punishment approved by tribal tradition Instead of all the paragraphs of the punishment prescribed by law Sanctions or some of them. , As the Royal Decree of December 28 1924 He spent the adoption of tribal claims system This regime has become effective on the clans of Iraq Which is the administrative application in Iraq Although most of the population of Iraq are subject to him, And that this system is effective to this day When the state weakens tribalism has emerged Other laws have been issued after the British occupation Depend on tribal custom The clan action system continued to operate for a long time in the history of Iraq.

This was a strange phenomenon in the eyes of researchers in the Legal Affairs, Since the judiciary is not unified, There are laws applied to the team without others, There are courts that govern a team of people without others, And there are provisions applied under the Hanafi doctrine and another doctrine Jaafari, as well as personal status issues of Moslems and Christianity, and these laws have special courts and higher reference, all of which make the judiciary unified in one country.

Conclusion

Each clan had their customs and traditions and its laws passed down from parents to children, By virtue of their environment and their remoteness from the center, the tribal system was known before the emergence of the clan litigation system which was prepared by the British occupation authorities and used it to its advantage to achieve its objectives In control of the Iraqi tribes in particular and on Iraq's population in general, And actually managed after studying the psychological and social conditions Most of the tribes of Iraq to woo tribal leaders and give them wide powers to help them occupy the rest of the Iraqi cities.

More importantly, we find that the occupation administration seeking to appease the clans for the purpose of helping them cut off aid the armies of the Ottoman Empire In their war against the British, Was the British administration Also it aims to put this system Avoid collision with the customs and traditions of clans.

Some common terms in the clans

Meaning	The term
Surveillance of harm in a particular place.	Altdharabh
The dimensions of the killer from the region and often determines the duration of	Aljlloh
What the deceased leaves him Such as his own weapon, his garment, his seal, his garment and others.	Alahbuh
They give a woman or money to the clan of the killer If he threatened or opposed a member of the clan of the victim	Al Hasham
Representation of the dead	The sanctity of examples
Meaning	The term
Is the ransom of manslaughter	Step
Mutual Securities in custom tribal Between the people of the perpetrator and the victim Which refers to ending a problem or resolving a case	Salvific
Firing shots as a warning or threat	Dakaa
Calculating the death toll each clan against the second dead clan	Dumdum
Entry into the house without the permission of its people An attack on the people of the house	Dosa House
Is the payment of money to the cousin of the woman who marries her stranger	Alradwh
Injury of the person in his body or the injury of a member of his organs Not conducive to death.	Al Sakat
Bandits	Alslabh
It is a set of inherited customs and tribal rules	Al Sawani
The cry of women when subjected to aggression	Hooray
Is the messenger sent by one of the parties to the dispute to the other party	Al-Tarash
It is all bad from doing or saying	Al Shame
A truce may extend to a month or more	Attoh
Commenting on the offender after being imposed by the arbitrators	Al-Aghba
Short truce between the people of the murderer and the murdered	Alleg
Provide hospitality to the family of the deceased It is the amount of money sent by the people of the killer to the people of the slain	AL Farsha

The tribal judge is unofficial	The hypothesis
He graduated from the amount of money the deceased before dividing	Kabrh
Two men agreed to marry each other's sister without a dowry	Ksh Bksh
The neighbor who lives with the clan and has no relation to it	ALGesser
A person who marries a non-mahr on condition that he lives with the girl's family	Alkaidy
The threat of dismissal claim	Guama
The good successor to the clan	In charge of
The board of satisfaction they are figures of prominent leaders and Sadat	Gait
Such as cattle, horses, camels, and sheep.	Manaih host
Prevent another man who wants to apply to the marriage of a woman to him	Alnhoh
The abduction of women.	The Nabih
It is a crime of exposure to firearms or sharp instruments	AL Haddat

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