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STATE CONTROL AND AUTONOMY OF THE HIGHER EDUCATION INSTITUTIONS IN IRAQ: A COMPETITIVE ANALYSIS

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Abstract

In order to develop the universities to play a pioneering role in community leadership, universities are the beacons of expertise and academics as incubators of thought, culture and literature. Universities are given some freedom in light of intellectual, economic, social, cultural and political changes. However, this freedom must be exercised within the context of what is known as governance. We mean selecting the best management strategies in the last term in order to accomplish the objectives previously set in the easiest way. This cannot be done unless the universities have a scientific and administrative freedom that keeps them free from political and religious influence and social norms.

Keywords

University Autonomy, State Controlled Universities, Higher Education Institutions

1. Introduction

Universities are the center of science and scholars, the incubator of thought, culture and science, in addition to being a center of radiation and a school of civilizations. From this standpoint, and because

universities are considered the main point in the countries starting their advancement and development, especially after World War II and the events that followed. Therefore, most of the developed countries have relied on their university competencies in their renaissance and progress (A. Almagtome, Shaker, Al-Fatlawi, & Bekheet, 2019). Universities played a social role since the early years of their inception, considering them the basic nucleus of social change movements that contribute to building the modern legal state. This pioneering role that universities play in building the personality of the individual and society in a positive manner alike, requires the availability of multiple elements to achieve their goals (Amagtome & Alnajjar, 2020). One of the most prominent of them is that there is autonomy in managing its administrative and educational affairs. The meaning of autonomy is for the university to be free, and this freedom must be achieved in three levels, the first with regard to the faculty members. The second is at the student level, and the latter is achieved at the level of the educational program applied at the university. In other words, universities are away from political, religious, social and economic influences (A. H. Almagtome, Al-Yasiri, Ali, Kadhim, & Bekheet, 2020). This is a prerequisite for the realization of the noble mission that universities have found nothing but to achieve, represented in laying the foundations for progress and advancement within societies. The problem of this research centered around addressing two main points: the first is interference in academic work and the decline in the level of university education and the results that have had dangerous repercussions on society within the state. The second is that achieving the requirements of constructive university governance is a condition for universities to have autonomy, whether political or religious, and even economic and social, especially in Iraq. After the recent events and the negative effects, the state witnessed and destructive repercussions for the societal intellectual fabric. This research includes two topics: The first topic is devoted to studying the essence of University autonomy, and we studied in it the meaning of University autonomy, and the legal basis for University autonomy, while the second topic is devoted to the practical reality of University autonomy. Furthermore, we showed in it the manifestations of the autonomy of universities in the first request, and we referred to the second requirement that affects the practical reality. The study was concluded with a conclusion that included the most important findings of the research in light of what we have been exposed to, and then we dealt with the most important recommendations that we would like to put forward

in order to enrich the research with legal value.

2. The University Autonomy

2.1. The Importance of University Autonomy

The term University autonomy aims to make the institution dealing with higher education away from the interference of formal and informal government agencies as well as the intervention of other parties such as political parties, religious institutions and societal conflicts. This results in one goal, which is to elevate the status of scientific research, and generates a qualitative leap in the country's progress (Maassen, Gornitzka, & Fumasoli, 2017; Osipian, 2017). The content of University autonomy is linked to academic freedoms and systematic governance. In order for us to have University autonomy, there must be freedom for the university to make decisions regulating its internal affairs, whether at the level of administrative leaderships in the educational institution (Akeel Almagtome, Khaghaany, & Önce, 2020). In addition to its powers related to the academic and scientific work, or that are related to the administrative and financial aspects of this institution. Provided that this is not understood or explained by the fact that higher education decisions are free from all oversight, but rather to allow the independent administrative judiciary to monitor these decisions in a way that achieves the public interest (Suriansyah, Aslamiah, Noorhapizah, Winardi, & Dalle, 2019).

A question may come to mind about the importance of University autonomy? Or the effect resulting from the achievement of the principle of University autonomy? This can be seen on several levels, the most important of which are:

1- The Level of Scientific Research: It is not possible to rely on the results reached through scientific research, and the reasons behind the problems and their treatment, as there was interference with the scientific research activities carried out by the university. Rather, it has negative repercussions if applied on the ground (Khalili, Khorsandi, Ghiasi, & Arasteh, 2018).

2- The Teaching Staff Level: in order for a faculty member to be able to prepare a distinguished elite of graduates, he must feel a kind of autonomy and non-interference in the scientific affairs. Therefore, if the opposite of this feeling has negative repercussions, it is imperative that the power, prestige and influence of knowledge be indebted by nothing ().

3- Student Level: In order for the university to prepare a scientific personality for students who is confident in the scientific proposition,

students must be far from political, social, and religious influences ... etc. For these reasons, student activities must be kept away from external influences and even the influence of the university's administrative staff, unless they are intended for evaluation.

4- **Societal Level:** The university's goal is to find solutions to society's problems, and in order for the university to have this role, it is imperative to study the problems away from their effects and then propose dependent solutions in light of the previous data (Kohtamäki & Balbachevsky, 2018).

2.2. The Legal Basis for University autonomy

Several international documents have been issued indicating the importance of University autonomy (A. Almagtome & Abbas, 2020). The Lima Declaration on Freedom, Academic Autonomy, and the Autonomy of Higher Education began in August 1988, which coincided with the 40th anniversary of the Universal Declaration of Human Rights, which emphasized the need for the state to respect the right to education and not to interfere with it (Chen, 2020). This was followed by the Amman Declaration of Academic Freedom, which shows the dangers of continuing to subject universities and higher education institutions to personal interests and not being independent (Chmutova & Andriichenko, 2017). Finally, the global effort may culminate in the Declaration of Academic Freedom issued by the International Conference of University Presidents, which was held at the invitation of the Secretary-General of the United Nations (Bakaradze, 2018). It referred to a set of important principles that must be committed to, the most important of which are the autonomy of higher education and the need to preserve academic freedom (Campos Retana, 2020). Although the constitution of Iraq does not explicitly regulate the autonomy of universities, this can be touched in many ways. For example, the constitution's reference to the state's encouragement of scientific research and the setting of specific controls for it to be for peaceful purposes and for it to be in the service of humanity (Khaghaany, Kbelah, & Almagtome, 2019). This in itself is evidence that the work of higher education institutions is within the framework of these two parameters only (Martin-Sardesai, Irvine, Tooley, & Guthrie, 2017). The autonomy of universities has been confirmed in the Ministry of Education and Scientific Research Law, as Article (10) of it stipulates that: (The university, the college, the scientific research center, and higher institutes associated with the university have the moral personality, administrative and financial autonomy, and the legal capacity necessary to achieve its goals, and

each of them is managed by a council) (Gilavand, 2017). The Law of Governorates that are not organized in a region only a reference in Article (7) to the competencies of the provincial council in monitoring the activities of local bodies, with the exception of colleges because they are independent and cannot interfere in their work (Leidman et al., 2016).

3. The Practical Reality of University Autonomy

In order for the faculty members in universities and university students to enjoy academic freedom in circulating scientific information, we must first show the manifestations of University autonomy in the first requirement. Then we highlight in the second requirement the practical effects of University autonomy.

3.1. Aspects of University Autonomy

In order for there to be University autonomy in the sense of the meaning of the word, multiple elements must be achieved, including scientific or intellectual autonomy, and also there must be organic and functional autonomy (Al-Wattar, Almagtome, & AL-Shafeay, 2019). Scientific autonomy requires freedom in circulating knowledge, and this does not materialize if the faculty members do not have the right to choose scientific subjects that are taught in universities without outside interference. Therefore, there should be no interference by any authority or entity in determining what is permissible to teach and what is not permissible except in accordance with what is the public interest and the achievement of public order. In return, there should be freedom for the university student to express opinions about the knowledge materials taught. It is considered one of the most important contents of academic freedom, which is the freedom to conduct scientific research according to the interests of the state and society, without there being any interference in the interest of a political party or social prejudices. The only criterion in the policy of the success of scientific research is the scientific competence and the value of the results reached. Also, there should be freedom in discussions, holding symposia, conferences and discussion groups, and publishing books and scientific literature (Mai, Do, Mai, & Nguyen, 2020). For academic freedom to be achieved, administrative leaderships in universities should be independent, away from political and sectarian disputes (Ali, Hameedi, & Almagtome, 2019). That the only criterion in assuming leadership positions in an educational institution is efficiency and scientific excellence without being affected by other external elements. This applies even to the criteria for selecting and admitting students to universities, which has a

positive impact on university outcomes. In order for universities to achieve organic autonomy, there must be financial autonomy as well as administrative autonomy (BROVKO, 2018). The issue of funding for universities is an important issue, which is negatively reflected in the opinions of universities if they are not financially independent. Academic freedom aims to find a kind of balance that shows freedom and authority in making decisions, whether in scientific promotion decisions, academic courses and scientific research, and even administrative decisions such as appointing professors, transfer, delegation and secondment (Kohtamäki & Balbachevsky, 2018).

3.2. Impact of The Scientific Fact on The University Autonomy

There are many influences in the practical reality of Iraqi universities, and we can show the most important of them by dividing them into two types: the first is security and partisan interventions (Ali, Almagtome, & Hameedi, 2019). Partisan interference is one of the most influential interventions in academic work. These interventions have emerged significantly in recent times due to the parties competing to win the legislative elections, and obtaining the votes of the electorate (Baldwin, 2018). The way to reach this sometimes is directly through direct influence on students and faculty members, and at other times it is indirectly. The final validation is achieved by appointing administrative leaders from partisan faculty members or by imposing administrative decisions on the university. These interventions are noticeably prominent in private universities compared to public universities subject to state supervision. Security interventions show their credibility directly through the procedures followed by the security services and harassment, whether on the educational staff or on university students (Blattman, Green, Ortega, & Tobón, 2017). These interventions increase with the increase in technical and technological development at the global level. To begin with, we must distinguish between religion and religious people, as religions contribute to building societies. As for the religious, in some of their extremist ideas, which negatively affect academic freedoms, especially theories of hate, extremism and the exclusion of others, which contribute significantly to the legitimacy of the university community and do not have any connection to religion at all (Lambert, Passmore, & Joshanloo, 2019). These erratic ideas have clearly contributed to emptying Iraqi universities of a distinguished elite of thinkers, jurists and scholars in various fields and various disciplines, which has negatively affected academic freedoms. The unconstructive societal norms also contribute to the negative effects on universities,

and these are directly reflected in the level of scientific research, and prevent an elite group of competencies from reaching the leadership of vital centers and places in universities (Riaz et al., 2018). These norms and restrictions represent an obstacle in the development of academic work, so that sometimes they reach the point of imposing self-censorship by the faculty member on themselves for fear of falling under the pain of societal rejection.

4. **Conclusions and discussions**

Through our study of the issue of the impact of practical reality on University autonomy. A comparison between the reality of the Iraqi universities and what they should be. Some useful results can be drawn for the Iraqi legislator in this field. The importance of the autonomy of universities lies in the scientific results that are sought as a result of scientific research, or the university outputs, as they give effective results if they are prepared in an impartial and independent manner. University autonomy develops its legal basis, starting with international treaties and declarations, through the constitution and ordinary laws. There are inherent dangers as a result of multiple interventions, the most prominent of which are political, religious, party, and societal norms, all of which have negative repercussions, whether on faculty members or students, and even scientific research and teaching decisions. Which contributed to the decline in the level of higher education in Iraq. Accordingly, they called on the legislator to activate the legal texts that refer to the autonomy of universities, and not to remain ink on paper, because of their positive impact on the autonomy of the educational institution. Which is reflected in the positive role of the university in building society and the state. We urge the legislator to take into account the amendment of the Ministry of Higher Education and Scientific Research law, so that the appointment of administrative leaders in universities is not subject to any political, partisan or sectarian interference. It should make the standards of excellence and scientific activities the only criterion in selecting leaders for administrative in the educational institution. The appointment must also be under the supervision and control of the administrative judiciary of the administrative leaderships.

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