



جمهورية العراق
وزارة التعليم العالي والبحث العلمي
جامعة الموصل
كلية الحقوق

التنظيم القانوني لحرية الاعلام الإلكتروني في العراق
بحث دبلوم عالٍ في فرع قانون حقوق الانسان

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المستخلص

حرية الاعلام تُعدّ من الحريات التي لا توجد الا في الدولة الديمقراطية او القانونية، ومع التطور التقني الكبير الذي يشهده العالم وظهور الانترنت ظهرت ممارسة هذه الحرية بطريقة جديدة فرضت نفسها بقوة بالواقع الجديد وظهرت حرية الاعلام الالكتروني، واصبحت حرية تناقل الاخبار والمعلومات تمارس من الجميع، المؤسسات الاعلامية او من يمثلها من الاعلاميين، وكذلك من الافراد العاديين حيث ان المتلقي للمادة الاعلامية أصبح مشاركا لها في بعض الاحيان وصانعا لها في احيان اخرى.

لقد أخذ الاعلام الالكتروني حيزا مهما على الساحة الاعلامية بجميع الدول فمنها من قامت بصياغة التشريعات الخاصة به لمواكبة التطور الاعلامي الجديد انطلاقا من سعي الدولة لتقديم الدعم الكامل لهذه الحرية ومنها من لم يقوم بصياغة هذه التشريعات.

وعليه ولأهمية هذه الحرية بالدراسات القانونية ونظرا لحدائتها سنعمل على الاحاطة الشاملة بها وسنبين موقف المشرع العراقي منها ومن الاعلام الالكتروني، فهل شرع قانون خاص به ام انه عمل على تطويع النصوص القانونية التي نظمت الوسائل الاعلامية الالكترونية، وهل جاءت تلك النصوص منسجمة مع خصوصية هذا الاعلام وهل شكل القضاء العراقي محكمة خاصة لهذا الاعلام كضمان لحماية هذه الحرية.

Abstract

Media freedom is one of the freedoms that exist only in a free country, and with the great technical development witnessed by the world and the emergence of the Internet, the exercise of this freedom appeared in a new way that imposed itself strongly with the new reality and freedom of electronic media appeared, and the freedom to transmit news and information became practiced by everyone, media institutions or Those who represent it from the media, as well as from ordinary individuals, as the recipient of the media material has become a participant in it at times and a maker of it at other times.

The electronic media has taken an important space in the media arena in all countries, some of which have drafted their own legislation to keep pace with the new media development based on the state's endeavor to provide full support for this freedom.

Accordingly, and due to the importance of this freedom in legal studies due to its modernity, we will work on a comprehensive briefing about it and we will show the position of the Iraqi legislator regarding it and the electronic media. Was a law enacted of its own or did he work to adapt the legal texts that organized the electronic media, and were these texts consistent with the privacy of this media? The Iraqi judiciary formed a special court for this media as a guarantee to protect this freedom.

We have dealt with the study of this subject and the fulfillment of its vocabulary through his research in three sections. We devoted the first to defining the freedom of electronic media. It included two demands, the first on the definition of freedom of electronic media and its functions and characteristics, and the second on the relationship of this freedom with other

Abstract

rights and freedoms. As for the second topic, it was about a statement of the legal basis. This freedom and its controls and justifications for restricting it, and we addressed all these points with two demands, As for the third topic, it was about guarantees to protect this freedom, and it was divided into two demands, one of them about constitutional guarantees, which were represented by guarantees that constitute the most important constitutional principles, namely the principle of the supremacy of the constitution, the principle of separation of powers and the principle of independence of the judiciary. The Court of Publication and Media Issues and the efforts of the constitutional and administrative judiciary. Their role has been clarified by reviewing some judicial decisions that embodied effective protection for this freedom or for freedom of opinion and expression, which is the basis of this freedom.

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2022A.D