



Key Drivers of Social-Cultural and Traditional Morals in Implementing Land Use Policy in Iraq

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Abstract

This study investigates the key drivers influencing the implementation of land use policy (ILUP) in Iraq, with an emphasis on the role of social, cultural, and traditional moral values. The research examines how these factors shape ILUP outcomes, serving both as facilitators and obstacles in the tenure management process in Iraq. Through five distinct historical periods, starting from the Ottoman era through to the post-2003 period, the study identifies the predominant social norms and cultural practices that impact land use decisions within the ILUP framework. The research further explores how traditional morals contribute to community cohesion while also posing challenges to the adoption of modern land use practices. The findings underscore the necessity of integrating these deeply rooted social and cultural dynamics within ILUP to ensure the successful implementation of land use policies in Iraq, balancing the respect for tradition with the need for sustainable land management strategies. Results highlight the need for a comprehensive understanding of the rooted influence of local old-style morals and the need for legal transformations to shape ILUP structures in the Iraqi contemporary context.

Keywords— Land use policy, Land tenure, Land rights, Traditional morals, Iraq land management.

1 Introduction & Background

Land tenancy encompasses a triangular relationship among land users, policies, and land itself (Al-Rawi, 2010) (Ali, 2019) (Tuğ, 2014). The literature delineates various forms of tenancy, shaped by elements of tenancy administration such as policy frameworks, legal activities, organizational structures, and service delivery mechanisms (Ali, 2019) (Al-Nasiri, 1978) (L. H. Al-ossmi & Ahmed, 2015). These forms of tenure are generally categorized into two primary systems: the statutory system and the customary system. In the statutory system, land tenancy is governed by formal institutional laws and regulations (Zhlhima et al., 2021), whereas the customary system is guided by societal values that define and sustain tenure rights, responsibilities, and constraints (Tuğ, 2014) (Bektaş, 2015) (FAO, 2022). UN-Habitat emphasizes that tenancy involves relationships between individuals and land, as well as interactions among individuals and groups (Tuğ, 2014) (Bektaş, 2015) (J. S. Ismael & Ismael, 2009). These tenures may encompass rights

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established by both legal frameworks and traditional practices, addressing diverse needs (Al-Rawi, 2010) (Tuğ, 2014) (Unger et al., 2023) (Brown & Romano, 2006). Local social, cultural, and religious dimensions of tenancy are integrated into the institutional systems that govern users' rights.

Individual land ownership, in particular, serves as a critical framework for legislation and regulation within institutional law, establishing the foundation upon which property rights are exercised and protected. However, this fundamental right is often vulnerable to destabilizing influences, particularly in contexts marked by state fragility, ethnic conflicts, and intergroup violence. These dynamics are especially pronounced in regions experiencing political upheaval or societal fragmentation, where the secure and equitable distribution of land rights can become a source of contention and instability (FAO, 2022) (Unger et al., 2023). The legal systems that oversee tenancy at both individual and collective levels are often diverse and complex, shaped by a myriad of internal and legislative factors that reflect the socio-political context in which they operate (J. S. Ismael & Ismael, 2007) (Mustafa et al., 2022) (Charrad, 2011). As societies evolve and the demands for land use diversify, the concepts of ownership and tenancy have increasingly become legal matters with profound operational dimensions. Consequently, this evolution has drawn the attention of economists, statisticians, and urban planners, who recognize that secure tenancy is not merely a legal construct but a cornerstone of economic development, social stability, and sustainable growth. Moreover, the legislative framework surrounding tenancy is inextricably linked to the institutional structures of the state, which govern access rights and monitor the processes of individual and collective ownership within society. Strengthening these legal frameworks is therefore essential for promoting positive outcomes in land management, particularly in enhancing the security of rights, which, in turn, fosters economic development and societal welfare (Al-Rawi, 2010) (J. S. Ismael & Ismael, 2009). Furthermore, secure tenancy has been shown to play a crucial role in reducing the likelihood of conflicts over land ownership, thereby contributing to societal stability. Studies by (J. S. Ismael & Ismael, 2009) (Hoque et al., 2013) and (Kaya, 2014) underscore the importance of legally protected land rights, particularly for marginalized groups such as women, orphans, widows, the elderly, and indigenous communities. These rights are integral to ensuring equitable access to land and resources, which is essential for reducing poverty and achieving sustainable development at both the community and national levels (J. S. Ismael & Ismael, 2009) (Al-Ossmi & Ahmed, 2016) (Mustafa et al., 2022).

In the contemporary context, addressing the challenges associated with tenancy in Iraq, especially following the events of 2003, requires not only the integration of modern technologies into legal frameworks but also a concerted effort to prioritize the rights of marginalized groups. Since the 2003 events, Iraq has experienced significant shifts in its socio-political landscape, which have greatly impacted ILUP. Traditional and religious values continue to play a crucial role, as historical land tenure systems and cultural practices heavily influence contemporary policies. Political stability and governance, however, have been inconsistent, with varying degrees of state control and regulatory frameworks affecting policy effectiveness and enforcement. Moreover, economic factors such as land scarcity and urbanization pressures in post-2003 Iraq have intensified the need for effective ILUP strategies. The challenges of rebuilding infrastructure and managing land use amidst ongoing socio-political instability further complicate these efforts. Additionally, international influences and global economic trends have played a role in shaping Iraq's ILUP, affecting both investment and development strategies.

In general, in post-2003 Iraq, engaging local communities and stakeholders has become crucial for the effective Implementation of Land Use Policy (ILUP). This involvement ensures that ILUP addresses local realities and integrates socio-cultural, economic, and political factors. Understanding the influence of social norms and traditional practices is essential for crafting policies that respect local traditions and meet contemporary needs, leading to more inclusive and sustainable land management practices. By examining how social norms and traditional practices influence ILUP, policymakers can design more inclusive and sustainable policies.

2 Methodology

This paper aims to explore the key drivers of social, cultural, and traditional morals of ILUP in Iraq. By examining the intersection of these societal factors and state institutions, this study seeks to contribute to a deeper understanding of how these dynamics influence the effectiveness of legal frameworks. The research focuses on how integrating social and cultural considerations into land use policy can enhance economic development, social stability, and sustainability in land management within the Iraqi context.

The paper is structured around a set of 5 historical periods, utilizing official data to provide a comprehensive understanding of how these factors influence contemporary ILUP. It examines the evolution of land use policies in Iraq, the study conducts a historical analysis spanning five distinct periods: the Ottoman era, the British Mandate (1917-1932), the Iraqi Monarchy period (1921-1958), the Socialist period (1958-1963), the Ba'athist regime (1963-2003), and the post-2003 era. Archival research is employed to gather data from historical documents, legal codes, government records, and previous studies on ILUP in Iraq. This historical analysis provides a contextual foundation for understanding current land use policies and the enduring influence of social, cultural, and traditional factors. The paper also involves a thorough review of existing land use policies, legal frameworks, and international guidelines relevant to ILUP in Iraq. Document analysis is used to assess how well these policies incorporate social, cultural, and traditional considerations, and to identify gaps and areas for improvement.

The research was conducted between January and March 2024, specifically in the city of Nasiriyah, southern region of Iraq. Though, researchers faced significant challenges in collecting government data related to the research topic due to complex administrative procedures, a lack of data and documents, and occasional unavailability of records. These challenges hindered the availability of necessary data and impacted the quality of the information, resulting in gaps in the required information.

3 Results

3.1 The Triangulated Correlations of LUP

The relationship between land use, ownership, and property rights is crucial in LUP hence it is linked with land management and policy development. This dynamic shapes how individuals interact with land, outlining their rights and responsibilities, and is guided by the legal and regulatory frameworks in place.

Ownership provides legal control over land, granting the owner rights to use, modify, or transfer it. Secure property rights are vital for encouraging investment and sustainable development, as they assure landowners that they can enhance and develop their property without the fear of losing ownership. While property rights are governed by laws and regulations that dictate how these rights can be transferred, inherited, or disputed. In formal legal systems, these rights are clearly defined, offering legal protection and stability. In contrast, customary systems rely on cultural values and community practices, which, though varied, still offer protection and recognition of land entitlements. Also, government policies play a significant role in influencing land use and property rights. These policies determine how ILUP is conducted and how rights are distributed, often imposing restrictions or requiring special permits for certain land uses, thereby affecting the owner's ability to utilize their property fully.

In general, the relationship between users, land forms, ownership, and property rights is fundamental to LUP and then to sustainable development and social stability. By balancing individual rights with community needs through effective land management and planning, this relationship supports both personal investment and broader societal growth.

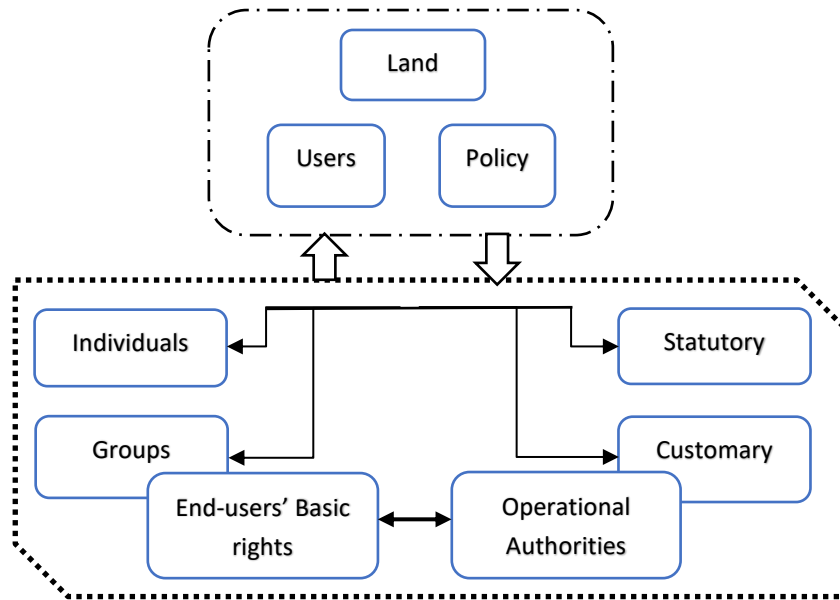


Figure 1: Plot of the triangulated correlations and LUP's relationships.

Building on the previous aspects, we can say that the triangulated correlations in LUP relationships link users, land, and property rights are shaped by legal frameworks, policies, and cultural practices. This multifaceted relationship is crucial for ensuring effective and sustainable land management, as well as for the formation of rights established through statutory, customary, and informal systems. Moreover, these systems are essential for the protection of users' rights, providing a solid foundation for equitable access and responsible land stewardship.

Through building connections that govern the interrelated relationship among the LUP elements, land, user, and property rights (as they are illustrated in Fig. 1). It is possible to proceed along this path to investigate the real-world scenario represented by the case study chosen in this research, the ILUP in Iraqi case. According to the methodology, the ILUP indicators will be studied across a set of institutional historical stages, during which the ILUP elements developed and evolved over five consecutive periods in Iraq, conducted from 1918 to the present time, reflecting a complex interplay of political, economic, and social factors. The following is a brief overview of the ILUP key institutional developments stages in Iraq.

4 Background of ILUP in Iraq

4.1 British Mandate (1917-1932):

During the British Mandate in Iraq (1917-1932), the British administration significantly influenced the development of land tenure legislation in modern Iraq, despite the relatively brief duration of their rule. Throughout this period, the British authorities introduced a series of laws and regulations aimed at standardizing land ownership systems. As highlighted by (L. H. M. Al-ossmi, 2023) (Brown & Romano, 2006) and (Mustafa et al., 2022), the British sought to organize tribal structures and land distribution, favoring a small category of tribal landowners. Also, (L. H. M. Al-ossmi, 2024) stated that this approach was primarily driven by the need to maintain political and military alliances with major Arab tribes to secure their loyalty to the British government in Iraq. Consequently, (Charrad, 2011) emphasizes that the feudal landownership

system of ILUP in Iraq had thrived during the Ottoman era, was preserved, resulting in the concentration of land in the hands of large landowners and tribal leaders. The British mandate's land policies aimed to consolidate control in Iraq through regressive measures that primarily supported large landowners, feudal lords, and tribal leaders. This perpetuated the negative aspects of the feudal system, leading to widespread tension and dissatisfaction among the local population (J. S. Ismael & Ismael, 2009) (DAMLUJI, 2010) [12,15,24]. The British administration's policies included the redistribution of land districts, often concentrating large properties in the hands of specific tribes to secure loyalty, ultimately leading to significant changes in land ownership patterns. Furthermore, the British land policies had a profound impact on traditional tribal systems, disrupting established structures and exacerbating tensions. A notable shift during this period was the emergence of individual land ownership, distinct from the Ottoman collective and tribal practices (L. H. M. Al-ossmi, 2023) (Mustafa et al., 2022). This transition was driven by the desire to align land ownership with Western concepts of private ownership, particularly as Iraq moved towards self-governance. The establishment of large agricultural estates further concentrated land ownership among the wealthy elite and tribal entities, exacerbating social and economic disparities. This concentration laid the groundwork for the revolutions that eventually toppled the monarchy established by the British.

In practice, the British mandate's land policies were perceived by the majority of pastoral Iraqis as exploitative and detrimental to their traditional ways of life. These policies left a lasting imprint on Iraq's political, social, and economic fabric, shaping land tenure systems and patterns of land use long after Iraq achieved independence in 1932. Despite efforts to introduce administrative reforms during the British mandate, these initiatives fell short in systematically addressing disparities in land rights. Under subsequent regimes, particularly the Baathist regime, radical land reforms aimed at redistributing land to landless peasants were introduced, ostensibly to promote social justice (Mustafa et al., 2022) (Charrad, 2011) (Jawad & Al-Assaf, 2024). However, ILUP reforms often unintentionally marginalized women's roles in land ownership and control due to prevailing societal attitudes towards gender. Customary practices and entrenched patriarchal norms in rural Iraqi society created strong cultural and familial barriers that impeded women's access to land ownership and management rights. Despite legislative advancements, gender discrimination in land ownership rights persisted, influenced by societal evolution, familial and religious customs, and economic and social factors, Table 1.

Table 1: key elements of ILUP during the British Mandate in Iraq (1917-1932)

Key stages	Legal Details	Related Impact
British Mandate Land Policies.	Implemented laws aimed at standardizing land ownership; preserved feudal landownership.	Concentration of land among large landowners and tribal leaders; tension among locals.
Impact on Tribal Systems.	Redistribution of land favoring large landowners and specific tribes.	Disruption of traditional tribal structures; exacerbated social tensions.
Gender Discrimination in Land Rights.	Customary practices and patriarchal norms persisted, marginalizing women's land rights.	Continued gender discrimination despite legislative reforms; limited women's land ownership.

4.2 Independence and Agrarian Reforms (1932-1963)

The preceding Ottoman and British Mandate periods in Iraq were characterized by legislative bias that favored large landowners and tribal leaders, thereby perpetuating the feudal system that had dominated land ownership. This legislative approach significantly neglected the rights of marginalized and impoverished segments of Iraqi society. Following Iraq's independence in 1932, the nation transitioned into the Hashemite Kingdom of Iraq, marking a period of increased administrative autonomy. During this era, the Iraqi government enacted legislation aimed at agricultural development, initiating agrarian reforms within the framework of ten-year national plans. These efforts began in the 1950s, with the intent of modernizing agricultural practices and addressing land ownership inequalities. However, the completion of the first five-year plan was disrupted by the military coup in 1958, which resulted in the overthrow of the monarchy (Mustafa et al., 2022) (Jawad & Al-Assaf, 2024) (Priyadi et al., 2023) (T. Y. Ismael & Ismael, 2015). The overarching goal during this period was to create a more just and inclusive socialist society, emphasizing the critical importance of land tenure rights within Iraq's socialist governance framework (J. S. Ismael & Ismael, 2009) (Mustafa et al., 2022). Several laws were enacted to facilitate ILUP within agricultural reform and manage land distribution, particularly to benefit impoverished populations across various regions of Iraq.

However, the escalation of internal and regional political conflicts during this period, combined with the brief tenure of the socialist regime, impeded the successful implementation of these reforms. Consequently, the five-year plans designed for agricultural development were not fully realized, as another military coup in Iraq led to the overthrow of the socialist government, replacing it with a nationalist regime that pursued different ideological goals, Table2.

Table 2: Key elements of ILUP during independence and agrarian reforms (1932-1963)

Key stages	Legal Details	Related Impact
Legislative Bias in Pre-Independence Iraq	Ottoman and British Mandate periods favored large landowners and tribal leaders, perpetuating a feudal system.	Neglected rights of marginalized and impoverished Iraqis.
Independence and Establishment of the Hashemite Kingdom (1932)	Iraq gained administrative independence, initiating agricultural reforms within ten-year national plans.	Aimed at modernizing agriculture and addressing land ownership inequalities.
Agrarian Reforms (1950s)	Enactment of laws for agricultural development and land redistribution to the poor.	Targeted fostering a more just and inclusive society within a socialist framework.
Political Instability (1958 Coup)	Military coup disrupted the first five-year plan, overthrowing the monarchy.	Hindered the completion of agrarian reforms and implementation of socialist policies.
Impact of Brief Socialist Rule	Escalation of internal and regional conflicts, short duration of socialist governance.	Prevented full realization of reform plans and led to another coup, replacing the socialist government with a nationalist regime.

4.3. Ba'athist Era (1968-2003):

In 1968, following an internal military coup, the Ba'athists assumed power in Iraq. This initial period of Ba'athist rule was marked by political conflicts that significantly affected the country's stability, thereby disrupting the implementation of the ten-year plans established during the preceding socialist era. The Ba'athists, adopting a nationalist ideology, sought to reverse the previous five-year plans by implementing policies that conflicted with earlier reforms. Consequently, they hastily modified land ownership frameworks to align with their nationalist perspectives. During this period, the focus was on agricultural reform, aimed at combating and eliminating feudalism (Mustafa et al., 2022) (Ali, 2018) (Ali, 2020). This involved nationalizing land ownership from large landowners and tribal leaders and transferring it to centralized state control and cooperative farming (J. S. Ismael & Ismael, 2009) (Ali, 2020). Despite efforts to sustain these agrarian reform decisions, the ongoing political turmoil, compounded by the Iran-Iraq war, hindered their effective implementation. Moving into the second phase of Ba'athist rule (1979-2003), the government introduced a series of significant land laws and policies designed to regulate and monitor land ownership, distribution, and agricultural practices. These reforms included:

a. **Revolutionary Command Council Decree No. 114 (1970)**: According to the Iraqi Ministry of Justice (2023), this decree aimed to redistribute land from large landowners to unemployed peasants and small farmers, addressing issues of land concentration and promoting a fairer distribution of resources (J. S. Ismael & Ismael, 2009) (Wodon, 2015).

b. **Land Ownership Ceilings (1970)**: The Ba'athist government, recognizing the problem of excessive land accumulation by individuals or influential entities, enacted laws to limit this accumulation and dismantle large estates (Al-Rawi, 2010) (Ali, 2019) (Al-Nasiri, 1978).

c. **Land Improvement Projects**: The government initiated various projects to enhance agricultural productivity and reclaim land from marshes and deserts (T. Y. Ismael & Ismael, 2015) (Zhlilima et al., 2021).

d. **Land Nationalization (1972)**: New legislation nationalized all uncultivated land, transferring it to state ownership and redistributing it to individuals, particularly the poor, to ensure productive use of previously unused land (Al-Ossmi & Ahmed, 2016) (L. H. M. Al-Ossmi, 2024).

During the Ba'athist era in Iraq (1968-2003), the regime implemented sweeping changes in land ownership and agricultural policies, transitioning from the previous socialist framework to a nationalist ideology. Also (L. H. M. Al-Ossmi, 2024) (Mustafa et al., 2022) specified that the initial period saw political instability and conflicts that disrupted the implementation of earlier plans and hindered agrarian reforms. The Ba'athists focused on nationalizing land from large landowners and tribal leaders, centralizing it under state control, and promoting cooperative farming. Despite these efforts, ongoing turmoil, including the Iran-Iraq war, impeded the effective execution of land policies and reforms, Table 3.

Table 3: Key elements of ILUP during Ba'athist era (1968-2003)

Key stages	Legal Details	Related Impact
Ba'athist Rise to Power (1968).	After a military coup, the Ba'athists took control, focusing on nationalist ideology and opposing previous socialist land reforms.	Political conflicts disrupted stability and the implementation of earlier plans.

Agricultural Reforms and Feudalism.	The Ba'athist regime aimed to combat feudalism by nationalizing land from large landowners and tribal leaders, transferring it to state ownership and cooperative farming.	Centralized land ownership and weakened traditional feudal structures.
Revolutionary Command Council Decree No. 114 (1970).	This decree sought to redistribute land from large landowners to unemployed peasants and small farmers, promoting fairer land distribution.	Addressed land concentration issues and aimed to empower small farmers.
Land Ownership Ceilings (1970).	Laws were enacted to limit excessive land accumulation by individuals or entities, aiming to dismantle large estates.	Prevented the formation of large landholdings and promoted equitable distribution.
Land Improvement Projects.	Initiated projects to increase agricultural productivity and reclaim land from marshes and deserts.	Enhanced agricultural output and expanded usable land areas.
Land Nationalization (1972).	Legislation passed to nationalize uncultivated land, transferring it to state ownership and redistributing it to the poor.	Aimed to ensure productive use of land and support the poor.

4.4 Post-2003 and Instability:

Following the collapse of the Ba'ath regime in 2003, Iraq entered a period of profound political and social upheaval that significantly impacted the enforcement of land tenure and property rights laws. This era was characterized by widespread conflict, internal and external displacement of families, abandonment of lands, and loss of property deeds. Additionally, the period saw the destruction of property documents, increased land grabbing, and disputes over land use rights, exacerbated by weak state control and ongoing sectarian conflicts. Iraqi Ministry of Planning (L. H. M. Al-ossmi, 2024) emphasizes that despite earnest efforts by the government to establish new legal frameworks and policies to address these challenges, the volatile political environment and unstable institutional structures severely impeded effective law enforcement. As stability gradually returned, efforts to rebuild institutions and address land tenure issues more comprehensively began to take shape. Since 2003, Iraq has grappled with persistent challenges related to land ownership and use, exacerbated by conflict, political transitions, and social complexities (Mustafa et al., 2022) (Wodon, 2015). Several state attempts to establish legal frameworks for land use have been hindered by these tumultuous conditions.

- **Post-Conflict Reconstruction:** The destruction of infrastructure, widespread displacement, and disruptions to land use patterns have presented significant challenges in the reconstruction process.
- **Political Transitions:** The period following 2003 saw multiple shifts in political leadership, governance structures, and the introduction of new political frameworks, including capitalist legislative trends that influenced land use policy formulation and implementation.
- **Social Complexities:** Iraq's diverse social and religious demographics have further complicated land ownership issues. Competing claims, tribal disputes, and historical grievances necessitate comprehensive strategies that address the needs and rights of various social groups.

- **Displacement and Return Plans:** Prolonged conflict and terrorism have caused extensive displacement, both internally and externally. Developing effective plans for managing the return of displaced populations raises concerns about securing property rights, ensuring proper documentation, and restoring community stability.

The destruction of infrastructure and widespread displacement have significantly disrupted land use patterns and reconstruction efforts. Frequent political transitions and diverse social demographics have further complicated land policy development, requiring comprehensive and adaptable strategies. Prolonged conflict has also led to extensive displacement, making it crucial to develop effective plans for managing property rights and restoring community stability, Table 4.

Table 4: Key elements of ILUP during the post-2003 and current instability

Aspect	Key Points
Post-Conflict Reconstruction.	Significant challenges emerged from infrastructure destruction, population displacement, and disruptions to land use patterns.
Political Transitions.	Multiple shifts in political leadership, governance structures, and the introduction of capitalist legislative trends impacted land use policy formulation and implementation.
Social Complexities.	Iraq's diverse social and religious demographics complicate land ownership issues, requiring comprehensive strategies to address competing claims, tribal disputes, and historical grievances.
Displacement and Return Plans.	Ongoing conflict and terrorism led to widespread displacement, necessitating effective plans for managing the return of displaced populations, securing property rights, and restoring community stability.

After dividing the ILUP institutional development into four historical periods, the focus will shift to elucidating one of the most significant factors accompanying the legislative evolution of property management in Iraq: the influence of religion. This pivotal factor will be highlighted through an examination of Islamic legislation, which has played a crucial role throughout these stages.

During the period from 2003 to 2020, Islamic inheritance laws in Iraq have been influenced by *Shari'a* principles, which are applied alongside secular legal frameworks (L. H. M. Al-ossmi, 2024) (L. H. M. Al-ossmi, 2023). For example, we can list five key aspects of Islamic inheritance laws that have impacted ILUP and property distribution during this period:

1. **Male-Female Inheritance Ratios:**
 - Under Islamic law, males generally receive twice the share of females in inheritance cases. This principle remains in effect, influencing the distribution of land and property among heirs.
2. **Fixed Shares for Heirs:**
 - Islamic inheritance law specifies fixed shares for various categories of heirs, including spouses, parents, children, and siblings. These shares are detailed in the Quran and are used to determine the division of the estate.
3. **Exclusion of Non-Muslim Heirs:**
 - Islamic law traditionally excludes non-Muslim heirs from inheritance. This principle continues to be applied, impacting the inheritance rights of non-Muslim family members.
4. **Inheritance of Agricultural Land:**

- Specific rules govern the inheritance of agricultural land, often requiring that such land remains within the family and is distributed according to Islamic principles.

5. Restrictions on Testamentary Bequests:

- While Islamic law permits individuals to make inheritances (*Wasiyyah*) for up to one-third of their estate, the remaining two-thirds must be distributed according to the fixed shares prescribed by *Shari'a*. This restriction is upheld in Iraq's legal context.

These religious laws have been crucial in shaping ILUP inheritance practices in Iraq, reflecting the ongoing influence of Islamic legal principles alongside modern legal developments.

5 Key Drivers of Traditional Morals

In the Iraqi context, societal influences further complicate ILUP rights. Tribal communities exhibit gender-based distinctions where female participation in land rights decision-making is limited. According to (Zhllima et al., 2021), women face barriers to involvement with tribal leaders and are often represented by male family heads in tribal congresses. Traditional regulations and social norms perpetuate gender disparities in land access and ownership, leaving women, orphans, and widows reliant on male relatives. These deeply rooted norms, driven by social and cultural factors, continue to challenge tenure rights for vulnerable groups (Wodon, 2015) (Tareq Y. Ismael, 2015).

Furthermore, (L. H. M. Al-ossmi, 2024) and (Al-Jawaheri, 2008) emphasizes that ILUP concepts under statutory law include "*Mulk*," which denotes individual ownership rights, and various forms of state-controlled and charitable lands used historically in Ottoman times. These include:

- Private Tenancy ("*Mulk*"): Individual right to full ownership, as recognized in Islamic rules.
- State-Controlled Lands ("*Miri*" or "*Amiri*"): State-owned lands with usufruct rights granted to individuals, aimed at decentralizing power.
- Endowment Lands ("*Waqf*"): Reserved for public or charitable purposes, usually leased.
- Unclaimed Lands ("*Mawat*"): Typically used for grazing under common property regimes.

Islamic principles governing land contracts, as derived from Quranic verses, underscore a transactional process where ownership is transferred to the buyer upon payment. However, adherence to Islamic inheritance laws, which stipulate that male receive a double share compared to females, often conflicts with modernization and urban progress. Gender discrimination in religious forms, as highlighted by [12] and also (Priyadi et al., 2023), extend to tenancy and inheritance, reflecting deep-seated societal norms. Despite these challenges, these religious practices continue to shape ILUP across Islamic-Arab countries, as documented by (Mustafa et al., 2022) (Jawad & Al-Assaf, 2024) (Wodon, 2015). Acknowledging the dynamic nature of Islamic laws (*Shari'a*) is crucial, as they shape ownership concepts and continuously evolve within the Islamic legal framework. *Shari'a* provides a solid foundation for Islamic tenancy, guiding ILUP authorities in Iraqi managing the system, as illustrated in Fig. 2.

As it is illustrated in Fig. 2, Land tenure and property rights laws in Islamic countries are deeply rooted in *Shari'a* and reflect the evolution of the Islamic legal system. As such, ILUP are essential for allocating land rights and ensuring equitable access, thereby officially protecting land user rights. The management and monitoring of tenancy are thus interconnected through a triangular relationship involving land users, individual or group applicants, and policies governing land rights.

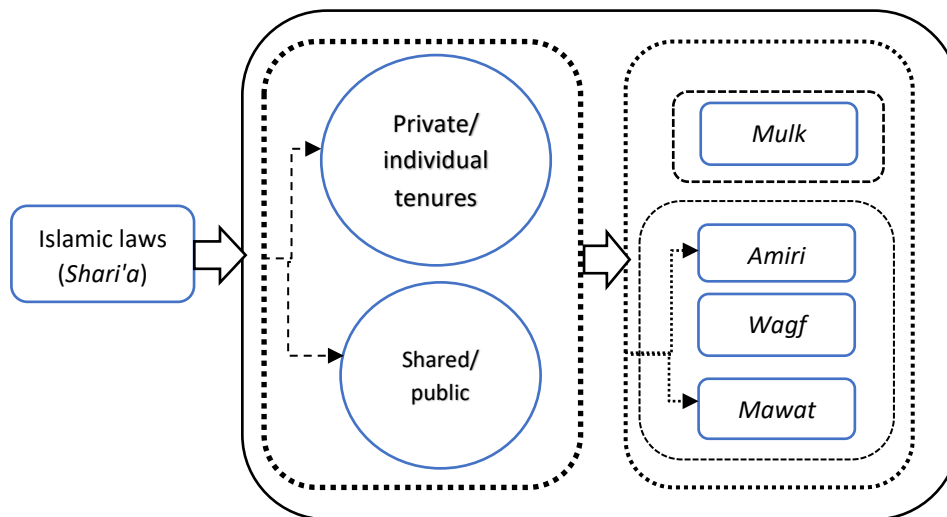


Figure 2: Essential features of the ILUP linked with Islamic laws (*Shari'a*)

As it is illustrated in Fig. 2, Land tenure and property rights laws in Islamic countries are deeply rooted in *Shari'a* and reflect the evolution of the Islamic legal system. As such, ILUP are essential for allocating land rights and ensuring equitable access, thereby officially protecting land user rights. The management and monitoring of tenancy are thus interconnected through a triangular relationship involving land users, individual or group applicants, and policies governing land rights. The essential characteristics of the Islamic tenancy system reveal that public tenure primarily focuses on Endowment lands designated for charitable purposes, a concept firmly entrenched in Islamic ownership principles. Conversely, private tenure is crucial, representing individual ownership rights that are acquired through official title and registration. Islamic law is fundamental not only to land tenancy but also to inheritance shares, wills, and other family-related matters, thereby influencing various aspects of personal and property rights. Islamic land tenure systems allow varying degrees of freedom in land use and property rights, with common forms often linked to state-controlled tenures, Table 5.

Table 5 : Islamic Basic Categories and Practices related ILUP in Iraq

LAND TYPE	CONTRIBUTING	PRACTICES	LEGAL SOURCE
AMERIYA (MIRI)	(State land), this form of land is owned by governorate, usually allocated to individual needs.	The Ottoman era and it is still used under Iraqi state system.	<ul style="list-style-type: none"> • Ottoman forms of land rights. • British mandate land rights. • Iraqi national regulations laws.
MULK	Private full ownership right gained through official title, allowing various degrees of freedom in the use of the land/property.	Private ownership and governed by land rights laws, still exists.	<ul style="list-style-type: none"> • Ottoman forms of land rights. • British mandate land rights. • Iraqi national regulations laws.

WAQF	Mainly religious endowments, translation of private ownership within an endowed land governed and regulated by Islamic law.	The Ottoman era and still exists.	<ul style="list-style-type: none"> • Ottoman forms of land rights. • British mandate land rights. • Iraqi national regulations laws.
EMPTY LAND	The dead land (<i>Mewat</i>) is immature land at a distance from any town or village.	The Ottoman era.	<ul style="list-style-type: none"> • Ottoman forms of land rights. • British mandate land rights. • Iraqi national regulations laws.
LAND RIGHTS USE FOR A FIXED TERM	Use and benefit rights for a fixed term of years during which the land / property is still owned to grantor.	The Ottoman era and still exists.	<ul style="list-style-type: none"> • Iraqi national regulations of ownership laws: Iraqi civic code art 68 (1958).
COMMUNAL LANDS	The term was used at village level to denote either common undivided land or communal grazing land.	the Ottoman era and still exists.	<ul style="list-style-type: none"> • Ottomans land rights. • rural lands, as opposed to cultivated land.
AL TAKHARUJ	According to Islamic rules of <i>Sharia</i> , a transfer of one's inheritance share to the other inheritors.	Legal process usually takes place at a property court. Then, it can be registered.	<ul style="list-style-type: none"> • Ottomans Land Rights (OLR). • Issuing the Title Deed to be examined accurately at the RERD.
UQAR (PROPERTY)	Rights of user dwelling ownership (land/house).	Still exists under the new state regulations.	<ul style="list-style-type: none"> • State regulations of ownership such as: Civic Code Bk 3–Decision 17/1980

ILUP in Iraq is deeply influenced by the social, cultural, and traditional values of its society. These values shape the way communities perceive land, ownership, and development, making it essential for policymakers to consider them in the planning and implementation process. Below are eight key drivers that play a crucial role in this context:

1. Tribal and Family Ties

In Iraq, tribal and family affiliations are strong and often dictate land ownership and usage. Land is often seen as a communal asset, shared among family members or tribal groups, rather than individual property. This communal approach can complicate land use policy implementation, particularly when it conflicts with modern, centralized planning efforts.

2. Religious Beliefs and Practices

Religion plays a central role in Iraqi society, influencing perspectives on land use. Certain areas may be considered sacred, affecting how they can be used or developed. Additionally, religious institutions often own significant tracts of land, and their influence must be taken into account in policy decisions.

3. Cultural Norms and Traditions

Cultural norms regarding the use of land for agriculture, housing, and communal activities are deeply ingrained. For example, traditional farming practices may resist modern agricultural policies, and the customary allocation of land for extended family housing can challenge urban planning initiatives.

4. Historical Land Ownership Patterns

Historical land ownership patterns, which may include feudal systems or colonial-era land divisions, continue to impact land use today. These patterns often reflect deep social inequalities and can lead to conflicts when new land use policies attempt to redistribute land or change its usage.

5. Community Leadership and Decision-Making Structures

In many Iraqi communities, local leaders, such as tribal chiefs or religious figures, play a significant role in decision-making regarding land use. Their approval is often necessary for the successful implementation of land use policies, as they hold substantial influence over their communities.

6. Public Perception and Trust in Government

Public trust in governmental institutions is a key factor in the acceptance of land use policies. In Iraq, where there has been historical mistrust of centralized authority, gaining public support requires policies that align with local values and demonstrate transparency and fairness.

7. Economic Factors and Livelihoods

The economic dependence of communities on land for agriculture, trade, and housing means that any change in land use policy can have significant implications for livelihoods. Policymakers must consider the potential economic impact on communities and work to ensure that policies do not undermine local economies.

8. Conflict and Security Concerns

Iraq's history of conflict has led to complex land ownership disputes and the displacement of populations. Security concerns also influence land use, as areas with ongoing conflict or insecurity may be challenging to integrate into broader land use planning efforts. Addressing these issues requires careful consideration of social and cultural dynamics, as well as traditional land rights.

On the other hand, religious and societal legislation, which includes statutory laws and administrative regulations, aimed to address deep challenges on the ILUP in Iraqi system. While land administration in Iraq often complements or adapts modern principles to meet contemporary ILUP needs, its influence is generally less significant than that of social/Islamic legislation, especially regarding inheritance and ownership. Political instability, particularly after the fall of the Ba'athist regime in 2003 and the rise of ISIS in 2014, has further complicated ILUP. These events have led to significant displacement, with millions of Iraqis affected, worsening urban conditions, and increasing the challenges of effective land tenure management. Despite extensive literature on urban land management and legal land title protection, there is a notable lack of empirical research on the impact of Iraq's current situation on ILUP. These aspects illustrate how local factors play a significant role in shaping Iraq's ILUP by balancing traditional religious laws with modern administrative practices. In Iraq, land ownership and property rights are influenced by both Islamic and societal legislation. Islamic legislation, rooted in Islamic law, has a profound impact, particularly on inheritance and land ownership, due to its clear and authoritative rules. This gives it strong legal and social influence in Iraqi society, Fig. 3.

5 Conclusions

This paper has investigated the principal drivers of social, cultural, and traditional values within the context of ILUP in Iraq. By analyzing the interaction between these societal factors and state institutions, the study enhances our understanding of their impact on the efficacy of legal frameworks governing land use.

The findings reveal that contemporary land, property, and user rights governance in Iraq is still influenced by varied regulations, highlighting the enduring impact of historical frameworks on modern ILUP practices. Also, the ILUP policies in Iraq associated by complex and deeply rooted challenges. Despite ongoing efforts, persistent obstacles remain due to governance issues, conflicts, displacement, cultural norms, and gender disparities. These challenges underscore the need for comprehensive, context-specific approaches to ILUP that address Iraq's intricate socio-political landscape. Future efforts should prioritize inclusive and sustainable land administration practices, supported by robust ILUP legal frameworks and effective governance structures.

To fully understand and address the challenges in ILUP policies, incorporating quantitative research and field surveys is essential. Conducting primary data collection through interviews and questionnaires is recommended to validate the identified challenges and improve the efficiency of ILUP in Iraq. This approach will provide valuable insights into land management, administration, and the protection of user rights within Iraq's diverse context, paving the way for more effective and sustainable policies of ILUP.

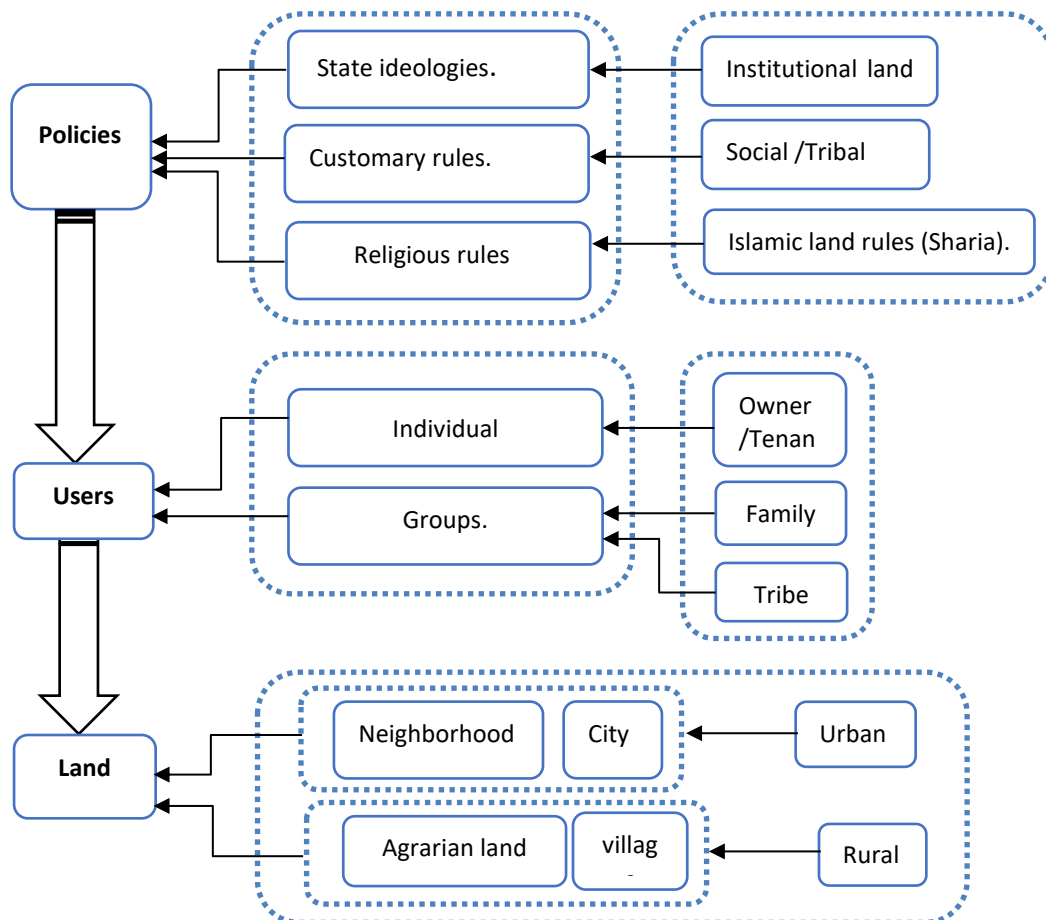


Figure 3: Summary of the Iraqi land tenure framework

This involves recognizing and integrating traditional values, religious influences, and tribal affiliations into formal planning processes to ensure local acceptance and effectiveness. Tailor ILUP policies to the unique socio-cultural and political landscape of Iraq. Enhance the capacity of legal and institutional frameworks governing ILUP to address the challenges posed by governance issues, conflicts, and displacement. Continuous evaluation will allow for the identification of challenges and the timely adjustment of policies to better meet the evolving needs of Iraq's land use landscape. This includes updating outdated laws, such as those from previous periods, to reflect contemporary needs and realities of ILUP.

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