

Promotion of University Employees in Iraqi and Saudi law: A Comparative Analytical Study

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Abstract

The research aims to analyze the reality of university teaching staff promotion under Iraqi law and compare it with Saudi law in light of the comparative theoretical analytical study approach, using the content analysis method. The study scope is determined in the Iraqi-Saudi administrative and university legislation related to the promotion of university teaching staff. The most important results were:

- *The Iraqi and Saudi legislation show great interest in university jobs, especially teaching, but they did not include a clear and independent legal and administrative definition of the term academic promotion for university teaching staff, and the Iraqi legislator confused promotion with upgrading.*
- *The Iraqi and Saudi legislation affirm that job promotion for public and university service employees is their basic right if the legally specified promotion conditions are met.*
- *The legal perception of the Iraqi and Saudi legislators hardly differs in terms of the conditions and determinants of academic promotion for university teaching staff in terms of research production, publication requirements, and promotion mechanisms.*
- *Saudi legislation has recently been distinguished by adding exceptional promotions to public employees, including university employees; thus, the time period is no longer an obstacle to the promotion of the creative, innovative, and research-active employee.*

In light of the results of the research, a number of recommendations and proposals were proposed.

Keywords: *university employee; academic promotion; Iraqi legislation; Saudi legislation.*

Introduction

Public jobs are considered the basis for framing the organizational structure of public facilities, including administrative agencies, sectors, and institutions (whether service or production), considering that job constitutes the totality of responsibilities, duties, tasks, and competencies determined by the legitimate authority for any position on the career ladder in any institution. This means that jobs are the focus of organizational construction to establish and structure any administrative organization entrusted with providing a public service.

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The university in its general organizational nature as a public facility, and due to its essential contemporary position in the success and progress of countries, represents one of the most important public facilities that the state focuses on and is interested in developing on all formative axes. The university's institutional organizational structure, in terms of reviewing and modernizing its functions and organizational framing to keep pace with the university's status and role is on the state's top priorities, especially with regard to university employees' affairs.

University employees in general and teaching staff in particular are considered one of the most important general job categories for any ambitious country that seeks to keep pace with modernity through development and investment in human capital. This is due to the nature of the job role expected and assumed by the university teaching employees, including education, scientific research, and community service.

Therefore, among other reasons, the university organizational structure for organizing and managing the affairs of its teaching staff emerges as a fundamental issue in the context of adopting national development projects and programs for the university in any country, especially with regard to the legislative system related to the promotion of university employees. It constitutes one of the most important organizational dimensions in attracting and appointing university cadres and developing their capabilities and skills.

In light of the above, this research examined the issue of university employee promotion in Iraqi law in a comparative analytical study in order to reveal the shortcomings and imbalances in order to avoid them and to emphasize the strengths to preserve and exploit them, in relation to the nature of this job, its specificities, and its modern status.

Previous studies

(Al-Sayegh, 2012) examined the issue of public employee protection in Iraqi law. The study concluded that promotion is considered one of the most important benefits of public employees during their job service, as it raises them up in the job ladder, which increases their responsibilities and authorities. Therefore, the administrative authority must reconcile the promotion of the employee with the administration's need to limit promotion to fill the most important positions to the most qualified staff. If the promotion system does not guarantee the employee's desire for promotion and the administration's need for the most efficient elements to fill the higher positions with the most sensitive duties, authorities, and responsibilities, corruption and chaos will prevail. The real incentive for the employee is to reconcile all these considerations and enact a law that guarantees the protection of the public employee's right to do so. In Jordan, (Al-Anazi, 2012) conducted comparative research between the Jordanian and Kuwaiti laws in the legal legislation systems for promoting public employees, and concluded that there are some legal deficiencies in the two compared legislations for the promotion of public employees, according to its analysis of the Jordanian and Kuwaiti civil service laws. The researcher recommended that Jordanian and Kuwaiti legislators need to modernizing its legal systems to avoid deficiencies.

(Fathia and Sarah, 2017) and (Baqi and Al-Jilani, 2018) examined the role of promoting public employees in raising the level of their job performance in Algeria, according to the methodology of desk analytical research, and they concluded that promotion is a right guaranteed to every employee, regardless of their field. Its effective application, keeping pace with the modern challenges of public employment, contributes positively to the level of employees' performance of their duties and job responsibilities.

(Ahmed, 2018) on the rights and duties of the public employee in Iraq, is a comparative study between Iraqi law and Islamic jurisprudence; it concluded that the French and Egyptian legislation did not specify a comprehensive definition of the public employee. However, they specified its main elements in the civil service laws, while Iraqi law was concerned with its exposure to the public employee within the civil service laws, based on specific standards. The Iraqi legislator adopted the definition included in the civil service

law when applying the procedural rules that evaluate and regulate the employee's job and the rights and duties. That is why the research showed that the public job in most effective Iraqi national legislation, as well as comparative legislation, is manifested as a national duty and even a social service whose goal is to achieve the public interest in accordance with applicable legal controls and rules.

The Iraqi law has been established by specifying the obligations and duties of the public employee in a way that does not contravene Islamic law and its noble principles in terms of the issues of the right for employment, not assaulting the employees, and guaranteeing their wages and promotion. The Iraqi legislator has recommended the necessity of updating the laws of discipline for state employees and prohibiting the relations of political parties with the public job, especially law No. 14 of 1991, as it is no longer compatible with the new political and economic situation in Iraq and the changes that have occurred in the public service and employment systems.

(Lotfi and Al-Mamouri, 2021) examined the legal regulation of study leave for university service employees in Iraq, using the analytical approach. Their research concluded that study leave is one of the most important public employees' rights in Iraqi law. It is granted with the aim of enabling employees to advance and grow professionally, scientifically, and culturally, which is reflected in the improvement of their abilities to perform their duties. Therefore, Iraqi legislation has been keen to approve a legal regulation that takes into account the interest of both the institution and the employee. Therefore, the results of the research indicated that study leave as an academic and administrative right for public employees in general and the university service employees in particular has become a constitutional right stipulated in the Iraqi Constitution.

(Al-Naimi, 2022) studied the legal organization of Iraqi academic promotions using an evaluative analytical study, with the aim of shedding light on the most important substantive procedural legal provisions in Iraqi legislation related to academic promotion and correcting the erroneous diligence that accompanied it, in a way that helps it keep pace with the developments in academic promotions in all their administrative legal dimensions. It concluded that the subject of academic promotions is new in administrative law, which made it natural for legislation regulating academic promotion to multiply recently, as Iraq issued several legislations to regulate the academic promotion of university service employees, the most important of which are Law No. 40 of 1988 for higher education and scientific research, Law No. 25 of 2016 for private education, and the Iraqi Academic Promotion Instructions No. 167 of 2017. The research also indicated that Iraqi legislation had many legal failures and lapses in regulating promotion, but the most prominent of these failures is the conflict of the Iraqi legislative systems regarding the principles and standards of academic promotion and its neglect to address the abundance of scientific production. Thus, Iraqi Law No. 25 of 2016 failed to specify the legal formulations for academic promotion procedures.

(QIZ: 2023) reviewed the issue of empowering the Iraqi employees with their duties and rights under Iraqi law. The researcher concluded that professional empowerment of the Iraqi female employee, in terms of the knowledge of her duties and rights, represents an important project that must be appreciated. Therefore, it is natural that empowering the Iraqi female employee represents one of the prominent axes of the Iraqi national strategy to advance the status of women. Thus, empowering female employees can only be achieved through qualifying and developing them, achieving equal employment opportunities, and protecting them legally. In this regard, the study revealed that Iraqi law has guaranteed the Iraqi employee a number of rights, the most important of which is the monthly salary, obtaining periodic bonuses, the right to be promoted and upgraded, the right of vacations, and the guarantee of non-abusive use of authority against them.

From the above, it is clear that previous studies did not target job promotion for university teaching staff in Iraq using a comparative methodology, and this is what the current study

specializes in and distinguishes it from previous studies, as it compares the legal perception in Iraqi and Saudi legislation.

The Research Problem

The results of recent studies on the promotion of university employees indicate that Iraqi legislation still requires more and more study and objective legal research to analyze the deficiencies and ambiguities, to explore the contradictions and disparities that plague them, in order to reach effective treatments and solutions that ensure their suitability and keeping pace with modern changes related to the role of universities (Al-Naimi : 2022). Also, our frequent discussion with some Iraqi university professors about university administrative law; It sparked our passion for researching Iraqi legislation related to regulating the affairs of university service personnel in Iraq, and comparing it with the legislation of countries that have achieved tangible successes in the performance of their universities in recent years, especially with regard to academic promotion.

In light of this, the research problem was defined in the following questions.

Research questions

- What are the administrative legal legislations regulating university service jobs in Iraq and Saudi Arabia?
- What is the legal nature of job promotion in its general and specific sense in Iraqi and Saudi legislation?
- How did the Iraqi and Saudi administrative law regulate the academic promotion of university teaching staff?

Objectives of the research

- Determining the administrative legal legislation regulating university jobs in Iraq and Saudi Arabia.
- Defining the legal nature of job promotion in its general and specific sense in Iraqi and Saudi legislation?
- Analysis of the legal perception of regulating academic promotion in light of Iraqi and Saudi legislation.

Significance of the research

Administrative legal legislation regulating public and private jobs in state agencies is the most important pillar of the success and efficiency of institutions and state agencies. These laws achieve great harmony between the components of the efficiency of state institutions in achieving their goals and providing the best supposed services, and their preservation of the overall financial and moral rights of their employees (Al-Hattab, 2019). University employees are considered one of the most important categories of employees in state agencies and institutions due to the nature of the role assigned to university employees in terms of education, scientific research, and community service (Al-Hamdani, 2024). In Iraq, the importance of administrative legal legislation increases even more with regard to regulating university service careers, given the status and developmental role of Iraqi university employees, as there are 95 Iraqi universities in Iraq, including (37) government universities and (58) private (Ministry of Higher Education Iraq, 2024). Therefore, the importance of the study becomes clear in:

- To benefit researchers as a reference in preparing future specialized research in different research environments.
- Providing intellectual, legal, administrative, critical analytical opinions of the effective Iraqi legislation related to the promotion of university service employees so that the responsible authorities can benefit from them in the future as methodological insights.

Providing objective scientific conclusions that responsible parties can benefit from in future development.

Procedural definitions of research terms

University service employee: Every employee for whom an official employment decision has been issued to work in a teaching position at any Iraqi or Saudi university with the rank of (lecturer, teacher, assistant teacher, assistant professor, associate professor, professor) and to whom the conditions and controls of the faculty members at the university in which they are appointed apply.

Promotion of a university service employee: The official administrative decision issued by the legitimate competent authority responsible for promoting university service teaching staff in Iraqi and Saudi universities, which requires moving them from a lower academic rank to a higher academic rank.

The research limitations

The research covers the administrative legal legislation in effect during the preparation of the research that regulate the academic promotion of university teaching staff in Iraq and Saudi Arabia.

Research methodology

The research adopted the descriptive analytical comparative research methodology, as it is suitable for achieving the study objectives and answering its questions, by reviewing and analyzing the contents of laws, regulations, administrative regulations, instructions, and law guides in force in the compared countries (Iraq and Saudi Arabia) related to the academic promotion of university service employees. The research is divided into three sections according to the objectives and questions. The first is devoted to reviewing the most important Iraqi and Saudi administrative legal legislation regulating university service careers, in terms of dividing them into general legislation and special legislation in each country. The second is devoted to defining the nature of academic promotion in Iraqi and Saudi law in terms of the concept of job and public and private employee, as well as the definition of academic promotion in Iraqi and Saudi law. As for the third section, which is the essence of analysis and comparison, it is concerned with presenting and analyzing the conditions for academic promotions, their standards, mechanisms, and controls in Iraqi legislation and comparing them with Saudi legislation.

i. Legislation regulating university service jobs in Iraq and Saudi Arabia.

It is not possible to know the perspective of any national legal legislator of any country towards any administrative legal issue before determining the effective public and private administrative legal legislation that constitutes the objective reference for analyzing the legislator's perspectives and opinions. Therefore, this research sought to answer the first question which is:

What are the administrative legal legislations regulating university service jobs in Iraq and Saudi Arabia?

For this reason, we conducted a desktop and electronic survey to monitor the most prominent Iraqi legislation (general and private) that govern and regulate the functions and work of employees of Iraqi universities. This research reviews the results of that through two main axes (requirements) as follows:

- The most important Iraqi legislation regulating university service jobs and the promotion of its employees

To introduce Iraqi legislation regulating university functions in Iraq, Al-Qadisiyah University has prepared a comprehensive compilation guide to all the effective Iraqi legal authorities related to the Iraqi higher education and scientific research sector. Its latest available version is available in its fourth edition issued in 2011. This means that the guide,

despite its comprehensiveness, is an official legal bibliographic guide that includes all laws, instructions, and evidence, taking into account deleting cancelled texts and added updates from their official sources. However, it does not constitute a sufficient source, as many Iraqi legal legislations were issued after 2011, especially regulating universities, higher education, and scientific research. Therefore, the research also relied on the Iraqi legislation base available at the link:

<https://iraqld.e-sjc-services.iq/LoadLawBook.aspx?SC=040120163043211>

In light of this, the list of Iraqi legislation in force that regulates university jobs is summarized in the following table:

Table 1 A tabular matrix of the most important Iraqi legislation related to the organization of university jobs

| no | Type | no | Year | The name of the legislation | note | Issuer | date |
|----|--------------|-----|------|---|--------------|--------------|----------------|
| 1 | Law | 24 | 1960 | Civil Service Law No. 24 of 1960 AD and its modifications | modification | Iraq federal | - |
| 2 | Law | 14 | 1991 | Law of Discipline of State and Sector Employees No. 14 of 1991 AD and its modifications | | Iraq federal | - |
| 3 | Law | 40 | 1988 | Ministry of Higher Education Law No. 40 of 1988 AD and its modifications | | Iraq federal | - |
| 4 | Law | 23 | 2008 | Law No. 23 of 2008 on university service and its modifications | modification | Iraq federal | 2008.01 .01 |
| 5 | Law | 1 | 2014 | Law No. 1 of 2014 Second modifications Law to the University Service Law No. 23 of 2008 | modification | Iraq federal | 2014.02 .03 |
| 6 | Law | 2 | 2014 | Law No. 2 of 2014 Law of the Eighth modifications to the Law of the Ministry of Higher Education and Scientific Research No. 40 of 1988 | modification | Iraq federal | 2014.02 .03 |
| 7 | Law | 20 | 2020 | Law No. 20 of 2020 establishes the equivalence of Arab and foreign academic certificates and degrees | modification | Iraq federal | 2020.10 .28 |
| 8 | instructions | 72 | 1993 | Instructions for the work structure of a faculty member No. 72 of 1993 | | Iraq federal | - |
| 9 | instructions | 79 | 1994 | Instructions for the work structure of technicians in the Ministry of Higher Education and Scientific Research No. 79 of 1994 | | Iraq federal | - |
| 10 | instructions | 142 | 2001 | Instructions No. 142 of 2001, the Second modifications to the Instructions for the Structure of a Faculty Member's Work No. 72 of 1993, and the books attached to the Instructions for the Structure of a Faculty Member's Work | modification | Iraq federal | - |
| 11 | instructions | 48 | 2002 | Instructions for the structure of the researcher's work in scientific research centers and research units No. 48 of 2002 | | Iraq federal | - |
| 12 | instructions | 150 | 2002 | Instructions issued by the Ministry of Higher Education and Scientific Research for postdoctoral research fellowship | | Iraq federal | 2002.01 .01 |
| 13 | instructions | 159 | 2005 | Granting monthly university service allowances to a full-time university service employee | | Iraq federal | 2005.02 .06 |
| 14 | instructions | 161 | 2010 | Instructions No. 161 of 2010 regulating the status of experienced professor | | Iraq federal | 2010.10 .11 |

| no | Type | no | Year | The name of the legislation | note | Issuer | date |
|----|--------------|------|------|--|--------------|--------------|---------|
| 15 | instructions | 162 | 2010 | Instructions No. 162 of 2010 academic sabbatical | | Iraq federal | 2010.02 |
| 16 | instructions | 165 | 2011 | Instructions for granting academic leave No. 165 of 2011 | | Iraq federal | 2011.04 |
| 17 | instructions | 167 | 2018 | Instructions for academic promotions in the Ministry of Higher Education and Scientific Research No. 167 of 2018 | | Iraq federal | 2018.02 |
| 18 | instructions | 1 | 2019 | Instructions No. 1 of 2019 implementing the provisions of the Employment of Top Graduates Law No. 67 of 2017 | | Iraq federal | 2019.06 |
| 19 | Decision | 355 | 1976 | Revolutionary Command Council Resolution No. 355 of 1976 Decision authorizing the Minister of Higher Education and Scientific Research to appoint 10 graduates as an exception to the procedures of the Public Service Council | modification | Iraq federal | 1976.03 |
| 20 | statement | 5742 | 1985 | Statement No. 5742 of 1985 restructuring the University Service Employees Discipline Committee | | Iraq federal | 1985.02 |

It is clear from the list of legislation included in the table above that the Iraqi legislator began taking interest in organizing public, civil, and private jobs since 1960, with the issuance of general Iraqi administrative laws, such as the Civil and Private Service Law, such as the University Service Law. Many instructions and administrative decisions regulating their promotions were also issued to accompany these laws, such as the instructions and a guide for promotions of university service employees.

Based on our reading and analysis of the components and contents of the list of legislation shown in the tabulated list above, we were able to identify the most important legislations, which as a whole constitute the formative structure of the effective Iraqi legislation that governs and regulates university service functions, especially with regard to the promotion of university teaching staff. The research specified the following laws:

- Iraqi Law No. (24) of 1960, "Civil Service Law" and its amendments.
- Iraqi Law No. (40) of 1988, "The Ministry of Higher Education Law" and its amendments.
- Iraqi Law No. (23) of 2008, "University Service Law." and its amendments.
- Iraqi Law No. (161) of 2010 "Instructions regulating the status of experienced professors"
- Iraqi Law No. (162) of 2010, "Instructions for Academic Sabbaticals." and its amendments.
- Iraqi Law No. (167) of 2018 "Instructions for Academic Promotions in the Ministry of Higher Education"

This indicates that Iraq has shown great interest in regulating service jobs, through its administrative legal legislative issuances and its continuous updates to the legal and administrative legislation related to regulating civil service jobs in general by making frequent amendments to delete some materials and add, modify, or clarify others.

The Iraqi legislator has also strengthened these legislations with laws, instructions, and guides specific to job promotions for university service employees, such as Law No. (9) of 2012, "The Law of Granting Titles and Academic Promotion to Holders of Master's and Doctorate Degrees for Workers Outside Higher Education Institutions in the Kurdistan Region," and laws, regulations, and guides for internal academic promotions for Iraqi universities as a guide to the job description of the University of Baghdad 2012 and its

subsequent amendments, as well as the Academic Promotions Guide No. 167 of 2018 for the University of Baghdad.

- The most Important Saudi Legislation Regulating University Positions and Employee Promotion

In managing and organizing their university teaching service functions, Saudi universities rely on a matrix of general administrative legal legislation, in addition to the applicable laws and regulations of higher education and Saudi universities. However, the most important legislation that governs and regulates the functions of the Saudi university service is summarized in the following:

- Saudi Civil Service Rules and Regulations issued by Resolution No. 1 dated 13/07/1977
- Civil Service System issued by Royal Decree No. (M/49) dated 26/07/1977
- Civil Service Council Resolution No. 1/929 dated 13/12/2003 to amend the executive regulations of the Civil Service System (Transfer Regulations) approved by the Minister of Civil Service No. 36/2 dated 05/10/2004
- Job Classification Guide issued pursuant to Ministry Resolution No. (32418) dated 13/01/1996.
- The system and regulations of the Council of Higher Education and Universities; Issue date: 17/09/2020.
- Universities Regulations issued pursuant to Royal Order No. 27 dated 02/10/2019.
- Regulations for appointing faculty members and their equivalents in Saudi universities issued 26/08/2020.
- The regulations governing the affairs of Saudi university employees, including faculty members and the like, issued by Higher Education Council Resolution No. 20/08/1996.
- Salary scale for faculty members, lecturers, and teaching assistants No. 7/B/12457 and dated 22/12/1997
- Council of Ministers Resolution No. 259 dated 18/01/2008, regarding a list of allowances and rewards that were added to the list of faculty members in universities.

They are general administrative legal systems and legislation originating from the Ministry of Civil Service, and legislation specific to higher education and Saudi universities. The most important of which is concerned with regulating academic promotions, which is the regulation governing the affairs of Saudi university employees, including faculty members, issued by Higher Education Council Resolution No. (4/6/1417) taken at the (sixth) session of the Higher Education Council, held on 17/01/1996 approved by Royal Telegram No. 7/B/12457 dated 22/12/1997, and the salaries of faculty members, lecturers, and teaching assistants were handed over.

ii. The legal nature of the promotion of university teaching staff in Iraqi legislation

This research seeks to achieve the second objective of the research, by answering its second question, which states: “What is the legal nature of job promotion in its general and specific sense in Iraqi and Saudi legislation?”

For this purpose, we reviewed the current official Iraqi legal literature, documents, and legislation relevant to the organization of public jobs and university jobs in Iraq to identify the definition of the Iraqi law for the position and the public employee, and then the specific legal nature of the concept and pillars of the university teaching service function through discussion of subjects in the following sections.

A. General concept of the job

Job in the Arabic language is a singular noun; we say employed someone, meaning he/she assigned him/her a specific job. Someone employed his/her capital, meaning he/she

invested it, and employment in the enterprise means providing it with new workers. Job has synonyms, including craft, profession, and workmanship. It comes in the sense of covenant and condition, and the job is the specific position and service. A job is said to be vacant, meaning it is empty of its owner. From the above it is clear that a job in language means specific work as a practical task entrusted to a responsible party to perform it.

The job is defined as the formal formation that includes a set of practical responsibilities and duties that require the person who occupies it to fully commit to performing them provided that he/she obtains the requirements, benefits, and full rights to carry them out (Al-Othaimen, 2022). A job is a work unit consisting of a group of practical activities that are objectively and organically interconnected in form and content, so that it can be undertaken and performed by a person called an employee, and it may be more than one person (Al-Borai & Al-Tuwaijri, 2020).

this means that a job in its general sense can be defined, as an administrative legal term, as a group of duties and responsibilities that require one or more individuals to be appointed to perform them properly; thus, in every organization there is a group of jobs and each of them has one or more employees officially appointed to work in this job. Therefore, the profession is considered a job built on a foundation of knowledge and experience that was chosen appropriately according to its field of work. It requires specific skills and specializations and is governed by special laws and ethics to regulate work in it.

B. The concept of university position in Iraqi law:

In Iraqi legislation, the public service is considered a sacred trust and a social service. The legislator stipulated it in many laws, the most important of which are the Civil Service Law and the University Service Law (Hadaway, 2023). The Iraqi State and Public Sector Employees Discipline Law defines public service as a national assignment and a social service whose fulfillment is aimed at the public interest and serving citizens in light of the applicable legal rules (Law No. 14 of 1991). The legislator imposed two types of administrative and judicial control on public service at the same time and with no exceptions, in accordance with Article (100) of the Constitution of the Republic of Iraq, which is an established constitutional principle. As for the employee, it is defined in its general meaning according to the effective Iraqi Civil Service Law as every person entrusted with a permanent job who is included in the permanent staff of employees (Civil Service Law, Article 2).

The Iraqi State and Public Sector Employees Discipline Law also defines the employee as every person who is entrusted with a job among the staff of the ministry or the entity not affiliated with the ministry (Law No. (14) of 1991). Since the study is concerned with the function of university teaching service in Iraqi law, what concerns us is the concept of the function of university teaching service in Iraqi legislation. The Iraqi legislator defined it as jobs for holders of academic titles. This job includes the titles shown in the table below:

Table 2 Teaching jobs in Iraqi universities³

| NO. | Position | Professional degree |
|-----|---------------------------|---------------------|
| 1 | Professor | First |
| 2 | Associate Professor | Second |
| 3 | Assistant Professor | Third |
| 4 | Senior university teacher | Fourth |
| 5 | University teacher | Fifth |

³ Source: Mutair, Muhammad Hassoun. (2016). "Job Description Guide for the University of Baghdad

| NO. | Position | Professional degree |
|-----|-------------------|---------------------|
| 6 | Assistant teacher | Sixth |

Therefore, the employee referred to in this research is the university service employee, as the Iraqi Law of Higher Education and Scientific Research No. 40 of 1988, amended, defines them as every employee who practices university teaching, scientific research, scientific and technical consultation, or works in the office of the Ministry of Higher Education and Scientific Research or its institutions, and meets the conditions for a faculty member stipulated in Law of the Ministry of Higher Education and Scientific Research No. (40) of 1988 or any law that replaces it (Iraqi Legislation No. 23 of 2008 amended, Article 1 III). The Iraqi University Service Law No. 23 of 2008, as amended, specified major tasks for university teaching service employees included in Article 2, which we summarize as follows:

- Caring for students intellectually and educationally
- Conducting theoretical, practical, and field teaching and training in experimental laboratories.
- Conducting scientific research in various fields.
- Contributing to university activities, such as cultural seasons, university day, and college exhibitions.
- Contributing to authorship, translation, and publishing.
- Participation in practical councils and committees and in developing academic departments intellectually, educationally, and scientifically.
- Participation in seminars, conferences, and seminars inside and outside Iraq.
- Performing administrative duties assigned to them by the Ministry or the educational institution in which they work.

From the above, it is clear that university teaching service employees in Iraq are every employee appointed by an official appointment decision in one of the Iraqi government universities, with a teaching position, to whom the conditions and controls of a tenure-track faculty member at the university to which he is appointed apply. Their job duties are limited to education, scientific research, community service, and participation in academic activities, councils, and committees.

C. The concept of academic promotion for university service employees in Iraqi law
Promotion is an administrative legal concept that refers to all positive changes in the employee's legal position that led to his/her distinction and elevation over his/her colleagues in the same position (Al-Attar, 1977). Promotion means the employee's transfer from his/her current job, which he/she currently holds, to the highest position in the career ladder approved in the organization in which he/she is an employee. Hence, it results in the promoted employee being given a greater job volume than he had earlier (Al-Sayegh, 2012). It is also known as the employee holding a higher position than the one he held before the promotion, which results in an increase in material and non-material benefits (Kazim, 2022).

It is clear that the definitions of job promotion in administrative laws differ depending on the systems and countries, as each country and job sector has its own philosophy and peculiarities. In the United States, promotion is defined as the employee's transfer from one level to another with higher responsibilities and duties (Jaafar, 1992). The French law views job promotion through two concepts; the first defines it as the employee moving to a higher rank while remaining in his/her job and performing the same tasks assigned to him/her, resulting in a salary increase. The second defines it as the employee moving to a

higher rank, performing broader tasks, and receiving an increase in salary (Al-Jubouri, 2023).

D. The general concept of job promotion in Iraqi legislation

Our review to the sources of Iraqi administrative law, in order to clarify its perspective for defining job promotion in its general sense, leads us to the fact that the Iraqi legislator uses two terms:

- Employee advancement.
- Employee promotion,

However, the latter is the most widely used in civil service laws and laws of private sectors and institutions, especially administrative legislation related to educational and research jobs.

Iraqi legislator's definition of job promotion in its general sense does not exist as an explicit and independent legal text in Iraqi legislation. Iraqi Law No. 24 of 1960 "Civil Service Law" as well as its subsequent amendments, although it is the first legal reference and the basis that regulates the work and functions of employees, has no independent and explicit text defining the promotion of a public employee (Iraqi Law No. 24 of 1960).

Likewise, our review of the contents and texts of the Iraqi Law No. 22 of 2008 regarding the salaries of state employees and the public service and production sectors did not find an independent definition that explicitly stipulates the definition of employee promotion (Iraqi Law No. 22 of 2008).

Although all Iraqi legislation did not include an explicit and independent legal text defining job promotion, the term promotion was mentioned indirectly in the contents of several legal articles, and in a number of Iraqi administrative legal legislation related to the civil service, jobs, wages and salaries, etc.

The concept promotion was mentioned indirectly in Iraqi Law No. 45 of 2008, "Foreign Service Law," indicating that promotion means that the public employee obtains a higher position than the position he/she held before the promotion (Foreign Service Law No. 45 of 2008). According to what was stipulated in Article No. (19) of the Iraqi Civil Service Law No. (24) of 1960, the Iraqi legislator has defined the nature of job promotion and explained its effects, considering it to be the process of the employee moving to a job whose duties differ from those of his/her job, with an increase in salary. The Iraqi Foreign Service Law used the word "upgrading" to indicate upgrading and promotion in a position (Sultan: 2022).

According to Article 6 of the Law on the Salaries of Iraqi Employees in the State and the Public Sector (Iraqi Legislature No. 22 of 2008, amended), promotion means that a public employee is transferred from the position he/she occupies to the higher grade immediately following his/her grade within his/her career progression.

From the perspective of some researchers in the Iraqi administrative law, and their analytical deductions, the promotion in the Iraqi legislation is intended to assign a higher job than the job that the employee occupies in the administrative ladder, with more responsibilities and powers, regardless of the consequent increase in the employee's salary as a result of this job upgrade (Saleh, 2019). The results of analyzing the contents of the Iraqi legislator according to its administrative legal sources indicated that the legal perspective of the Iraqi legislator appears unclear in its distinction between the term job promotion and upgrade, even though each of them has its own different and independent meaning (Al-Jubouri, 2023).

Academic promotion of university service employees in Iraqi legislation

Academic promotion in the jurisprudence of Iraqi administrative law appears to be one of the important topics, given the abundance of legislation that has addressed it, as well as the

diversity of Iraqi administrative legal legislation with the diversity of systems and institutions of public and higher education and Iraqi scientific research institutions. Iraq has issued several legislations regulating the issue of academic promotion for university service employees, such as a law No. 40 of 1988 for the Ministry of Higher Education and Scientific Research, as well as instructions for academic promotions and their guides, the most important of which is law No. 167 of 2018 regarding instructions for academic promotion of Iraqis in university teaching service positions.

In view of the lack of an administrative legal text in Iraqi legislation defining the academic promotion, some specialized researchers have worked to set a definition of academic promotion through the perspective of the Iraqi legislator to promote public employees as well as academic promotions in terms of their determinants. The academic promotion of university service employees in Iraq was defined as the transmission of the teaching university employee from a low academic title to the highest title in the university's owners' schedule, which is the change that takes place in the academic title that the university teacher receives after the issuance of his promotion decision in accordance with the instructions of the Iraqi academic promotions in force (Al -Nuaimi, 2023).

Academic promotion for university teaching staff was determined in the Iraqi legislature in accordance with Academic Promotion Instructions No. 167 of 2018, stipulating that academic promotion for university teaching staff is a legal right guaranteed to everyone who meets the legally specified conditions for promotion from the rank he/she holds to the next academic rank, and academic promotion for service staff university teaching staff in accordance with the effective Iraqi university service law.

Academic promotion of university service employees in Saudi legislation

To know the concept of academic promotion for university teaching staff in Saudi legislation, Saudi legislation for higher education was reviewed, where the articles of all applicable Saudi legislation related to the organization of university teaching service positions and their promotion were reviewed, including the regulations governing the affairs of Saudi university employees, such faculty members, issued by Higher Education Council, Resolution No. (4/6/1417). It was found that this regulation did not specify a definition for academic promotion.

By reviewing the Saudi legal legislation issued by the civil service, especially the new promotions list, it was found that it included articles related to classifications, conditions, and the mechanism by which civil service employees are promoted in the Kingdom of Saudi Arabia, and the conditions required for it, whether for grades ten and below or for grades above ten. It also included procedures that must be followed when considering an employee's promotion, especially with regard to ranks, as it includes the general conditions for promotion, which include the conditions required to be met by a candidate for promotion, in addition to a presentation of the cases during which an employee may not be considered for promotion. However, it did not set a definition for academic promotion.

According to what was stipulated in the promotion system in accordance with Law 1444, we will find that it did not set a specific definition for academic promotions for teaching university employees, but it referred to what is called the exceptional promotion of the public employee, where the definition of the exceptional promotion of the public employee is that it is the promotion of the employee from his assigned position to a higher position. many of public sector employees in the Kingdom seek to provide the best in their work, without violating the rules and laws, and search for the promotion system in accordance with Law 1444 in various sectors in the Kingdom.

According to what was included in the new Saudi promotion system 2023, academic promotion is considered an exceptional promotion in the labor law in the Saudi public sector, and as many employees are wondering about the new promotion system, The Ministry of Human and Social Development in Saudi Arabia decided to define a new promotion system for the year 2023 in various sectors in the Kingdom. Thus, when

promoting the employee's academic competence, it is considered before the period of time, which makes it a new advantage that will be reflected in the academic promotion in universities in the future.

iii. Promotion of the university teaching employee in the Iraqi and Saudi legislation

The objective of the research is to answer the third research question: "How did the Iraqi and Saudi administrative law regulate the academic promotion of university teaching staff?" This is done through the following:

The legal perception of promoting a university teaching employee in Iraqi legislation.

The general perception of promoting university teaching staff in Iraqi legislation.

Iraqi Law No. 24 of 1960, amended, regarding the civil service, has been devoted to the issue of the employee's promotion. An independent chapter entitled "The upgrade of the employee", and Article 18 of it, stipulated that the employee's promotion is based on efficiency and the duration of service except for educational, medical, and engineering jobs that require academic certificates that are appropriate to their positions under the Employment Law. Article 9 specifies general conditions for promoting an employee, which are

- The existence of a vacant position that is equal to or greater than the position to which he/she is to be promoted.
- The employee's ability to hold the position
- Superiority over other employees has been proven with the conviction of the Public Service Council and on the recommendation of his/her ministry or department, except for those excluded from positions upon appointment in accordance with Article Eight of this law.
- The employee must complete a period of no less than 5 years in the second, third, and fifth grades, 4 years in the fourth and seventh grades, 3 years in the sixth and eighth grades, and 2 years in the ninth grade (Law No. 24 of 1960, as amended).

Article 20 of the law stipulates that the promotion shall be on probation for a period of six months, extendable for a similar period, to ensure the employee's ability to fill the new job, after which a decision to confirm him/her in the new grade will be issued by the competent authority, provided that the employee is returned to his/her previous grade if his/her inability is proven during the trial period specified in Clause (1) of this Article. Articles 21 and 22 of the same law specify the promotion regulations in cases of reappointment after the employee's dismissal or termination of service in terms of calculating the time periods and the grade at which his/her service was terminated. The law stipulates that a tenured employee whose service has ended for any reason may not be reappointed to a higher grade than the one he/she held unless he/she fulfills the legal conditions for promotion or possesses the qualifications required to fill the new grade (Law No. 24 of 1960, amended).

With some specification, the Iraqi Civil Service Law included, in Article 50, some legal texts related to the promotion of university employees in cases of study leave. As stated in Clause 4 - A - the period of study leave granted to the employee is considered actual service for the purposes of bonus, promotion, and retirement in the event that he/she obtains the contracted certificate. Clause B stipulates that the period of study of an employee who is on academic leave for the purpose of bonus and promotion shall not be counted if his/her studies end in failure for any reason other than illness that prevents the continuation of study or success, provided that this is supported by a medical report certified by a competent official medical committee or force majeure circumstances that prevent the employee from continuing the study. The text of Clause C stated that if an employee on academic leave obtains a certificate lower than the certificate he/she contracted for, the period in excess of the minimum period allowed for obtaining that certificate will not be counted for the purpose of the bonus or promotion (Law No. 24 of 1960, amended).

In Clause 5, an employee who is approved to study to obtain a higher degree from outside or inside Iraq and obtains the contracted academic certificate during the legal period of study stipulated in the contract without extension, shall enjoy the following privileges in addition to the privileges he/she is entitled to in accordance with the legislation in force:

A- Calculating the remaining period of the study term stated in the contract in advance for the purposes of bonus, upgrade, promotion, and retirement, in case he/she completes the study before the end of the period.

B- Extending the study leave stipulated in Clause (A) of (First) of this article directly to obtain a higher degree, provided that his/her success is with distinction and at least with a very good grade.

As for Clause 6

A- the study period of an employee who is on academic leave or sent for a fellowship or scholarship for the purpose of promotion shall not be calculated if his/her studies end in failure for any reason other than illness that prevents continued study or success, provided that this is supported by a medical report certified by a competent official medical committee.

B- If an employee on academic leave or sent for a fellowship or scholarship obtains a certificate lower than the certificate he/she contracted for, the period in excess of the maximum allowed for obtaining that certificate shall not be counted for the purpose of promotion.

As for the authorities responsible for promoting the Iraqi employee in the General Civil Service Law, articles (4) and (9) stipulate that the Public Service Council may issue promotion instructions for the job sector, and that the National Center for Consultation and Administrative Development shall supervise training courses and develop detailed curricula and other requirements for establishing these courses as requirements for employee promotion.

Article 23 of (Amended Law No. 24 of 1960) stipulates that “a committee shall be formed by order of the Minister in each ministry to nominate employees for upgrades/promotions, provided that it takes into account the services of the employee submitted for promotion or upgrade, as well as his/her evaluation reports.” The law confirmed (Law No. 24 of 1960, amended) confirmed that the instructions of the Minister of Higher Education and Academic Research, in coordination with the Minister of Finance, shall determine the conditions for granting study leaves and the form of the pledge that the employee who has been approved to study is committed to in order to obtain a certificate inside or outside Iraq.

In summary of the above, it can be said that job promotion for university service employees, in the perspective of general Iraqi legislation, is a basic right for the employee, as the academic promotion of employees takes place through issuing a legitimate administrative decision requiring the transfer of the university service teaching employee from the lowest academic rank to the highest academic rank.

To know the special vision for the promotion of a university teaching service employee in Iraqi legislation, we will review the legal texts and administrative instructions related to organizing teaching positions in Iraqi universities, the most important of which are the Academic Promotion Instructions of the Ministry of Higher Education and Academic Research in Iraq No. 167 of 2018.

The special vision for promoting university teaching staff in Iraqi legislation.

Article 1 of the Promotions Instructions of the Academic Promotions Instructions in the Ministry of Higher Education and Academic Research No. 167 of 2017 stipulates that whoever is granted the rank of teacher must meet the following conditions:

- Holds PhD or equivalent degree.

- Has held the rank of assistant teacher for a period of no less than (3 years), during which he/she obtained an evaluation (no less than 70 points) according to the evaluation criteria for academic promotions shown in the instruction's appendix.

- Published during this period two valuable scientific papers (or a paper and a book), at least one of them in a reputable peer-reviewed scientific journal, with the exception of publication in high-impact factor journals.

Article 2 stipulates: Whoever is promoted to the rank of assistant professor must meet the following conditions:

- Has held the rank of teacher for a period of no less than 4 years, during which he/she obtained the evaluation points required for this rank (not less than 80) according to the evaluation criteria for academic promotions shown in the instruction's appendix.

- During this period, he/she published three valuable scientific papers (or two papers and a book), at least two of which were in two reputable peer-reviewed scientific journals from two different institutions, with the exception of journals with a high impact factor.

Article 3 stipulates: Whoever is promoted to the rank of professor must fulfill the following two conditions:

- Has held the rank of Assistant Professor for a period of no less than 6 years, during which he/she obtained the required evaluation points (not less than 90) according to the evaluation criteria for academic promotions set forth in the Instructions Appendix.

- During this period, has published 3 original scientific papers (or two papers and a book) with a majority of evaluations, two of which were in two reputable peer-reviewed scientific journals from two different institutions, with the exception of publication in journals with an impact factor.

Article 5 stipulates that research and writings submitted for academic promotion must be in the field of general or specific specialization for promotion to the rank of professor, (2) of which are in the field of specific specialization for promotion to the rank of assistant professor, and all of them in the field of specific specialization for promotion to the rank of professor. According to Articles 7 and 8 of the same law, it is permissible for the purposes of academic promotion, without prejudice to the law, to do the following:

- Approval of research studies if they are published or accepted for publication and only one research is useful.

- Certification of an author/translator with an international number (ISBN) number, and it is treated as a research paper in the submission for one time.

- Approval of a patent, which is treated as research in the submission and once in each promotion.

- A scientific conference paper is counted if it is published in its entirety within the conference or in an accredited journal.

- Considering the doctoral thesis as one piece of research that has not previously been used to obtain an academic title

Article 10 stipulates: The following percentages will be added to the evaluation points for those seeking promotion for each corresponding peer:

- (3%) for assistants to chancellors and those of their rank (principal or agency)

- (5%) for deans, their assistants, and those of their rank (principal or agency).

- (10%) for heads of academic departments and academic branches and those of their rank.

As for organizing the academic promotion process and mechanism, Article 11 stipulates that the faculty Council shall form a promotions committee of (5) members headed by a

teaching staff with the rank of professor and members of the teaching staff who hold the rank of professor or assistant professor in various specializations.

Article 14 stipulates:

First: The chancellor of the university shall form a central committee for academic promotions consisting of faculty members with the rank of professor whose number shall not be less than seven members and not more than (11) members with various specializations, provided that one of the members is a law major, and the university chancellor may seek assistance from universities. Other Iraqi parties to form this committee when academic ranks and specializations are not available. The Central Committee for Academic Promotions reviews the promotion treatment procedures and prepares a summary that includes the report of the faculty Promotions Committee and the faculty Council, along with their opinion on academic promotion, to the chancellor of the University in the case of promotion to the rank of professor or assistant professor, and to the University Council in the case of promotion to the rank of professor to be approved and authenticated (Article 15).

In order to guarantee the rights of teachers to obtain academic promotion without injustice, Article 20 stipulates that an objection committee shall be formed in each university consisting of (5) members of teaching staff with the rank of professor representing the various specializations, provided that one of them is a specialist in law chosen by the university council, and the university chancellor shall be named its head.

Article 27 stipulates that faculty members working in scientific research centers associated with the university and research units in the Technical Education Authority who are eligible for academic promotion shall be treated as teaching staff in terms of duration, provided that they have practiced teaching for a period of no less than one year and no less than six hours a week and to submit two additional papers on what is required of their teaching peers for each rank and according to the requirements of that promotion.

Article 28 also stipulates that faculty members retain the right to academic promotion if they are appointed or transferred to jobs outside the Ministry if the necessary conditions are met for that, without the condition of teaching.

Article 32 state that the holder of an academic title who holds a Ph.D. or its equivalent and works in universities and reputable institutions outside Iraq shall retain his/her academic title when appointed to Iraqi universities in accordance with the provisions of Clause 4 of Article (11) of the University Service Law No. (23) of 2008. It must be subject to the following procedures:

- After completing the period required for academic promotion, the faculty member submits a written request for academic promotion to the head of the relevant department, attaching a file with the requirements and evidence that he/she fulfills the conditions for promotion (Article 12: First) - The chairperson shall refer the application and its attachments to the academic committee to examine and audit the file regarding the plagiarism and the general and specific specialization to the promotions committee in the faculty within 7 days from the date of submitting the application.

- The Academic Committee for Promotion shall submit its final report of acceptance or rejection within 7 days of referring the application. If it finds that it fulfills the conditions, it shall, during that period, refer the research and writings in confidential books to three experts in the specialty of the applicant for promotion who are experienced and of a higher rank than him/her in the case of promotion to the rank of professor and assistant professor, provided that there is no one among them who supervised the applicant for promotion, and experts from other Iraqi universities are sought in the event that the specialty of the applicant for promotion is not available at his/her university (Article - 13 - First). The experts submit their academic evaluation within (30) days from the date the research or writings reach them. If the aforementioned period passes without receiving an answer, the

research and writings are sent to other experts with the same specifications and for the same period (Article 13 Second). A faculty member's request for promotion to the rank of professor is reviewed by the Academic Promotions Committee in the faculty. If it is found that he/she does not meet the conditions, the head of the department or branch shall be informed of that within seven days from the date of referring the application. Upon completion of the review process, the Promotions Committee shall refer it within seven days. The promotion documents are submitted to the faculty Council, accompanied by its recommendations for promotion. The committee secretary provides a summary of the promotion procedures to the head of the committee, and the faculty Council submits the recommendation for promotion within a maximum period of fifteen days to the central promotion committee at the university (Article 13 fourth)..

The legal perception of promoting a university teaching employee in Saudi legislation.

The promotion of university teaching service employees in Saudi Arabia is subject to several public and private administrative legal frameworks, The most important of them is the regulations governing the affairs of Saudi university employees, including faculty members, issued by Higher Education Council Resolution No. (4/6/1417) and adopted at the (sixth) session of the Higher Education Council, held on 05/01/1997, approved by Royal Telegraphic Order No. 7/B/12457, dated 22/12/1997, and the salaries of faculty members, lecturers, and teaching assistants were handed over.

Article 1 of these regulations stipulates that faculty members are: professors, associate professors, and assistant professors. Article Two stipulates that, in the provisions of these regulations, lecturers, teaching assistants, language teachers, and research assistants shall be included among faculty members. The conditions for appointment to these positions are determined as follows: Requirements for appointing a teaching assistant are:

- Holds a university degree from an accredited university
- His/her overall grade at the university level is at least very good.
- Any other conditions issued by the University Council. (Article 4)

The following requirements are required to appoint a lecturer and language teacher:

- Holds a master's degree or equivalent
- His/her overall grade in the Master's degree should not be less than (very good)
- Any other conditions issued by the University Council. (Article 5)

To appoint a research assistant, the requirements are:

- a) Obtaining a master's degree with a general grade of at least very good.
- b) The research assistant must have a first-division bachelor's degree or equivalent.

Article 10 stipulates: In order to be appointed to the rank of assistant professor, a Ph.D. degree or its equivalent is required from a Saudi university or another recognized university, and the university council may add other conditions.

In accordance with Article 12 of the University Council, in case of necessity and based on the recommendation of the Department Council, the College Council of Specialists, and the Academic Council, it is permissible to appoint an appointment to the rank of Assistant Professor without requiring the obtaining of a (PhD) degree in the specializations in which the PhD degree is not granted, in accordance with the following controls:

- Must have a master's degree or equivalent.
- Must have spent at least three years in the position of lecturer.
- To submit a scientific production of no less than three published research papers after the master's degree at least individually. The scientific production presented must be consistent with what is stated in Article (29) of these regulations.

In order to be promoted to the rank of associate professor, Article 13 stipulates that the following conditions are required for appointment to the rank of associate professor:

- Obtaining Ph.D. degree from a Saudi university or another recognized university.
- Experience as a university faculty member of no less than four years after appointment to the rank of assistant professor.
- He must have been academically promoted to the rank of associate professor from a Saudi university or another recognized university.

The following are required for promotion to the rank of professor as stipulated in Article 14:

- Ph.D. degree from a Saudi university or another recognized university.
- At least eight years of experience as a faculty member, with at least four years as an associate professor.
- Must have been academically promoted to the rank of professor from a Saudi university or another recognized university.

Article 19 stipulates that faculty members, lecturers, and teaching assistants shall be treated in terms of allowances, rewards, and benefits in the same manner as state employees are treated on the basis of the following equation:

- Teaching assistant ranked eighth.
- Lecturer ranked ninth.
- Assistant Professor, ranked twelfth.
- Associate Professor, ranked thirteenth.
- Professor, ranked fourteenth.

Article 21 stipulates: To apply for promotion from the rank of Assistant Professor to the rank of Associate Professor:

- Service of no less than four years in the rank of assistant professor in a Saudi university or another recognized university, provided that the period of service in Saudi universities is not less than one year.
- Meeting the minimum academic production required for promotion in accordance with the provisions of these regulations.
- That his/her scientific production has been published or accepted for publication while he/she held the rank of assistant professor.

To apply for promotion from associate professor to the professor in accordance with Article 22, the following must be done:

- At least 4 years of service in the rank of associate professor in a Saudi university or another recognized university, provided that the period of service in Saudi universities is not less than one year.
- Meeting the minimum scientific production required for promotion in accordance with these regulations.
- That his/her scientific production has been published or accepted for publication while he/she held the rank of associate professor.

According to Article 23, a faculty member has the right to submit a request for promotion to the Department Council no more than six months before the completion of the regular period.

Article 25 specifies the criteria for promoting faculty members in: scientific production, teaching, and service to the university and society.

Article 26 regulates the promotion procedures as follows:

1. The faculty member submits the application for promotion to the relevant department council and includes the following:
 - a) A statement of academic and professional qualifications and career progression
 - b) A statement of teaching activities.
 - c) A statement of his/her activity in the field of university and community service.
 - d) At least five copies of the scientific production submitted for promotion and the information explaining it.
 - e) Any additional information to support the promotion request.
 - f) Any other information or documents requested by the Department Council, faculty Council, or Scientific Council.

2. The Department Council considers the application for promotion, verifies that the conditions and procedures are met, and recommends submitting the application to the faculty Council, along with proposing the names of a number of specialized arbitrators of no less than eight.

3. The faculty Council considers the application based on the recommendation of the Department Council, and nominates a number of specialized arbitrators of not less than eight of those nominated by the Department Council or others.

4. The Academic Council studies the application for promotion based on the recommendations of the Department and faculty Councils, and after studying it does the following:
 - a) Choosing five arbitrators to evaluate the research.
 - b) Sending research and data related to promotion to the arbitrators in a confidential manner for evaluation
 - c) Making a decision to promote a faculty member or not to approve his/her promotion, after considering the arbitrators' reports and reports on the activity of the applicant for promotion in the field of teaching and service to the university and society.

Article 27 stipulates that the efforts of the faculty member applying for promotion shall be evaluated on the basis of (100) one hundred points divided as follows:

- 60 points for scientific production.
- 25 points for teaching.
- 15 points for service to the university and society.

The University Council shall set criteria for evaluating participation in teaching and service to the university and society based on a recommendation from the Academic Council. The University Council shall set criteria for evaluating participation in teaching and service to the university and society based on a recommendation from the Academic Council, provided that the total that a faculty member obtains in order to be promoted shall not be less than (60) sixty points, what a candidate for promotion obtains shall not be less than (35) thirty-five points in the field of scientific production for promotion to the rank of associate professor and forty (40) point for promotion to the rank of professor. Promotion to the rank of associate professor is achieved by the majority opinion of the three arbitrators. Promotion to the rank of professor is achieved by unanimous opinion of the three arbitrators. If two of the arbitrators agree to the promotion and the third arbitrator does not

agree, the scientific production is referred to a fourth arbitrator and his/her opinion is final (Article 28). The following is included in the minimum academic production required to promote a faculty member:

- Research published or accepted for publication in peer-reviewed scientific journals.
- Peer-reviewed research submitted to specialized scientific conferences and symposia, from which only one unit is accepted.
- Peer-reviewed papers published or accepted for publication by specialized university research centers.
- Referred references from university books and scientific references, and only one unit is accepted.
- Achievement of peer-reviewed rare books, from which only one unit is accepted.
- Peer-reviewed translation of specialized scientific books, of which only one unit is accepted.
- Books and research printed by academic bodies approved by the Academic Council as one unit only.
- Inventions and innovations for which patents were issued by offices recognized by the Academic Council.
- Outstanding creative activity according to rules approved by the University Council, from which only one unit is accepted.

What is published or accepted for publication in peer-reviewed scientific journals within the minimum required to promote a faculty member shall not be less than one research for applicants for promotion to the rank of associate professor, and two research within the minimum for applicants for promotion to the rank of professor (Article 30). The minimum scientific production required to apply for promotion to the rank of associate professor is four papers published or accepted for publication, two of which - at least - are individual works. The University Council may, based on a recommendation from the Academic Council, make an exception to this condition for some specializations, provided that the actual publication is not less than one unit. The minimum scientific production required to apply for promotion to the rank of professor is six papers published or accepted for publication, at least 3 individual works. The University Council may, based on a recommendation from the Academic Council, make an exception to this condition for some specializations, provided that the actual publication is not less than three units (Article 33). Article 35 affirms that: The scientific production submitted for promotion must not be derived from master's or doctoral theses or from previous writings of the applicant.

Conclusion

The Iraqi and Saudi legislation show great interest in university jobs, especially teaching jobs, in terms of organizing these jobs, the determinants of their occupation, and the roles and functions assigned to them. Neither the Iraqi legislator nor the Saudi legislator was satisfied with general administrative law legislation (civil service systems, laws, and manuals), but rather constantly issued laws regulating the university's teaching functions in all its dimensions.

The Iraqi and Saudi legislators together did not establish a clear and independent administrative legal definition specifically defining the legal concept of the term academic promotion for university teaching staff, and that the Iraqi legislator in its general administrative law (civil service legislation) mixed the terms promotion and promotion even though each of them is different from the other is according to the signals and analyzes of legal researchers and management experts.

Although the Iraqi legislator ignored the concept of job promotion through an independent legal text, according to the texts of the relevant administrative legal legislation in force, it implicitly referred to employee promotion as a transition from a lower job level to a higher job level, which often entails increased responsibilities and duties and an increase in the basic salary.

Job promotion for public service employees, as well as for university service employees, in the Iraqi and Saudi legislation confirms that it is a basic right of the employee, if the conditions of competence, qualification, and experience required to fill the new job to which he/she is transferred or appointed are met.

The legal perception of the Iraqi and Saudi legislators does not differ with regard to the conditions and determinants of academic promotion for university teaching service employees regulated by laws, instructions and manuals of promotion in universities. Both of them appeared to be largely identical in terms of the terms and conditions for scientific promotions represented by research production and publication requirements, the mechanisms for obtaining scientific promotion, and the authorities to regulate it.

The Saudi legislation has distinguished itself from the Iraqi legislation in the new promotions law by adding what is called the exceptional promotion for the public employee, and the university employee is included in it, as it was distinguished by the fact that the time period is no longer an obstacle to the achievement of the employee who is creative, innovative, and active in his/her scientific production as is prevalent and practiced. It is included in Iraqi legislation and other legislation.

Research recommendations

The research recommends that the Iraqi legislator do the following:

- Establish a general administrative legal definition for promotion in all its fields and levels by adding explicit and independent legal articles in the Civil Service Law and its regulations that define academic promotion and distinguish between promotion and upgrade.
- Updating university laws and regulations related to regulating teaching jobs in Iraqi universities based on modern developments that view universities as development institutions that support the national economy.
- Benefiting from the innovation that the Saudi legislator demonstrated in what is called exceptional promotion, so that the active, creative, and innovative Iraqi researcher can obtain a promotion based on the original knowledge capital he/she will provide, away from the legal period sometimes specified as six years to obtain the highest promotion.

Research proposals

- Conducting similar research on the job promotion of education employees in Iraq.
- Conducting similar research comparing Iraqi legislation and foreign legislation regarding academic promotion.

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