



Official Gazette of Iraq

Al-Waqai' Al-Iraqiyya

الوقائع العراقية

وهقايعى عىراقى

الجريدة الرسمية لجمهورية العراق

رؤژنامهى فهرمى كؤمارى عىراق

تصدر عن وزارة العدل

وهزارهتى داد دهرى دهكات



Legislation

No. 63

Transaction Jurisprudence Law

No. (63) of 2002

قانون فقه المعامله

Translated in

Ministry Of Justice

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2023



Laws

In the name of the people

Revolutionary Command Council

RESOLUTION NO. (256)

DATE OF RESOLUTION:

18/ RAMADAN/ 1423 AH

23/ 11/ 2002 AD

In accordance with the provisions of Para (a) of article (42) of the constitution, the Revolutionary Command Council has decided to issue the following law:

**TRANSACTION JURISPRUDENCE
LAW**

NO (63) OF 2002



Laws

ARTICLE 1

This law's aim shall be raising the level of merchants' performance and ensure that they carry out their commercial activities in a manner consistent with the principles and values of the tolerant Islamic Sharia and other divine legislation.

ARTICLE 2

Trade is an economic activity based on trust, honesty, and strict adherence to the principles of Islamic Sharia and rules of law.

ARTICLE 3

First: Merchant shall mean, for the purposes of this law, every natural or legal person who professionally practices the commercial activities stipulated in Article (5) of the Trade Law No. (20) of 1984.

Second: The provisions of Item (First) of this Article shall applied to the Chairman, members of the Board of Directors and the authorized director of companies.

ARTICLE 4

The Ministries of Endowments and Religious Affairs, Higher Education and Scientific Research shall undertake testing the merchant covered by the provisions of this law, and the information contained in the booklet (Jurisprudence of Transactions) prepared by the Ministry of Endowments and Religious Affairs shall be adopted as a basis for the test subject.



Laws

ARTICLE 5

First: After one year as of the entry into force of this law, it shall be not permitted to practice the trade profession without passing the test stipulated therein.

Second: Anyone who wishes to practice the trade profession for the first time may not be practice this profession unless he/ she obtains a document of passing the test stipulated in this law.

ARTICLE 6

First: The test shall include every merchant who wishes to practice commercial business, and he/ she shall declare his/ her desire to do so to the Ministry of Endowments and Religious Affairs within a period not exceeding (90) ninety days as of the date of entry into force of this law.

Second: Anyone who is absent the test for illegal reasons may not continue practicing business.

Third: Whoever fails the first test or is absent in it for legitimate reasons shall be granted a period of (180) one hundred and eighty days, and he/ she shall be retested upon its completion. If he/ she passes the test, he/ she shall be allowed to continue practicing business, but if he/ she fails, his/ her business shall be frozen for one year and he/ she shall be retested once it expires, if he/ she fails in the test, he/ she shall be prevented from practicing business.

Fourth: The test for those who are not proficient in reading and writing shall be oral.



Laws

ARTICLE 7

Anyone who practices the trade profession without obtaining a certificate of passing the test in accordance with the provisions of this law shall be punished by imprisonment for a period of not less than one year and not exceeding (3) three years and confiscation of his/ her property in his/ her commercial shop or shops.

ARTICLE 8

The Head of the Presidential Office, in coordination with the Ministers of Endowments and Religious Affairs, Higher Education and Scientific Research and Trade may issue instructions to facilitate the implementation of the provisions of this law.

ARTICLE 9

This law shall be implemented (180) One hundred and eighty days after the date of its publication in the Official Gazette.