

## **Legal effects of false InformingIn Iraqi law**

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**Abstract:-** The news is a sacred national duty, a moral and moral obligation dictated by considerations of good citizenship and noble human values to preserve the safety and integrity of society and its social structure, but this should be true, not detrimental to others. Some people, due to many considerations and motives, may use the right of news to beat people as a result of the recording of malicious reports by the competent authorities. On the basis of this we will address the concept of false news crime and its definition and its elements in Iraqi law as well as assess the position of Iraqi law in terms of punitive laws and their role in reducing this crime.

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### **I. CONCEPT OF CRIME FALSE NEWS**

The use of news in order to mislead the justice and the work of the security, investigative and judicial bodies with countless possibilities, this is false news and requires the punishment of the actor ( Reda Al-Sayed , 2012).The news in this case is a disregard for the public authorities and waste time and effort to reach the ends of fear of the law.(Al-Jazzah, 2011).Some weak-hearted people or those with other illegal motives may be able to record misleading and deceptive intelligence messages to judicial authorities, which may be against citizens accused of alleged acts against those who have reported or against state institutions.

### **II. DEFINITION OF FALSE NEWS**

False news is defined as a false news that requires punishment from a person assigned to it, addressed to a judicial or administrative judge and accompanied by criminal intent.( Dr.Husni,1978).We may know that it is a material behavior that purports to falsely inform the competent authorities of the attribution of an act punishable to a particular person, in the intention of damaging his reputation and honor.The false news is considered to be an insult to the informant who is affected by the news and his social status, as well as that he may be subjected to disciplinary and criminal penalties, as well as false news may lead to disruption of the work of the public authority charged with investigation or trial.

### **III. ELEMENTS OF THE CRIME OF FALSE NEWS IN IRAQI LAW**

The Iraqi Penal Code No. 111 of 1969 amending the provisions of false news in the second chapter of Chapter Four on crimes against the conduct of justice. Article 243 of the Iraqi Penal Code provides false information, stating that "anyone who falsely The judicial and administrative authorities for an offense knowing that a person has not knowingly committed a crime, knowing that he has lied to him or fabricated material evidence that a person committed an offense or caused legal action against a person known to be a felon.

The Iraqi legislator did not require a specific form in the news, it may be by telephone, e-mail or any other means of communication through which the news to the public authorities about the existence of a crime(Al Qaisi, (2009). .The crime of false news requires the availability of both physical and moral grounds. The material element is to inform the public authorities of a specific incident committed by a specific person, and that the news is freely obtained by the informant. It is not considered the substance of the crime.(Al-Hayari, 2010 ).This corner makes it easier to detect crime because proof of things. Physical walks.(Dr.Hosny, , 1975).The moral element requires the existence of a criminal intent, which is the knowledge of the informant that the reported incident is incorrectIbrahim Sayed Ahmed, innocence and conviction in crimes of slander and libel, false communication, perjury and false right, I 1, Golden Book House, Comet Library, Cairo, 2011, p.The moral element of the crime of false news requires the availability of

the general purpose as well as the special purpose. The general criminal intent is based on two elements: will and knowledge. In the crime of false news, the informant must have made the news or the communication knowing that he has falsified the facts contained in the news and intended to harm others from behind the news. (Al-Tawab, 1988). As for the will to reduce the direction of the will of the informant on his own to inform, must turn the will of the false news to abuse the other by providing false news to a judicial and administrative to be questioned with knowledge of the lie.. (Al Wajeez, 1977). So the offender is in such a description that he has initiated it without demanding it or paying him a payment (Aali, 1999). As for the private intention, it means that the will of the person who tells the news or the communication to a specific destination or has a specific motive is intended to harm the informant. In other words, the informant does not intend to simply inform the judicial control authority because this is a result of his intention to achieve it. But rather to investigate the impact of reporting or news in the crime of news or false communication punishment of those who reported or reported to him about an act or crime he did not commit. This is a miscarriage of justice and an attack on the maintenance of honor and consideration of the amount against him Dr.. Mohamed Sami El Shawa. Dr.. Hossam El Din Mohamed Ahmed. (Dr. Abdel-Karim, 2004). 1333. On the basis of this, the Iraqi legislator stipulated that the private purpose should be expressly provided in the text of article 243 of the Penal Code, where the necessity of the private purpose is to be based on the phrase "bad faith" mentioned in this article.

#### **IV. CONCLUSION**

We conclude from all the above and through our analysis of the texts of articles in Iraqi law we find that the Iraqi law to limit the crime of false news five images and these cases extract the text of Article 243 of the Iraqi Penal Code and these cases as follows:

- 1 - There should be false news: There must be false news and the news is false if the incident is fabricated from the ground or if the reference to the amount against him deliberately lying, even if the incident basis of reality
- 2 - To cause legal action against a person who knows his innocence, and it is in all the procedures carried out by the competent authority to investigate the crime from the moment of knowledge until the last stage of its stages. These are the arrest and detention and other legal procedures
- 3- that the news is false with the availability of bad faith to commit a crime with knowing the lie to tell him
- 4- The fabrication of material evidence that a person committed a crime other than the reality. Physical evidence is the evidence that can be understood in one of the senses and has a material nature:
- 5- person may report a crime that does not exist at all. In this picture, the Iraqi legislator did not stipulate that the crime of false news should be attributed to a person. This means that this case may be included under Article 244 of the Law Penalties It is worth mentioning that the facts are not required to be entirely false, but sufficient to verify the crime of false news, even if the lies lie certain facts contained in the news when the other elements of the crime

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