

Social justice and its impact on achieving community peace (Study in the framework of international public law)

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Abstract

Social justice has human values as old as human existence, but the demand and activation of them came as a result of marginalization, inequality, social and economic discrimination, and the absence of justice. This is what made talking about social justice gain increasing importance and vitality, which is growing with the nature of the issue and its spread as a popular entitlement and a public and international demand at the same time. Achieving societal peace among the components and groups of society is at the forefront of lofty human values. This can only be achieved through the pillars and components of societal peace in which social justice is one of those components, and it acquires paramount importance through many means that represent effective basic pillars to achieve that justice and the role of international law in reaching social justice. It was through legal mechanisms stipulated in international charters and treaties to spread equality, solidarity, stability, and providing international and national legal protection to achieve societal peace among all components and categories of community.

Keywords: Social justice, Peace, Human, Legal, and Equality.

INTRODUCTION

Social justice is of great importance as a human value and a human demand that has a major role in achieving societal peace, and thus all societies seek to establish the rules of social justice, to get rid of all obstacles and conflicts and spreading equality among the members of one community, as most of the conflicts and divisions are caused by equitable misdistribution and acquisition On wealth, prestige, influence and participation in public life, which is directly reflected on societal peace, which represents a general responsibility of the state with its institutions and individuals, and the means for achieving social justice as a national necessity and a security interest, as well as the wide international interest in the development of social justice in concepts as a complex and multidimensional concept. The International Organization (United Nations) designated a day for social justice, which is (20) February of each year when it approved the topic

of social justice at the sixty-third session of the General Assembly of the United Nations in 2008, and with that date, social justice became a system through which it can achieve peace and community stability.

Research importance

The issue of social justice is represented as a simplified concept that is mainly related to equal distribution between individuals and giving each individual what he deserves, and then achieving community peace, which represents a social base that is important in achieving religious, political, economic, and social coexistence among all members of society, and the link achieved by pushing the international community to cooperate through Preparing plans and programs that strengthen community cohesion and achieve peace and stability within societies.

Research Objectives

The main objective of the research is to clarify the role that social justice plays in establishing societal peace, especially in societies of multiple affiliations that suffer from inequality and racial and national discrimination, and to show the role of international law in accessing social justice and applying forms of legal protection for societal peace.

Research problem

The real problem lies in knowing the extent to which social justice contributes to the establishment of societal peace in societies of multiple affiliations, religions, sects, and what are the means of achieving social justice for societal peace and the obstacles to its application.

Research Hypothesis

The research stems from the hypothesis that social justice and its means and mechanisms if applied in society will contribute to achieving community peace based on respect for human rights, maintaining the stability and continuity of the state, and creating societies that take community peace as a doctrine and a platform.

Research scope

The scope of the research is determined by showing how to establish community peace and to benefit from the basic elements on which social justice is based in achieving a society that takes into account the concepts of equality and non-discrimination and the application of legal protection for community peace.

Research Methodology

In the research methodology, we relied on the inductive method based on how to benefit from the elements of social justice in the implementation of community peace programs, as well as the analytical method to the texts contained in the Universal Declaration of Human Rights and the two international covenants, which include the elements of community peace.

Research structure

First topic: Concept of social justice

The first requirement: is the definition of social justice.

The second requirement: is the means of achieving social justice.

The third requirement: is the mechanisms of international law to reach social justice.

Second topic: Nature of community peace

The first requirement: defining community peace and distinguishing it from other terms.

The second requirement: the components of community peace and its obstacles.

The third requirement: is the legal protection of community peace.

First topic: Concept of social justice

The concept of social justice like other concepts in the social sciences has its connotations in terms of being a complex and multidimensional concept. It is also characterized by the development accompanying social developments. Thus, social justice is a human value and human aspiration for which all humanity aspires in addition to the association of some political concepts with social justice, including the concepts of freedom, equality and human rights. Thus, the comprehensive concept of social justice was able to fall within the scope of the concepts of social, political, cultural justice and many others, which contributed to the distinction and development of this concept for social justice.

The first requirement is the definition of social justice

First social justice is a language:

The concept of social justice is one of the multi-connotations in the Arabic language and justice means fairness in governance and non-injustice or in the sense of just, which indicates the status of everything placed or its appropriate place for it, or it can have another meaning, it is equality, integrity, balance and justice in the language is a source for an act of justice In the dictionaries of the language, it is the opposite of injustice and in Lisan al-Arab, justice is what has been established in the souls, and it is against injustice, The justice of the rulers in the ruling is just and fair and he is justice from a just and equitable people, and he was justice in the case, so he is fair. In God's benevolent names: Justice is the one with which is not inclined to passion, and they become unjust in judgment, and it was

originally called by it, and it was put in the place of the just ().

As for the concept of social, it means society or group or everything that indicates assembly and meeting, and social justice is a language that is everything that is against injustice, tyranny, exclusion, non-discrimination between individuals, equal opportunities, and social oppression ().

Second: Social justice idiomatically

The meant by social justice is the participation in wealth and the expansion of the base of ownership to include all sectors of society, and the acquisition of the highest possible amount of public services ().

It can also be defined as one of the most important social and economic systems that seek to get rid of all obstacles within the classes of society, specifically the so-called economic differentiation. It also has other connotations, as it is the care and attention necessary to enable each individual to obtain his rights in a fair and without class discrimination between the groups of society, i.e. concern for the rights of the members of the same society and work on distributing the wealth and bounties of society in an equal and fair manner, and promoting a culture of human rights, whether these rights are material or morale ().

It seems that the concept of social justice from a temporal point of view is more developed than the general concepts of justice, as attention within the modern concepts in the era of the formation of the modern state after the Industrial Revolution focuses on the institutional, political and legislative formation of states and societies from a political-legal perspective, and thus social justice is equal before the law and the protection of private property and the elimination of legal hierarchy in the discrimination between individuals. Accordingly, social justice is rooted in an approach that addresses the issue of citizenship and the realization of various rights with various economic, social, political, and cultural frameworks and dimensions.

In this way, the borders of the heterogeneous expressions of social justice have continuously changing meanings, as the meaning of social justice in itself and its philosophy is subject to a changing value and cultural system without this

leading to a reversal or detraction of its global nature with fixed goals and foundations and the Copenhagen Declaration was approved on December 20, 1996, that social development and social justice are indispensable for achieving, maintaining peace, security within states and that social justice cannot be achieved without peace and security and respect for human rights and fundamental freedoms. This is what was stated in the Charter of the United Nations, which stressed the importance of the essential relation between achieving peace, security, and social justice (). We can define social justice as “getting rid of differences and obstacles, transition to equality among the members of the same society working to remove barriers between individuals and providing all that they need in a fair manner.

The pillars of social justice, which have a presence in all parts of society are represented in legislation and laws of an effective nature to establish community peace. Which must be considered a general aim of the state with its institutions and individuals, and the need to give social justice great importance as a national and security interest, and that the role of the state is measured by the importance of making social justice a reason for spreading security, stability, and community peace. For all these reasons, social justice has meanings that cannot be dispensed within its approaches to the political, social, and economic dimensions. This is what enabled it to be a cornerstone in building societies and spreading the causes of security in it ().

The second requirement is the means of achieving social justice

First: Ingredients for achieving social justice

Social justice is based on several basic foundations and as a result, they represent the ingredients for achieving that justice and the concomitant indications of the various concepts that all revolve around achieving its main aim, which is social justice. Perhaps the most important messages and ingredients for achieving social justice are:

1. Equal opportunities, equality, and non-discrimination between individuals

Social justice is closely related to the issue of achieving equality in society, non-discrimination between citizens, minimizing

social injustice, exploitation to the maximum extent possible, and the continuous pursuit to eliminate unemployment and provide opportunities for everyone to benefit and compete on equality. As a result, equality leads to many benefits, foremost of which is the spread of love. And hope among the members of society and the eradication of the culture of hatred, corruption, and injustice.

2. Social Security

It is one of the most important cornerstones for achieving social justice. Which is represented in obtaining and maintaining material and in-kind benefits without bias to ensure protection, and this means a commitment to justice during the distribution of wealth among the members of the same society, and the distribution of financial aid to the neediest individuals in society. As well as providing good health care to all classes of society and working to provide opportunities for effective education and decent work, which contributes to creating an appropriate environment to achieve the most important ingredients of social justice ().

3. Equitable distribution of resources and respect for human rights

Social justice is measured through the equitable distribution of resources and burdens through the wage system providing adequate support for public services, reforming the tax system, seeking to provide commodity support for some products and services reforming the wage and income structure by setting a maximum and minimum wage and working to enable citizens to earn their living with dignity. As human dignity and respect for human rights are the means of achieving social justice and their absence will negatively affect them because it will lead to their absence ().

Second: Obstacles to achieving social justice

The possibility of achieving social justice for its aims is encountered by several obstacles that can be summarized as follows:

1- Lack of commitment to justice, equality, and discrimination among citizens and the negative consequences it entails represented marginalization, exclusion, lack of trust, and deprivation of any rights.

2- Inequality, the control of some classes over wealth, the lack of respect for human rights,

the absence of equal job opportunities, and the prevalence of unemployment, which results in the state being obligated to provide job opportunities, set policies, and take measures to eliminate the problem of providing equal work opportunities.

3- The spread of financial and administrative corruption and nepotism, as well as the absence of empowerment strategies for all elements of society, specifically the marginalized ones, as seizing opportunities, is related to the availability of certain capabilities and then the gaps between classes widen, which requires the state to build and develop capabilities to enable all classes of society to obtain opportunities equal and social justice is achieved.

4- Individual differences and the absence of freedom are two main factors that result in injustice and oppression, as the difference in the capabilities of individuals leads to low social status and is the real cause of societal differences, which is one of the most important obstacles in achieving social justice ().

The third requirement is the mechanisms of international law to reach social justice

Societies cannot live without systems and laws that govern them. The law is the only way to preserve rights and by which, human dignity is preserved and through which wealth is exploited. Based on which responsibilities and duties are determined, there is no state without laws that regulate it and govern its work, and in the same direction there is no state without justice that guarantees the application of laws to all people without exception or discrimination, for justice is a human concept that means equality between everyone in rights and duties. All nations seek to elevate their values and traditions through the application of an ethical system based on the basic principle of achieving social justice among all groups of society, and in this basic social justice is defined It is “the basic principle of peaceful coexistence in the state and the removal of barriers that impede the well-being of all peoples.” Thus, the state is responsible for finding ways and solutions to achieve social justice within a broad scope that includes all aspects of humanity ().

After the United Nations Declaration on the Rights of Indigenous Peoples, as the most comprehensive international instrument dealing

with the rights of indigenous peoples, its chief starting point is to consider the individual and collective rights of these peoples, including their right to access to justice, and Article (40) of the Declaration represents the general provision on remedies - which is one of the main components, and this article states the following: Indigenous peoples have the right to fair and equitable procedures in order to resolve conflicts and disputes with states or other parties and to issue a quick decision in this regard, as well as the right to effective remedies against any infringement on their individual and collective rights, and in any such decision, the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights should be taken into account (). With these concepts, social justice is based on the conviction that all human beings have the right to equal treatment, support for the realization of their human rights, and the equitable distribution of social resources.

Because the United Nations, in its definition of social justice, social justice can be comprehensively understood as equity and equitable distribution economic growth. The United Nations designated 20 February of each year as the international day of social justice, beginning with the sixty-third session of the United Nations general assembly in 2008 (). Access to social justice within the framework of international law has been referred to (paragraph 9 of Article III) of the human rights council in accessing justice in the field of promoting and protecting the rights of indigenous peoples by saying, The declaration represents a tool for achieving justice and an important basic framework for the implementation of the rights of indigenous peoples. Its implementation should support indigenous peoples' access to justice ().

It is clear that social justice plays a major role in establishing societal peace, and thus aims to eliminate all social and economic differences between the classes of one society, as well as its role in preserving human dignity and achieving stability and growth within the state. Spreading awareness of the importance of social justice in society, supporting local organizations that demand equality, volunteering in charitable work, and accepting societal diversity in all its shades, enhances the concepts of social justice,

thus achieving societal peace within society, and on the contrary, it undermines societal peace ().

The United Nations, through its various activities in promoting justice and the rule of law in international courts, treaties, and agreements, providing support to local authorities and respecting human rights in light of the denial of peaceful and legal remedies, the lack of justice and the rule of law, and some groups of society may resort to violence, thus becoming the role of nations the United Nations in promoting human rights is more necessary (). It seems that being guided by the provisions (paragraph 11 of Article 3) of the declaration on access to justice in the field of promotion and protection of the rights of indigenous peoples in the Interpretation of international human rights treaties concerning indigenous peoples' access to justice, the elements of access to justice include the right to an effective remedy and procedural justice, and the need for states to take positive measures to facilitate access to justice ().

The bodies of the United Nations and human rights special procedures, as well as regional mechanisms, have highlighted the importance of recognizing the justice mechanisms of indigenous peoples in legal systems and giving a major priority in the reports of the special procedures to the right of indigenous peoples to apply their own legal systems, and this is what the human rights council called for. Human rights in its resolution (21/24) to the expert mechanism on the rights of indigenous peoples to prepare a study on access to justice in the field of promoting and protecting the rights of indigenous peoples (). Thus, we conclude that international law has established legal mechanisms stipulated in international charters and treaties that refer to social justice as a complex and multidimensional concept to spread equality and solidarity among all members of society and achieve stability and growth within the state, thus achieving social peace.

The second topic: Role of social justice in achieving community peace

Community peace contributes to enhancing cohesion and cooperation among all members of society and to achieve participation in political, economic, and social life, overcoming conflicts and divisions and promoting the values of citizenship through the dissemination of a

culture of dialogue and acceptance of the other's views. This strengthens homeland affiliation and rejects all attempts at marginalization and exclusion, thereby eliminating all forms of discrimination and inequality and preserving human dignity. And the establishment of social protection systems for systematic assistance would achieve social justice and in turn bring social peace, stability, and economic growth to the country.

The first requirement is the concept of community peace and its distinction from other concepts

First: Concept of community peace

1. Community peace Language: Al-Selm: in the language, it is derived from the triple verb (peace) and has different connotations, it indicates safety from all defects and pests also indicate innocence. Peace is one of the names of God Almighty: is the holder of the peace who possesses peace, and it means truce and peace. It means truce and peace.

Community: A name derived from the root of the verb collect, that is, the collection of what was dispersed by combining it and collecting it together ().

2. Social peace idiomatically: The jurists of international law did not address societal peace despite its frequent circulation, its importance, and the role of the actor in promoting and protecting human rights. It represents the logical development that freedom of expression and opinion leads to and a way to preserve social life, as it represents a reality in the existence of humanity ().

There are also who defined societal peace as "a state of stability, harmony and living in peace within a single state, which is the opposite of war, conflicts and disputes" (). Community peace is "the ideas and behaviors taken as an approach to achieve higher goals within society, such as peaceful coexistence, renunciation of differences and violence, and resorting to society as a single unit" ().

In international instruments, the term "societal peace" has not been referred to, but some of its elements are contained in some texts, such as the Charter of the United Nations, whose texts do not explicitly include societal peace but are conceptualized in the text (F3 m1) which

pertains to international cooperation "to achieve international cooperation in solving international issues of an economic, social, cultural and humanitarian nature and in promoting and encouraging human rights and fundamental freedoms for all without distinction as to sex, language or religion and no distinction between men and women" ().

International Covenant on Civil and Political Rights 1966 refers to a fundamental principle of equality by taking advantage of all the civil and political rights recognized in the Covenant that enable all to achieve its objectives of equality and community peace ().

Through the various definitions of community peace that have been mentioned, we can arrive at a special definition: that community peace is "a realistic state of harmony, and harmony for human societies, and the resulting principles and behaviors based on harmony, cooperation, non-interference with all differences and conflicts, the adoption of justice, equality, non-discrimination, respect for pluralism and social justice to achieve the unity, integrity, and stability of the country."

Second: Distinguishing societal peace from other concepts

1. Community peace from peaceful coexistence

Peaceful coexistence is "a state of neutrality and the desire to live in peace with other countries with which they differ in customs, traditions, and principles."

Article (1 /IV) of the draft law of the National Commission for the Protection of Peaceful Coexistence in Iraq of 2006 states that "the principles of peaceful coexistence cannot be achieved without the acceptance of one another by individuals within society, that is, tolerance and acceptance of the other despite differences is the active and distinctive element of positive relations within society."

2. Societal peace from national security

Societal peace differs from national security in that the latter relates to the state's ability to protect its lands, citizens, culture, interests, and beliefs from any external aggression or foreign control, whether internal or external, i.e. it is concerned with protecting the vital interests of society ().

3. Community peace from social security

Community security is the situation in which the individual feels peace and tranquility against everything that disturbs the means of decent living and physical safety and activates solidarity, cooperation, and healthy development of human resources. Thus, social security is broader than societal peace, as it is achieved in a society where peace and harmony among all the different components and categories prevail ().

The second requirement is the pillars of community peace and the obstacles to achieving it

First: Pillars of community peace

To achieve community peace, fundamental pillars through which society can continue and contribute to its prosperity and progress, these pillars include:

1. Advanced Education

Education and learning are one of the most important indicators of progress and development for all people, as it improves individuals' abilities and mature ideas and skills that change or modify their behavior for the better.

The primary objective of education is to invest the capacities and energies within society, as well as to evaluate attitudes and behaviors that enable individuals to coexist peacefully and stabilize society. Education works to repair destructive ideas and behaviors, eliminate extremist ideas, build a sophisticated intellectual mind and instill national, cultural, and social values ().

Accordingly, education represents the most important pillars of societal peace through the role of the actor in upgrading and advancing ideas and mental and human capabilities that contribute to the progress and prosperity of society.

2. The system of good governance

Good governance is one of the forms of political governance, which is based on the peaceful transfer of power, more numerical governance, stronger order and law, and the ability to integrate a pluralistic society into power and participate in free and fair elections ().

The system of good governance is the basis of transparency and freedom in the circulation and disclosure of facts before society, as well as contributing and participating in raising the level of capabilities of individuals and increasing efforts to combat financial and administrative corruption, which impedes and weakens efforts made for development and societal reform, which is reflected on and undermines societal peace ().

3. Promote the concept of citizenship

The concepts of citizenship occupy an essential position, as it is a legal link between the citizen and a specific political entity, as it is an attribute granted to the citizen and based on which rights and duties are determined and it develops a sense of belonging to the country

Citizenship is one of the basic ingredients for achieving societal peace because it achieves equality and overthrows discrimination and differences between members of society and consolidates the concepts of pluralism and diversity and the elimination of racism ().

4. Social justice

Social justice has a key role in the establishment of community peace. It is the means by which social and class disparities between all segments of society are eliminated and through which the distribution of wealth, employment opportunities, education, health care, and all rights granted to citizens, in general, are equally achieved.

Human dignity can only be achieved through social justice, the dissemination of equality and solidarity, the elimination of social differences, and the achievement of justice, which is reflected in the consolidation of societal peace within society ().

Second: Obstacles to achieving societal peace

Societal peace has obstacles that prevent its realization and affect the stability and continuity of the state. These obstacles include:

1. Disabling and disabling laws

The failure to activate the law, whether in the case of its existence or not, or the lack of resolution of cases and their implementation after their issuance, indicates the disruption of the law and legal slack, and then chaos and

adherence to the law when needed, which overcomes the state of chaos, turmoil and instability to build a healthy community ().

2. True national reconciliation

National reconciliation is a necessity and an urgent need, and its absence causes the division and fragmentation of societies that are characterized by the diversity of their groups and components and a threat to national unity and thus disruption of societal peace and the failure to create a unified national social identity for the people, rejecting differences and conflicts between its components and giving priority to special interests over the national interest ().

3. Sectarianism and extremist religious discourse

Some religious discourses seek to change the intellectual and belief path to conflict and internal fighting that incites violence, discrimination, and hatred between the sects of society, and contribute to transforming awareness and guidance platforms into platforms for sowing discord and questioning beliefs and doctrines, atonement, and tearing apart the unity of nations, eliminating national unity and peaceful coexistence, and preventing the achievement of community peace ().

The third requirement is the nature of the legal protection of community peace

Societal peace has a special legal nature that varies according to the legal legislation, and the type and nature of the protection established. There is the international protection of societal peace, which is protection based on public international law. National (internal) protection, falls within the internal legislation and is represented by civil protection and its means by the rules of civil law, and constitutional protection and its means by the constitution.

First: International protection of community peace

One of the most important requirements for the stability and development of society is to spread security, tranquility, and peace, which is determined by the availability of protection for it by criminalizing acts that represent an attack on it and punishing those who committed the act through the application of international criminal law which is one of the branches of public international law, which aims to protect the

fundamental interests of society, so every act that constitutes harm or infringement of these interests is considered a crime ().

As a result, international responsibility has exceeded its scope to include criminal liability for acts that threaten the security and stability of societies, and the provisions of international criminal law have provided for international protection of community peace provided for through the four Geneva Conventions of 1949 and the Protocols thereto of 1977. As well as the establishment of numerous permanent and temporary criminal tribunals and the trial of persons accused of crimes that threaten the peace of society, such as the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda. Finally, the permanent International Criminal Court (ICC) was established with the objective competence of genocide and crimes against humanity, which are serious and threatening to the social peace of States ().

The International Criminal Tribunal was also established in 2009 by the United Nations Security Council to investigate the assassination of President Rafik Hariri in Lebanon and prosecute the accused responsible for the assassination, as it is a terrorist crime that undermines and threatens the community peace and stability within the international community ().

Second: National protection of community peace

The national protection of community peace is through the image of civil protection of tort civil liability, the cornerstones of which are wrong, the damage, the causal link between error and damage, and the fact that societal peace crimes are considered serious crimes that threaten society and result in the realization of tort liability for reparation that is physical or incorporeal ().

Society has the right to initiate public prosecutions by dealing with crimes that constitute an attack on the rights of society and its public order, by making a criminal complaint in the name of the society whose security and stability have been contributed by the crime and by the possibility that the public prosecutor may be called upon to compensate for the damage caused by the crime, in particular crimes of community peace, which are of general or

personal harm to individuals, but in which the damage to society is the dominant feature ().

The second picture of national protection of community peace is constitutional protection since the Constitution is the supreme and supreme document of the State and is a document of a legal and political nature that defines both the public order of the State and its institutions and guarantees the rights of citizens.

As a result of this constitutional order, most Arab and foreign constitutions have concepts of protection, since they contain legal provisions to protect the public components by which social peace is achieved ().

The Constitution contains two types of monitoring of the constitutionality of laws. The first is political and the second is judicial, which have contributed to the control of the conformity of the law with the provisions of the Constitution. The legislative protection issued by the legislative authority is a set of legal rules established by the Constitution or the Statute of each country which is the main tasks are to regulate social relations within the state, control social behavior for everything that is detrimental to community peace, and apply the Penal Code to crimes against state security and undermine social peace ().

Conclusion

In this study, we must display a set of conclusions that we reached, and another set of suggestions in this study, which are shown below:

First: Conclusions

1. Social justice has a comprehensive and multi-dimensional concept that includes political, economic, and cultural justice and is not limited to one dimension, which constitutes a diminution and reduction of its reality and its broad meaning.
2. The concept of social justice is linked to equality between individuals, freedom, human rights, equitable distribution of wealth and job opportunities, equal provision of basic needs, and equal opportunities for social advancement without influence from the state.

3. Community peace has concepts that indicate tranquility, security, peace and stability for societies, and it has many pillars that must be met to achieve lasting community peace and to reject everything that constitutes an obstacle to the stability, continuity, and development of society.

4. Great interest in societal peace through the provision of legal protection, whether international following the provisions and rules of international law, or national protection represented by legislative protection through penal code, civil law, and constitutional protection through national constitutions.

Second: Suggestions

1. Increasing societal awareness of the need to uphold and defend their rights, apply social justice, and contribute to its spread to ensure progress and development for those societies, since social justice is not a goal in itself, but rather a means to achieve sustainable community development.
2. The importance of returning to the teachings and rules of Islam that call for justice and freedom in a way that leads to the spread of love among the ranks of society and increases human dignity.
3. The necessity of explicitly stating the term community peace in a special and explicit text in the constitution and not including it among other texts reduce its importance and effectiveness. We also suggest including the concept within the penal code in a special independent chapter that includes all crimes that threaten peace and community stability.
4. Working to deepen and establish the concepts of community peace through voluntary initiatives or through the establishment of research centers concerned with community peace and how to promote its principles, goals and components in the hearts of citizens within the country.

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