

or appeal.

3— Branches of Private Law.

1 — **Civil law.** In its wider sense, civil law is "the body of rules which regulate the private relationship of individuals in society, whether these relationships appertain to the family or to ordinary transactions."

Civil law is the original source of Private Law. Thus, Commercial law, the Law of Civil Procedure, Private International

Law, Labour Law, Agricultural Law, are, in fact, nothing more than aspects of civil law regarded as special branches merely to emphasize their importance, either because they relate to a special class of persons or affairs, or because they can be distinguished by certain characteristics which necessitated a separate treatment. This is why it is always possible to fall back on the provisions of civil law in all matters not covered by a special rule in the other branches of civil law. This is also the reason for setting special chapters in modern civil codes to deal with the general rules applicable to all branches of private law.

Ordinarily, civil codes regulate two kinds of relationships. These are:

1 — Family relationships, which are in Iraq regulated by the Law of Personal Status No. 188, 1959, as amended by the Law No. 1, 1963.

The best way of exposing the subjects of civil law is to illustrate the topics regulated by the Iraqi Civil Code. The Code is divided into an Introductory Part, and Two Main Parts. The Introductory Part includes General Provisions concerning the application of law, conflict of laws in time and place, persons, things, property, and rights. The First Part deals with Personal Rights (Obligations) as follows :-

(1) Book I, concentrates on 'Obligations Generally'. This is subdivided into six Chapters, as follows:-

1 - Sources of Obligations, which encompass:-

- (a) Contracts.
- (b) Unilateral Undertakings.
- (c) Unlawful Acts.
- (d) Enrichment without Just Cause.
- (e) The Law.

2 - The Effects of Obligations, which deals with :-

- (a) Obligatory Performance.
- (b) Means of Securing the Rights of Creditors.

3 - Conditions Modifying the Effects of Obligations, which are :-

- (a) Conditional Obligations and Time Clauses.

(b) Plurality of Objects of an Obligation.

(c) Plurality of Parties to an Obligation.

4 - Transmission of an Obligation, the two means of, are :-

(a) The Assignment of a Right.

(b) The Assignment of a Debt.

5 - The Extinction of Obligations, by means of :-

(a) Payment.

(b) Methods of Extinction Equivalent to Payment.

(c) Extinction of Obligations without Payment.

6 - Proof of Obligations, which deals with :-

(a) General Maxims of Evidence.

(b) Documents.

(c) Admission

(d) Oath.

(e) Evidence by Witnesses.

(f) Presumptions.

(2) Book II, deals with Specific Contracts, and it is sub-divided into five Chapters as follows :-

1 - Contracts as regards Ownership, such as :-

(a) Sale.

(b) Gift.

(c) Partnership.

(d) Loans and Annuities.

(e) Compromise.