1- Juristic opinion

One of the most important sources in law is the juristic opinion, some legal system consider the juristic opinion as a n original source of law, others consider it as a subsidiary source of law and as an The Iraqi legal system stands on basic similar in principle to those of France. As a source of law Juristic opinion in Iraq is an ‘interpretative’ source of law. This is emphasized by Article 1 of the Civil Law No 40, 1951. The Iraqi law gave the juristic opinion a big important as a source of law and consider the juristic opinion as a subsidiary source of law. The juristic opinion mean

The body of opinion set forth by jurists in their books.

The characters of the juristic opinion

1- The opinion of the jurist is not an authoritative source of law.
2- It is not binding to the judge.
3- It interprets the codes.
4- Expound the principles upon which the codes are based.

The juristic opinion embodied in the different legal systems?
The juristic opinion embodied by the writings and of the Bench (The judges) and the Bar (The advocates of the court).
The Juristic opinion considered as an important source of law in France Because the great lawyers in France influenced the law not by decisions given by the Bench, but by their writings that interpret the codes and expound the principles upon which the codes are based.
The situation of the Islamic law from Juristic opinion

The jurisprudence has also influenced to a very great extant the development of Islamic law. The founders of great school of thought both Sunni and Shi’i expound the law in a way to make it more ‘consonant’ with social needs in society. In fact the respect paid to:

1- ‘Consensus’ (Jima)
2- ‘Analogy’ (Qiyas)

The situation of the Iraqi legal system from the Juristic opinion?

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2- As a source of law Juristic opinion in Iraq is an ‘interpretative’ source of law. This is emphasized by Article 1 of the Civil Law No 40, 1951