



Copyright © 2023 International Journal of Cyber Criminology – ISSN: 0974-2891
July – December 2023. Vol. 17(2): 188-202. DOI: 10.5281/zenodo.4766712
Publisher & Editor-in-Chief – K. Jaishankar / Open Access (Authors / Readers No Pay Journal).

This is a Diamond Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.



The Impact of Force Majeure Provisions and Commercial Issues on Health Legal Ramifications: Moderating the Role of Public Health Emergency Situations

Itidal Abdulbaqi Yousif Aladhub¹

University of Basaq Iraq

Khalil Ibrahim Abdel-Dhalmi²

University of Basra Iraq

Abstract

Health legal ramifications are crucial for safeguarding human health during disasters like the COVID-19 pandemic. This article focuses on the impact of force majeure provisions and commercial issues on the legal consequences related to health in Iraq. This study examines the impact of public health emergencies on force majeure provisions, commercial issues, and health legal ramifications in Iraq. The researchers collect data through surveys administered by the health department in Iraq. The researchers employed SPSS-AMOS software to analyse the reliability of the data and the relationships between variables. The results indicate that force majeure provisions and commercial issues have a favourable influence on the legal consequences related to health in Iraq. The study findings indicate that the public health emergency in Iraq has a significant impact on force majeure provisions, commercial issues, and health legal ramifications. This article assists regulators in formulating policies to address the legal implications of force majeure provisions and resolving commercial concerns to ensure public health.

Keywords: Force Majeure Provisions, Commercial Issues, Health Legal Ramifications, Public Health Emergency.

1. Introduction

The interaction between unforeseen events, contractual obligations, and public health emergencies has gained significant importance in the complex realm of global trade. Iraq is currently facing legal, economic, and health issues (Ibrahim et al., 2021). This study aims to examine the intricate dynamics of force majeure clauses and commercial issues

¹ Privet law Assist. Prof ,faculty of Law - University of Basaq Iraq.

Email: itidal.yousif@uobasrah.edu.iq

² Special law Assist. Prof Dr. , faculty of Law - University of Basra Iraq.

Email: khaled.ibraheem@uobasrah.edu.iq

in relation to their legal consequences for health, particularly focusing on factors that moderate the severity of public health emergencies in Iraq. Iraq has encountered various challenges in recent years. The nation has been concurrently managing geopolitical instability, economic fluctuations, and advancements and recuperation. In light of the region's turbulent history and current global health challenges, it is imperative to comprehensively comprehend the interplay between legal frameworks and health considerations (Zhang & Trinh, 2023).

Contracts often incorporate force majeure provisions to address unforeseen events (Zghama et al., 2021). Force majeure clauses typically excuse a party from fulfilling their contractual obligations in situations beyond their control. However, the application of force majeure in the context of health emergencies such as the COVID-19 pandemic becomes significantly more complex. Businesses in the region need to understand the interplay between legal tools, commercial interests, and health considerations in Iraq. According to Radhi (2021), the civil law system in Iraq is primarily responsible for regulating the concept of force majeure. The Iraqi Civil Code acknowledges the concept of performance difficulty caused by external factors.

However, contracts that contain force majeure clauses should be subject to thorough examination (Kiraz & Üstün, 2020). Drummer and Neumann (2020) emphasise the importance of assessing force majeure clauses in commercial agreements, considering cultural variations, local legal complexities, and the dynamic nature of the legal environment. Understanding the legal consequences of force majeure is crucial for domestic and foreign businesses as Iraq seeks to attract foreign investment and stimulate economic growth (Whittaker, 2022). This study seeks to provide a comprehensive understanding of the legal framework pertaining to force majeure in Iraq through an analysis of historical cases, legislative advancements, and judicial precedents.

This research focuses on the interplay between commercial matters and legal consequences pertaining to health. The COVID-19 pandemic has exposed weaknesses in global healthcare systems as well as disrupted contractual obligations and supply chains. The healthcare system in Iraq has faced significant challenges, leading to a critical examination of the connection between business contracts and health concerns (Greer, de Ruijter, & Brooks, 2021). This study aims to examine the impact of economic challenges on the healthcare sector in Iraq as well as the potential influence of health emergencies on the ability to meet contractual obligations. This study aims to provide practical insights on the challenges faced by stakeholders in managing the convergence of commercial difficulties and health law implications. We will achieve this by analysing case studies, conducting surveys among businesses, and interviewing legal professionals.

This study focuses on examining how the severity of public health emergencies affects the impact of force majeure clauses and commercial issues on health legal consequences. The severity of a health crisis, whether it is a local or global pandemic, can significantly impact contractual relationships and have legal implications (Richter & Wilson, 2020). Iraq's experience with public health events, including the COVID-19 pandemic and other infectious diseases, offers a unique perspective for assessing these mitigating factors. This study seeks to enhance understanding of how legal frameworks should adapt to varying levels of crisis severity by classifying health emergencies and their impact on business operations.

This comprehensive study aims to clarify the intricate dynamics of force majeure clauses, business matters, and health law implications in the context of Iraq. The study aims to analyse the legal and historical framework governing the development, interpretation, and application of force majeure clauses in contracts in Iraq. Second, the study seeks to elucidate the intricate relationship between commercial challenges and legal implications in the healthcare sector by analysing how commercial issues impact healthcare and vice versa. Moreover, this study aims to make a unique contribution by examining how the severity of public health emergencies affects contractual responsibilities and legal consequences. It also involves categorising and assessing the impacts of various health crises.

Furthermore, the objectives of the study extend beyond academic research. They aim to enhance public health in Iraq, guide business strategies, and provide insights for legal frameworks. These objectives collectively contribute to a more comprehensive comprehension of the intricate interplay between law, commerce, and health in an evolving socioeconomic context.

This research aims to conduct a comprehensive analysis of force majeure clauses, commercial matters, and health-related legal implications in the specific context of Iraq. However, it is essential to acknowledge that there are still certain areas within this scope that remain unaddressed. The presence of confidentiality restrictions may pose challenges in accessing a diverse array of legal documents and contracts, thereby potentially constraining the breadth of the legal study. In addition, it is important to consider that the use of a quantitative survey in the study may introduce biases or incomplete responses, which could limit the comprehensiveness of the empirical data collected. Furthermore, the generalizability of the research findings to other legal systems and geopolitical contexts is constrained due to its primary emphasis on Iraq. In the subsequent sections of this study, we will explore the pertinent literature, outline the research methodology, and perform a comprehensive empirical analysis to evaluate the proposed hypotheses.

2. Literature Review

In the intricate context of Iraq, the level of detail in force majeure clauses within contracts seems to play a critical role in determining positive outcomes for legal consequences related to health. This specialisation provides an advanced framework for effectively addressing the complex issues arising from geopolitical instability, recurring health crises, and managing contractual obligations. The historical events in Iraq, characterised by conflicts and occurrences of public health crises, highlight the importance of incorporating force majeure clauses that can effectively govern business and legal actions in response to unforeseen circumstances (Kiraz & Üstün, 2020). In Iraq, the civil law system necessitates a meticulous examination of contractual language.

In a legal landscape characterised by uncertainty, the inclusion of explicit force majeure clauses offers a glimmer of optimism. The current COVID-19 pandemic highlights the importance of accurately identifying the causes of unforeseeable events in global health emergencies, showcasing the dynamic nature of such situations (Ma et al., 2023). According to a study by Harrasi (2023), incorporating contractual language that specifically addresses infectious disease outbreaks or public health emergencies can be a

useful mechanism. This provision provides legal authorities and contracting parties with a solid foundation for accurately interpreting and enforcing force majeure provisions.

The inclusion of specific details in force majeure clauses has a positive impact on both legal interpretation and the dynamics of public health and economic relationships (Januarita & Sumiyati, 2021). Businesses can enhance their ability to manage and mitigate risks arising from unexpected events by ensuring that the language used in contracts is unambiguous (Casady & Baxter, 2020). The dynamic interaction between legal ramifications related to health and commercial issues is the reason for this. Firms can modify their risk management strategies to incorporate unforeseen events, such as pandemics or public health emergencies, that are explicitly classified as force majeure events in contractual agreements.

This measure contributes to the maintenance of resilience in critical sectors, such as healthcare. Moreover, the inclusion of specific force majeure clauses promotes a culture of openness and cooperation within the company (Qerimi & Sergi, 2021). Salami, Ajayi, and Oyegoke (2023) argue that when parties to a contract have clear guidelines in place for force majeure incidents, they are more equipped to handle disruptions in a cooperative manner and focus on resolving issues rather than engaging in protracted legal disputes. The cooperative approach is particularly crucial in the health sector, as it requires timely and well-coordinated responses during emergencies to ensure the continued delivery of essential services and minimise legal complications that could impede necessary actions.

In Iraq, the health system is confronted with persistent challenges due to limited resources and the destruction caused by war. This highlights the notable benefits of specific force majeure clauses in terms of legal consequences related to health. The flexibility of contractual frameworks is necessary due to the unique geopolitical and health conditions of the region. Including specific force majeure clauses enables a more deliberate approach to addressing these issues (Alfadil et al., 2022). Companies and healthcare providers possess enhanced capabilities to manage disruptions, thereby ensuring the uninterrupted provision of essential services and enhancing the overall resilience of the system (Yoon et al., 2022).

According to Jovanović et al. (2020), the level of detail in force majeure clauses is crucial for shaping the legal and commercial environment during unforeseen disasters and public health emergencies. This is particularly relevant for Iraq as it strives to achieve economic development and health resilience. The inclusion of precise contractual language has multiple benefits, including enhancing legal interpretations and fostering a business environment characterised by transparency, resilience, and cooperation (Kirli et al., 2022). The level of detail and precision in force majeure clauses is essential in providing guidance for legal, commercial, and health-related actions during periods of crisis. This ultimately contributes to enhancing Iraq's overall socioeconomic stability. Therefore, we propose a hypothesis that,

H1: *Specificity of force majeure provisions positively impact the health legal ramifications.*

The significant harm that economic downturns and business operations disruptions can do to the country's healthcare system serves as evidence of the complex relationship between commercial matters and legal implications for health in Iraq. Iraq has a complex history characterised by armed conflicts, economic challenges, and persistent health

issues. Consequently, the country faces unique challenges in reconciling business interests with the imperative of safeguarding public health through the establishment of legislative frameworks. Liu, Lee, and Lee (2020) argue that economic downturns and supply chain disruptions pose significant challenges in the healthcare sector, leading to negative legal consequences. The negative impact of commercial issues on the healthcare system primarily arises from its vulnerability to disruptions in the procurement of essential medical supplies, medications, and equipment (Filip et al., 2022).

The healthcare system in Iraq is highly susceptible to the secondary effects of disruptions in international supply chains due to conflicts and limited resources. According to a study by Kaye et al. (2021), economic difficulties can exacerbate these vulnerabilities by delaying the prompt provision of necessary resources and jeopardizing the ability of healthcare professionals to provide high-quality care. Contractual relationships in the healthcare industry are susceptible to breakdowns and legal disputes due to the pressures imposed by business concerns. These issues have negative consequences for health and can lead to legal ramifications (Khalafallah, Soliman, & Alrasheed, 2022).

According to Thukral (2021), economic challenges resulting from commercial issues have adverse effects on public resources, thereby impeding the government's ability to fund and sustain public health programmes. The unstable economy of Iraq makes it difficult to implement effective public health initiatives because the country's healthcare system is so heavily dependent on government funding (Al-Hamadani, Jaff, & Edwards, 2019). The potential risk to public health arises from the possible threat to adequate funding for health facilities, educational programmes, and preventive care. The allocation of resources among conflicting agendas, negotiation of contractual responsibilities, and response to commercial challenges pose significant challenges for the government and health institutions (Ramírez de la Cruz et al., 2020). The economic strain exacerbates the legal consequences. Therefore, we propose a hypothesis that,

H2: *Commercial issues negatively impact the health legal ramifications.*

The level of severity of a public health emergency is important in managing the intricate relationship between force majeure clauses and legal consequences related to health in Iraq. This dynamic exchange occurs within a country that is simultaneously dealing with persistent health crises, intricate geopolitical dynamics, and historical challenges. Public health emergencies of varying severity can act as catalysts, impacting the functioning of force majeure clauses and their implications within the legal framework governing healthcare contracts (Mahammed, 2020). Kiraz and Üstün (2020) argue that force majeure clauses are significant in contracts during times of severe public health emergencies, such as the COVID-19 pandemic. They offer legal safeguards to businesses against unforeseen disruptions that are not commonly encountered. The application and interpretation of force majeure clauses, designed to address unforeseen and uncontrollable events that hinder contractual performance, are influenced by the severity of the health issue (Chadee et al., 2023). Businesses are more inclined to utilise force majeure clauses to address challenges arising from supply chain disruptions, economic downturns, and heightened health risks during periods of more severe public health emergencies.

The magnitude of a public health crisis is intricately linked to the legal ramifications of force majeure clauses. When interpreting and implementing these regulations, it is important to consider contractual obligations, public health mandates, and the broader socioeconomic context (Beardwood, 2020). In instances where significant public health crises arise and companies face substantial challenges in fulfilling contractual obligations, the legal system becomes a contentious arena for determining the validity of force majeure claims and their associated consequences (Finkenstadt & Handfield, 2021). The legal response to the severity of a situation emphasises the importance of having flexible and clear force majeure clauses. This also enhances the complexity of commercial relationships (Kiraz & Üstün, 2020).

Moreover, the magnitude of the public health crisis has implications for the regulatory framework, thereby influencing the Iraqi legal system's approach to force majeure regulations. In response to heightened health concerns, governments may enact emergency protocols and regulations that could affect the implementation and enforcement of force majeure provisions. The probability of regulatory authorities recognising force majeure claims and establishing legal structures to address the challenges faced by companies in meeting their contractual obligations during emergencies rises in correlation with the seriousness of the public health crisis (Alfadil et al., 2022). Ensuring legal certainty and achieving a harmonious balance between contractual obligations and public health priorities necessitates the alignment of regulatory frameworks with the gravity of the health concern (Parish et al., 2020). Therefore, we propose that,

H3: *Public health emergency severity moderates the relationship between force majeure provisions and health legal ramifications.*

The severity of a public health emergency is a significant moderating factor in the intricate relationship between commercial matters and the legal consequences related to health in Iraq. The dynamic interplay described is significant for a nation marked by ongoing health crises, geopolitical challenges, and historical issues. Emergencies pertaining to public health, ranging from localised incidents to global pandemics, significantly affect the interplay between business and public health. This dynamic influences the legal consequences for both companies and medical establishments (Zhang et al., 2020). The level of severity of a public health emergency plays a significant role in determining the emergence of commercial issues and their impact on the legal consequences for public health. In times of significant severity, such as a pandemic like COVID-19, the healthcare industry experiences heightened stress and increased demands, rendering it more susceptible to disruptions in its business operations (Assefa et al., 2022).

The interconnectedness of supply chains, economic downturns, and market volatility becomes more obvious in times of serious public health crises, such as the one Iraq is currently experiencing. This interdependence poses considerable challenges when it comes to procuring essential medical supplies, medications, and equipment (Raj et al., 2022). The legal consequences of commercial concerns in public health emergencies are dependent on the severity of the crisis. The interpretation and application of force majeure clauses in contractual relationships necessitate careful attention (Beardwood, 2020). In exceptional public health circumstances, businesses may be compelled to invoke force majeure clauses due to unforeseen disruptions. The

situation can lead to legal complications that require a thorough evaluation of contractual obligations, public health priorities, and the broader socio-economic context. When considering the legitimacy of force majeure claims and the consequences that follow, which have a significant impact on the severity of the public health emergency (Al-Hamadani et al., 2019), the legal issues become more complex.

Additionally, the extent of a public health emergency influences the regulatory framework and legal response to commercial matters in Iraq. According to Salami et al. (2023), governments may adopt emergency measures and regulations to mitigate the heightened health concerns, which could involve imposing restrictions on trade, commerce, and commercial activities. The severity of a public health emergency influences the extent and rigour of regulatory actions taken, which in turn impacts the legal framework governing company activities (Assefa et al., 2022). To mitigate the negative impact of commercial interests on public health outcomes, it is imperative to align regulatory frameworks with the gravity of the health crisis.

Alfadil et al. (2022) state that commercial organisations and public health institutions need to make adaptive responses to public health emergencies of varying severity levels in their contractual agreements. During critical emergencies, businesses may exhibit a greater willingness to collaborate in order to prioritise health imperatives, develop healthcare infrastructure, and maintain rigorous health and safety protocols (Zghama et al., 2021). The gravity of the public health situation prompts the development of innovative contractual arrangements that balance financial considerations with the urgent need for prompt and effective public health interventions. Therefore, we say that,

H4: *Public health emergency severity moderates the relationship between commercial issues and health legal ramifications.*

3. Research Methodology

This article examines the effects of force majeure provisions and commercial matters on the legal consequences related to health. It also evaluates the mitigating influence of public health emergencies on the relationship between force majeure provisions, commercial issues, and health-related legal ramifications in Iraq. The researchers collect data through surveys administered by the health department in Iraq. The constructs were assessed using the questions in the article. For example, the evaluation of force majeure provisions involves the consideration of seven questions (Sherman, 2021), while commercial issues are assessed using six questions (DelBene, Scheld, & Bilkovic, 2021). The assessment of health legal ramifications involves eight questions (Lipshie-Williams, 2020), and public health emergency situations are evaluated based on five questions (Mullen et al., 2020).

The respondents for this study were selected from the employees of the health department. The surveys were distributed to the officials through in-person visits. The researchers distributed approximately 555 surveys, out of which only 302 valid responses were received. The response rate of these responses is approximately 54.41 percent. Furthermore, the researchers employed the SPSS-AMOS software to assess the reliability of the data and examine the relationships between variables. This software is highly effective in managing primary data and yields optimal results through the utilisation of sophisticated models (Hair, Howard, & Nitzl, 2020). The study employed two independent variables, namely force majeure provisions (FMP) and commercial

issues (CI). Additionally, the study examined one dependent variable called health legal ramifications (HLR) and one moderating variable, specifically public health emergency situations (PHES). The information presented in Figure 1 is provided.

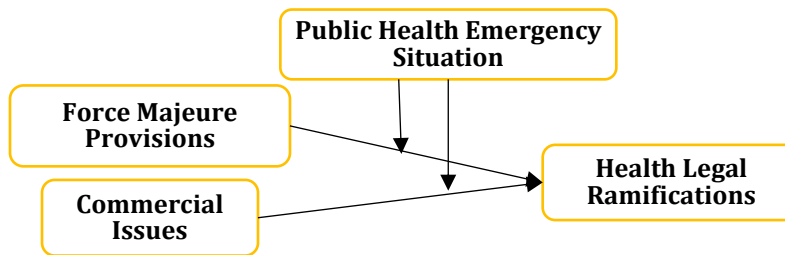


Figure 1: Research Framework.

4. Research Findings

This article investigates the relationship between items using composite reliability (CR) and emphasises the importance of values exceeding 0.70. Furthermore, the factor loadings were assessed in conjunction with the average variance extracted (AVE), and the obtained values exceeded 0.50. Finally, the data is analysed using MSV and ASV, both of which yield values lower than the AVE. These values indicate a strong correlation among the items. The results are presented in Table 1.

Table 1: Convergent Validity.

Variables		Items	Loadings	CR	AVE	MSV	ASV	
Force Majeure Provisions	FMP1	<---	FMP	0.997	0.946	0.719	0.070	0.042
	FMP2	<---	FMP	0.722				
	FMP3	<---	FMP	0.740				
	FMP4	<---	FMP	0.986				
	FMP5	<---	FMP	0.752				
	FMP6	<---	FMP	0.973				
	FMP7	<---	FMP	0.695				
Commercial Issues	CI1	<---	CI	0.834	0.907	0.621	0.402	0.365
	CI2	<---	CI	0.854				
	CI3	<---	CI	0.795				
	CI4	<---	CI	0.821				
	CI5	<---	CI	0.709				
	CI6	<---	CI	0.702				
Public Health Emergency Situation	PHES1	<---	PHES	0.997	0.970	0.870	0.702	0.312
	PHES2	<---	PHES	0.996				
	PHES3	<---	PHES	0.991				
	PHES4	<---	PHES	0.632				
	PHES5	<---	PHES	0.992				
Health Legal Ramifications	HLR1	<---	HLR	0.537	0.905	0.547	0.321	0.187
	HLR2	<---	HLR	0.827				
	HLR3	<---	HLR	0.602				
	HLR4	<---	HLR	0.786				
	HLR5	<---	HLR	0.787				
	HLR6	<---	HLR	0.806				
	HLR7	<---	HLR	0.785				
	HLR8	<---	HLR	0.736				

This article examines the relationship between variables using the Fornell-Larcker criterion, and it is observed that the first value in the column is greater than the other values. The observed values indicate a weak correlation between the variables. The results are presented in Table 2.

Table 2: Discriminant Validity.

	PHES	FMP	CI	HLR
PHES	0.933			
FMP	0.158	0.848		
CI	0.838	0.265	0.788	
HLR	0.458	0.176	0.567	0.740

This article investigates the effectiveness of the fitness model by analysing its TLI and CFI values, both of which exceed 0.90. Additionally, the RMSEA value is found to be less than 0.05. These values indicate that the model is a good fit. The results are presented in Table 3.

Table 3: Model Good Fitness.

Selected Indices	Result	Acceptable level of fit
TLI	0.977	TLI > 0.90
CFI	0.982	CFI > 0.90
RMSEA	0.002	RMSEA < 0.05 good; 0.05 to 0.10 acceptable

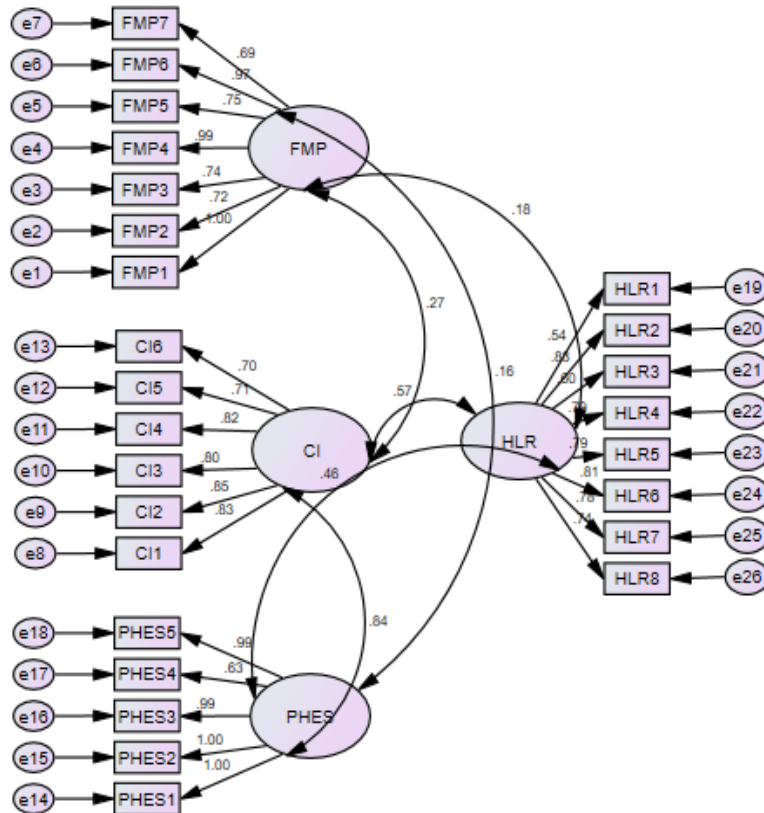


Figure 2: Measurement Assessment Model.

The results indicate that the inclusion of force majeure provisions and consideration of commercial issues have a favourable influence on the legal consequences related to health in Iraq, supporting hypotheses H1 and H2. The results

indicate that the public health emergency has a significant impact on force majeure provisions, commercial issues, and health legal ramifications in Iraq, supporting hypotheses H3 and H4. The results are presented in Table 4.

Table 4: Path analysis.

	Relationships	Beta	S.E.	C.R.	P
Health Legal Ramifications	<--- Public Health Emergency Situation	0.264	0.034	7.655	0.000
Health Legal Ramifications	<--- Force Majeure Provisions	0.192	0.039	4.886	0.000
Health Legal Ramifications	<--- Commercial Issues	0.326	0.042	7.815	0.000
Health Legal Ramifications	<--- FMP x PHES	0.070	0.007	9.731	0.000
Health Legal Ramifications	<--- CI x PHES	0.024	0.006	3.792	0.000

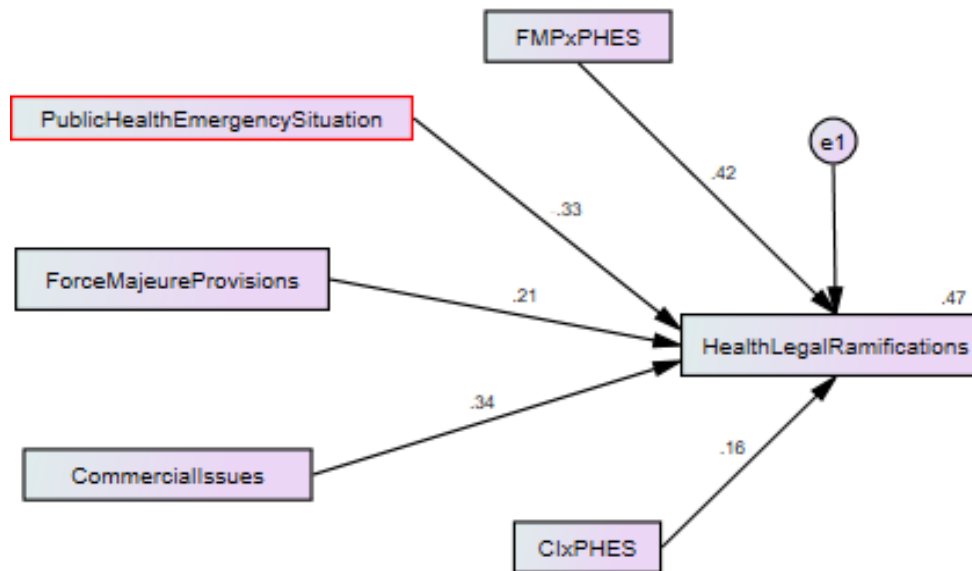


Figure 3: Structural Assessment Model.

5. Discussions

This study provides a comprehensive analysis of the complex interplay between law, commerce, and public health in Iraq. The country of Iraq provides a distinct setting for examining the intricate relationship between force majeure clauses, commercial matters, and the legal consequences related to health. The severity of the public health emergency acts as a moderating factor in this analysis. Iraq is a nation characterised by historical challenges and persistent public health issues (Ibrahim et al., 2021). This research investigates various aspects of the complex interaction, shedding light on the challenges and opportunities that arise within the legal and economic environment of Iraq. Force majeure clauses are crucial components of contracts as they offer legal remedies for unanticipated events that hinder the fulfilment of contractual obligations. This paper recognises the significant importance of force majeure within the legal framework of Iraq, specifically in relation to public health emergencies of varying degrees of severity.

During times of heightened public health emergencies, businesses in Iraq may encounter challenges in their supply chain, experience economic downturns, and face an increased risk of health hazards. The studies conducted by Salami et al. (2023) and Harrasi (2023) indicate that the severity of public health crises significantly influences the timing and interpretation of force majeure clauses. During times of escalating crises, companies engage in an assessment of their circumstances to determine the applicability of force majeure provisions. They seek legal assistance to navigate challenges and proactively prepare for unforeseen events (Qerimi & Sergi, 2021).

The intricate interplay between Iraq's commercial landscape, geopolitical complexities, and economic issues complicates the study's investigation. The report recognises the substantial impact of commercial activity disruptions, such as supply chain challenges and economic downturns, on the healthcare sector. According to Liu et al. (2020), the presence of commercial interests further exacerbates the vulnerability of the hospital system in a country that already faces ongoing challenges such as resource shortages and war-related devastation in its healthcare infrastructure. The report suggests that economic challenges faced by businesses could potentially strain public resources, thereby limiting the government's capacity to finance and sustain public health initiatives. This study investigates the correlation between commercial matters and legal consequences for health, specifically focusing on the impact of economic challenges on public health outcomes in Iraq. The economic consequences of commercial issues may hinder the nation's ability to effectively tackle health challenges and implement robust public health initiatives (Filip et al., 2022). From a legal perspective, business disruptions can lead to breaches of contracts, which in turn can lead to legal disputes. These disputes require a delicate balance between honouring contractual obligations and considering the broader public health interest.

In this analysis, the impact of public health emergencies on force majeure clauses and commercial matters is recognised as a significant moderating factor. According to Alfadil et al. (2022) and Assefa et al. (2022), the nature and scope of disruptions that businesses experience are dependent on the seriousness of a public health crisis. The report suggests that businesses are inclined to utilise force majeure clauses to address challenges arising from supply chain disruptions, economic downturns, and heightened health risks during more severe public health emergencies. The legal response to the severity of a situation emphasises the importance of having flexible and clear force majeure clauses, which in turn enhances the complexity of commercial relationships. Moreover, this study examines the regulatory framework governing commercial activities in Iraq and its influence on the relationship between commercial issues and legal consequences related to health. The paper recognises that regulatory measures implemented during significant public health emergencies can serve as a basis for legislation that considers the challenges faced by companies in fulfilling their contractual obligations during emergency situations.

6. Implications

The study has numerous and wide-ranging implications. The findings emphasise the significance of companies and legislators creating contracts that include explicit and adaptable force majeure clauses, specifically tailored to address the challenges posed by public health crises. During periods of crisis, it is imperative that contract

language be unambiguous to effectively address legal challenges. This study emphasises the importance of implementing a robust regulatory framework that aligns with the gravity of public health emergencies. This measure would ensure that companies operate in a responsible manner while upholding public health priorities. Furthermore, the implications underscore the importance of collaborative efforts between private corporations and public health institutions, especially during severe health crises, to foster innovative contractual agreements that prioritise health priorities. The article assists regulators in formulating policies to address the legal implications of force majeure provisions and resolving commercial concerns to achieve health-related objectives.

7. Limitations

Although the study offers valuable insights, it is important to acknowledge its inherent limitations. The generalizability of the study may be limited because different sectors and regions in Iraq may have unique dynamics related to force majeure provisions and economic considerations. Additionally, it is important to consider that the study primarily examines legal and financial aspects, potentially overlooking the influence of minor cultural or socio-political factors that could impact contractual agreements during public health emergencies. The findings of the study are contingent upon the assumption that regulatory authorities and businesses faithfully comply with the terms and intentions outlined in contracts and regulations. However, it is important to acknowledge that these documents may not always accurately capture the intricate complexities of real-world circumstances.

References

- Al-Hamadani, A. S., Jaff, D., & Edwards, M. (2019). The factors impeding health system reform in Iraqi Kurdistan region. *Medicine, Conflict and Survival*, 35(1), 80-102. <https://doi.org/10.1080/13623699.2018.1552239>
- Alfadil, M. O., Kassem, M. A., Ali, K. N., & Alaghbari, W. (2022). Construction Industry from Perspective of Force Majeure and Environmental Risk Compared to the COVID-19 Outbreak: A Systematic Literature Review. *Sustainability*, 14(3), 1135. <https://doi.org/10.3390/su14031135>
- Assefa, Y., Gilks, C. F., Reid, S., van de Pas, R., Gete, D. G., & Van Damme, W. (2022). Analysis of the COVID-19 pandemic: lessons towards a more effective response to public health emergencies. *Globalization and Health*, 18(1), 10. <https://doi.org/10.1186/s12992-022-00805-9>
- Beardwood, J. (2020). COVID 19 and Force Majeure/Extraordinary Event Clauses: It's Time to Dust Them Off. *An analysis of scope, limits and potential of FME Clauses as contractual tool*, 21(4), 97-102. <https://doi.org/10.9785/cr-2020-210402>
- Casady, C. B., & Baxter, D. (2020). Pandemics, public-private partnerships (PPPs), and force majeure | COVID-19 expectations and implications. *Construction Management and Economics*, 38(12), 1077-1085. <https://doi.org/10.1080/01446193.2020.1817516>
- Chadee, A. A., Gallage, S., Martin, H. H., Rathnayake, U., Ray, I., Kumar, B., & Sihag, P. (2023). Minimizing Liability of the COVID-19 Pandemic on Construction Contracts—A Structural Equation Model for Risk Mitigation of Force Majeure Impacts. *Buildings*, 13(1), 70. <https://doi.org/10.3390/buildings13010070>

- DelBene, J. A., Scheld, A. M., & Bilkovic, D. M. (2021). Preferences for derelict gear mitigation strategies by commercial fishers. *Marine Policy*, 132, 104662. <https://doi.org/10.1016/j.marpol.2021.104662>
- Drummer, D., & Neumann, D. (2020). Is code law? Current legal and technical adoption issues and remedies for blockchain-enabled smart contracts. *Journal of Information Technology*, 35(4), 337-360. <https://doi.org/10.1177/0268396220924669>
- Filip, R., Gheorghita Puscaselu, R., Anchidin-Norocel, L., Dimian, M., & Savage, W. K. (2022). Global Challenges to Public Health Care Systems during the COVID-19 Pandemic: A Review of Pandemic Measures and Problems. *Journal of Personalized Medicine*, 12(8), 1295. <https://doi.org/10.3390/jpm12081295>
- Finkenstadt, D. J., & Handfield, R. (2021). Blurry vision: Supply chain visibility for personal protective equipment during COVID-19. *Journal of Purchasing and Supply Management*, 27(3), 100689. <https://doi.org/10.1016/j.pursup.2021.100689>
- Greer, S. L., de Ruijter, A., & Brooks, E. (2021). The COVID-19 Pandemic: Failing Forward in Public Health. In M. Riddervold, J. Trondal, & A. Newsome (Eds.), *The Palgrave Handbook of EU Crises* (pp. 747-764). Springer International Publishing. https://doi.org/10.1007/978-3-030-51791-5_44
- Hair, J. F., Howard, M. C., & Nitzl, C. (2020). Assessing measurement model quality in PLS-SEM using confirmatory composite analysis. *Journal of Business Research*, 109, 101-110. <https://doi.org/10.1016/j.jbusres.2019.11.069>
- Harrasi, S. (2023). A New Approach to Contracts Breached by COVID-19. In M. Andenas & M. Heidemann (Eds.), *Quo vadis Commercial Contract? Reflections on Sustainability, Ethics and Technology in the Emerging Law and Practice of Global Commerce* (pp. 209-232). Springer International Publishing. https://doi.org/10.1007/978-3-031-14105-8_8
- Ibrahim, S., Al-Dahir, S., Al Mulla, T., Lami, F., Hossain, S. M. M., Baqui, A., & Burnham, G. (2021). Resilience of health systems in conflict affected governorates of Iraq, 2014–2018. *Conflict and Health*, 15(1), 76. <https://doi.org/10.1186/s13031-021-00412-2>
- Januarita, R., & Sumiyati, Y. (2021). Legal risk management: Can the COVID-19 pandemic be included as a force majeure clause in a contract? *International Journal of Law and Management*, 63(2), 219-238. <https://doi.org/10.1108/IJLMA-05-2020-0140>
- Jovanović, A., Klimek, P., Renn, O., Schneider, R., Øien, K., Brown, J., DiGennaro, M., Liu, Y., Pfau, V., Jelić, M., Rosen, T., Caillard, B., Chakravarty, S., & Chhantyal, P. (2020). Assessing resilience of healthcare infrastructure exposed to COVID-19: emerging risks, resilience indicators, interdependencies and international standards. *Environment Systems and Decisions*, 40(2), 252-286. <https://doi.org/10.1007/s10669-020-09779-8>
- Kaye, A. D., Okeagu, C. N., Pham, A. D., Silva, R. A., Hurley, J. J., Arron, B. L., Sarfraz, N., Lee, H. N., Ghali, G. E., Gamble, J. W., Liu, H., Urman, R. D., & Cornett, E. M. (2021). Economic impact of COVID-19 pandemic on healthcare facilities and systems: International perspectives. *Best Practice & Research Clinical Anaesthesiology*, 35(3), 293-306. <https://doi.org/10.1016/j.bpa.2020.11.009>
- Khalafallah, A., Soliman, E., & Alrasheed, K. (2022). Impacts of covid-19 on the middle east construction industry. *Journal of Engineering Research*, 10(3B), 34-58. <https://doi.org/10.36909/jer.14823>
- Kiraz, Ş. E., & Üstün, E. Y. (2020). COVID-19 and force majeure clauses: an examination of arbitral tribunal's awards. *Uniform Law Review*, 25(4), 437-465. <https://doi.org/10.1093/ulr/unaa027>

- Kirli, D., Couraud, B., Robu, V., Salgado-Bravo, M., Norbu, S., Andoni, M., Antonopoulos, I., Negrete-Pincetic, M., Flynn, D., & Kiprakis, A. (2022). Smart contracts in energy systems: A systematic review of fundamental approaches and implementations. *Renewable and Sustainable Energy Reviews*, 158, 112013. <https://doi.org/10.1016/j.rser.2021.112013>
- Lipshie-Williams, M. (2020). The peculiar case of the Standards of Care: Ethical ramifications of deviating from informed consent in transgender-specific healthcare. *Ethics, Medicine and Public Health*, 13, 100470. <https://doi.org/10.1016/j.jemep.2020.100470>
- Liu, Y., Lee, J. M., & Lee, C. (2020). The challenges and opportunities of a global health crisis: the management and business implications of COVID-19 from an Asian perspective. *Asian Business & Management*, 19(3), 277-297. <https://doi.org/10.1057/s41291-020-00119-x>
- Ma, X., Xiang, Y., Qin, C., Liang, H., & Liu, D. (2023). How technology, organization and environment affected open government data during COVID-19: the moderating role of pandemic severity. *The Electronic Library*. <https://doi.org/10.1108/EL-06-2023-0155>
- Mahammed, M. A. (2020). Analysis of Covid-19 lockdown policy impact by the government of the country on the economic sector and signing of working relationships (Layoffs). *International Journal of Law Reconstruction*, 4(1), 44-54. <http://dx.doi.org/10.26532/ijlr.v4i1.10942>
- Mullen, L., Potter, C., Gostin, L. O., Cicero, A., & Nuzzo, J. B. (2020). An analysis of International Health Regulations Emergency Committees and Public Health Emergency of International Concern Designations. *BMJ Global Health*, 5(6), e002502. <https://doi.org/10.1136/bmjgh-2020-002502>
- Parish, S. T., Aschner, M., Casey, W., Corvaro, M., Embry, M. R., Fitzpatrick, S., Kidd, D., Kleinstreuer, N. C., Lima, B. S., Settivari, R. S., Wolf, D. C., Yamazaki, D., & Boobis, A. (2020). An evaluation framework for new approach methodologies (NAMs) for human health safety assessment. *Regulatory Toxicology and Pharmacology*, 112, 104592. <https://doi.org/10.1016/j.yrtph.2020.104592>
- Qerimi, Q., & Sergi, B. S. (2021). Let's lessen conditionality in times of force majeure events. The archaic righteousness of the policy of conditionality of international Institutions amid COVID-19. *Research in International Business and Finance*, 58, 101459. <https://doi.org/10.1016/j.ribaf.2021.101459>
- Radhi, H. D. A. (2021). The legal nature of the COVID-19 pandemic and its impact on contractual obligations applied in human rights. *International Journal of Human Rights in Healthcare*. <https://doi.org/10.1108/IJHRH-04-2021-0107>
- Raj, A., Mukherjee, A. A., de Sousa Jabbour, A. B. L., & Srivastava, S. K. (2022). Supply chain management during and post-COVID-19 pandemic: Mitigation strategies and practical lessons learned. *Journal of Business Research*, 142, 1125-1139. <https://doi.org/10.1016/j.jbusres.2022.01.037>
- Ramírez de la Cruz, E. E., Grin, E. J., Sanabria-Pulido, P., Cravacuore, D., & Orellana, A. (2020). The Transaction Costs of Government Responses to the COVID-19 Emergency in Latin America. *Public Administration Review*, 80(4), 683-695. <https://doi.org/10.1111/puar.13259>
- Richter, A., & Wilson, T. C. (2020). Covid-19: implications for insurer risk management and the insurability of pandemic risk. *The Geneva Risk and Insurance Review*, 45(2), 171-199. <https://doi.org/10.1057/s10713-020-00054-z>

- Salami, B. A., Ajayi, S. O., & Oyegoke, A. S. (2023). Tackling the impacts of Covid-19 on construction projects: an exploration of contractual dispute avoidance measures adopted by construction firms. *International Journal of Construction Management*, 23(7), 1196-1204. <https://doi.org/10.1080/15623599.2021.1963561>
- Sherman, J. F. (2021). Irresponsible Exit: Exercising Force Majeure Provisions in Procurement Contracts. *Business and Human Rights Journal*, 6(1), 127-134. <https://doi.org/10.1017/bhj.2020.27>
- Thukral, E. (2021). COVID-19: Small and medium enterprises challenges and responses with creativity, innovation, and entrepreneurship. *Strategic Change*, 30(2), 153-158. <https://doi.org/10.1002/jsc.2399>
- Whittaker, N. (2022). Popular geopolitics and political memoir: Geopolitical expertise and force majeure as foreign policy justifications in Tony Blair's A Journey. *Political Geography*, 98, 102696. <https://doi.org/10.1016/j.polgeo.2022.102696>
- Yoon, S., Goh, H., Chan, A., Malhotra, R., Visaria, A., Matchar, D., Lum, E., Seng, B., Ramakrishnan, C., Quah, S., Koh, M. S., Tiew, P. Y., Bee, Y. M., Abdullah, H., Nadarajan, G. D., Graves, N., Jafar, T., & Ong, M. E. H. (2022). Spillover Effects of COVID-19 on Essential Chronic Care and Ways to Foster Health System Resilience to Support Vulnerable Non-COVID Patients: A Multistakeholder Study. *Journal of the American Medical Directors Association*, 23(1), 7-14. <https://doi.org/10.1016/j.jamda.2021.11.004>
- Zghama, A., Ziatina, D., Tytska, Y., Atamanova, N., & Matviychuk, L. (2021). Force Majeure Circumstances as the Ground for Release from Economic Liability: The Analysis of Modern European and Ukrainian Approaches. In B. Alareeni, A. Hamdan, & I. Elgedawy (Eds.), *The Importance of New Technologies and Entrepreneurship in Business Development: In The Context of Economic Diversity in Developing Countries* (pp. 919-930). Springer International Publishing. https://doi.org/10.1007/978-3-030-69221-6_71
- Zhang, C., & Trinh, B. T. A. (2023). Navigating Transitions: Governance in East and Southeast Asia. In C. Zhang & B. T. A. Trinh (Eds.), *Governance in Transitional Societies in East and Southeast Asia* (pp. 1-27). Springer Nature Singapore. https://doi.org/10.1007/978-981-99-5306-6_1
- Zhang, L., Zhao, W., Sun, B., Huang, Y., & Glänzel, W. (2020). How scientific research reacts to international public health emergencies: a global analysis of response patterns. *Scientometrics*, 124(1), 747-773. <https://doi.org/10.1007/s11192-020-03531-4>