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Lifting the Parliamentary Immunity of a Member of Parliament in Cases of Flagrant Crime

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ABSTRACT: In its broad sense, the rules of criminal law, whether contained in the Constitution or criminal laws, were established to achieve deterrence. These rules are part of the legal structure that balances public order with the rules regulating the relationship between authorities and rulers. These rules also establish the rights and duties of the governed within the framework of legal protection of individuals' rights from arbitrariness and legislative authorities exceeding the limits of parliamentary immunity.In the same context, contemporary criminal policy has turned to the mechanism of arresting a member of the House of Representatives accused of committing a flagrante delicto because he loses the privilege of procedural immunity as a result of committing the crime. This allows for his immediate removal without the need for permission from the House or its speaker, depending on whether the crime was committed during or outside the legislative term. Thus, this study offers a new perspective that reflects the legal reality of the concept of parliamentary immunity, particularly in terms of its procedural aspects, and the impact of the witnessed crime on the establishment of parliamentary immunity and similar cases.

KEYWORDS: Criminal liability, parliamentary immunity, flagrant offenses, constitutional and legal texts

I. INTRODUCTION

Parliamentary immunity is not a modern principle of constitutional law. Rather, it emerged alongside democracy and has evolved with it. In light of the transformation of the political system, examining constitutional criminal rules has become essential in strengthening the true and clear concept of the rule of law. This concept is embodied in the supremacy of the law, equality before the law in criminal proceedings, and justice in the application of its rules and provisions. This ensures balance in the relationship between the branches of government and safeguards the rights and freedoms of individuals, as well as the guarantees that ensure their realization and protection (Al-Mutairi and Al-Ayyash, 2017: 20).

Similarly, a crime committed by a member of Parliament may be considered flagrant if discovered immediately after its occurrence or shortly thereafter. In such cases, the possibility of error or doubt regarding the attribution of the crime to the perpetrator is minimal, as is the possibility of malicious prosecution. Within the framework of Iraqi law, criminal procedures related to flagrant offenses permit the arrest and search of an accused member of parliament, as well as the search of the location of the crime (whether their residence or workplace) in order to establish the elements of the crime and collect evidence before traces are lost or concealed.

Most European constitutions have adopted this approach. In the Arabic language, a member of the House of Representatives loses his constitutional privilege of procedural parliamentary immunity if he commits a flagrant crime, and the effects of this immunity cease. The constitutional principle that protects representatives from malicious accusations used to prevent their participation in the House's work loses its justification if the criminal act is clearly attributed to the representative in flagrante delicto. In this case, there are no justifications left for the principle of procedural immunity. Most constitutions emphasize that parliamentary immunity does not apply to flagrant crimes, so the representative loses the immunity's protections (Fahmy, 1999: 428).

A. Importance Research:

This study is important because it addresses the issue of lifting parliamentary immunity from a member of parliament in cases of flagrant offenses. This is accomplished by clarifying the recently enacted legal and judicial provisions regarding the removal of parliamentary immunity. Parliamentary immunity is considered one of the most important constitutional and criminal rules related to the work of members of parliament because it protects the independence of parliament from other authorities. It also protects members from threats or harassment by these authorities or individuals.

This guarantee is not absolute, however, but rather restricted, with a framework that must not be exceeded so that members of parliament do not exploit this privilege. One of the most important constitutional and criminal principles is catching a member of parliament in the act of committing a crime. This principle contributes to moving criminal proceedings beyond constitutional criminal procedures, which are restricted by the lifting of parliamentary immunity, and initiating criminal proceedings directly against the accused member of parliament. Thus, it plays an effective role in applying the principle of equality before the law in criminal proceedings.

Therefore, we initiated a discussion on lifting a member of parliament's immunity in the event they are caught committing a crime, as this matter is related to the House of Representatives. A complete understanding of the issue is necessary due to its importance.

B. Research Objectives:

The objective of this study on the lifting of parliamentary immunity for members of parliament in cases of flagrant offenses is to:

1. Clarify the concept of parliamentary immunity for members of parliament.
2. Define the concept of flagrant offenses for members of parliament.
3. Identify the circumstances and reasons for lifting immunity in cases of flagrant offenses.
4. it aims to identify and analyze the constitutional and legal provisions for lifting immunity in cases of flagrant offenses.

C. Research Problem:

The central research problem of this study concerning the lifting of parliamentary immunity from members of parliament in cases of flagrant offenses revolves around the following question: To what extent does parliamentary immunity affect the criminal liability of a member of parliament?

D. Research Methodology:

We will use an inductive and analytical approach to address the aforementioned research problem. Specifically, we will use the inductive method to examine constitutional and criminal jurisprudential opinions and trends and the analytical method to analyze the general principles of criminal law.

E. Research Plan:

This research plan is divided into two sections:

Section One: The Theoretical Framework of Parliamentary Immunity for Members of Parliament in Cases of Flagrant Offenses.

Section Two will cover cases and justifications for lifting immunity in such cases.

II. THEORETICAL FRAMEWORK OF PARLIAMENTARY IMMUNITY FOR MEMBERS OF PARLIAMENT IN CASES OF FLAGRANTE DELICTO

Parliamentary immunity is undoubtedly one of the most important guarantees afforded to members of parliament. There are two types of immunity: substantive (immunity from parliamentary liability) and procedural (immunity from criminal proceedings). Established for the public good, it aims to give members the confidence to speak freely and openly in their official capacity, knowing that their status and future are secure. Consequently, members of parliament are able to perform their duties freely and independently (Interview, 1987: 98).

Although legislators have emphasized the paramount importance of parliamentary immunity, there is a divergence of views among constitutional law scholars regarding it. Some consider it justified, while others view it as an infringement on the principle of equality and a potential shield for criminal activity. Therefore, the theoretical framework of parliamentary immunity for members of parliament in cases of flagrante delicto will be addressed in two sections.

Section One: The Concept of Parliamentary Immunity for a Member of Parliament.

Section Two: The concept of flagrante delicto for members of parliament.

A. The concept of parliamentary immunity for a member of parliament

Parliamentary immunity is one of the most important rights that members of parliament enjoy from the moment they acquire membership and take the constitutional oath. This immunity allows them to carry out their oversight and legislative duties without fear of prosecution for crimes they did not commit, whether due to malicious accusations or defamation arising from their parliamentary work and the exercise of their right to speak and vote. Members of parliament are representatives of the people, who have authorized them to vote and express their opinions. Any restriction on a member is a restriction on the will of the people. If a member is restricted, they cannot confront the executive branch or individuals in court (Al-Khafaji, 2010: 28).

In other words, immunity is established in the public interest to provide the necessary independence so that members can perform their duties objectively and impartially, free from all forms of malicious intent and threats from other authorities. This immunity empowers members of Parliament to fulfill their purpose and provides them with the confidence necessary to hold the government accountable for its shortcomings, should it deviate from its course or abuse its power. Sometimes, a member may perceive a flaw in a draft law or a government deviation, and they are obligated to speak freely and vote accordingly in the name of the nation. The government will certainly not be satisfied with this defect or deviation, so it will work hard to remove the member from the council and hold him accountable. The member will be held responsible in a court of law for everything he said or did. Therefore, without this immunity, the member cannot perform his or her job to the fullest extent (Fahmy, 1999: 458).

This immunity protects him from any civil or criminal penalties for what he says, thinks, or votes on while performing his parliamentary duties. This immunity is a privilege granted to members of parliament during their term in office, not an inherent right (Batikh, 1970: 12). More precisely, it is granted for the benefit of society as a whole and for the progress of representative democracy.

Therefore, one could argue that without substantive immunity, a member of parliament cannot exercise freedom of opinion, debate, or voting rights. They also cannot be held accountable for criminal offenses such as defamation, slander, perjury, or incitement against the government, its policies, or its integrity (Asfour, 1980, p. 199). These negative influences affect the independence of both the member and parliament from other branches of government.

As for constitutional guarantees for members of Parliament, they stipulate that no criminal action may be taken against members except in cases of flagrant offenses. This is only permissible with Parliament's approval and requires its authorization to initiate criminal proceedings against a member. Most, if not all, constitutions include this provision (Hassan, 1968:269). Clearly, the purpose of this immunity is not to protect members from criminal proceedings but rather to obtain the council's approval before legal proceedings are initiated against its members. This does not cancel those proceedings but delays them until the council's approval is obtained. The council's purpose in approving these proceedings is to determine whether the lawsuit filed against the member is valid or malicious. The council also fears that procedures taken against its members will be misused as a means of intimidation, especially when exercising their right to vote against any project, parliamentary oversight, or other matter affecting the government. This also ensures the proper performance of parliamentary functions and the member's complete independence to carry out his work freely while being protected from civil and criminal liability for his words and votes. All of this aims to protect members from arbitrary procedures that may be directed against them.

In short, this guarantee aims to prevent the executive branch and individuals from fabricating crimes against members of parliament to justify their arrest or other criminal action. It also prevents the executive branch from excluding a member from parliamentary sessions, which would hinder their participation in parliamentary work. It also prevents the executive branch from using this immunity to pressure the member to act or refrain from acting according to the executive's directives. Arresting a member would prevent them from participating in Parliament and exercising their right to vote. Furthermore, arrest would leave the member vulnerable to the executive branch, forcing them to comply with its orders, such as attending parliamentary sessions, abstaining from voting, or voting on matters that serve the executive branch's interests (Ibrahim, 2020: 13).

One member of the Egyptian House of Representatives argued that when the legislature enacted this article stipulating parliamentary immunity, it was merely a measure to prevent the government from exerting undue influence over an opposition party when the opposition party might prevail over the government in parliament. Thus, this immunity is indispensable, and one of the most important constitutional principles, without which deputies would be unable to perform their parliamentary duties inside and outside the council.

B. The Concept of Flagrant Offenses for the Prosecutor

The theory of flagrant offenses is of French origin and is known in French as flagrante delicto. It refers to the situation in which a perpetrator is caught in the act of committing a crime. In other words, the crime is witnessed, and the procedural evidence relates to its discovery and legal elements. This depends on either witnessing the crime at the time of its commission or shortly thereafter. Actual witnessing of the crime or close temporal proximity between its discovery and occurrence constitutes flagrancy. Legislators have authorized judicial officers to investigate and preserve evidence of the crime, justifying the perpetrator's arrest and proving their guilt. Malicious intent or error are considered weak possibilities (Al-Sahlani, 2020, p. 8).

Conversely, parliamentary immunity ceases if the member is caught in the act of committing a crime. If a case of being caught in the act is proven, then parliamentary immunity has no status or scope of application to the member. In this case, general law takes precedence, and the deputy does not have membership status. It is permissible to arrest him and try him like any other individual. There is no need to request permission from the council to which the member belongs (Fawzia, 2019: 1012).

Criminal laws differ in their terminology regarding being caught in the act of committing a crime. Despite this difference in terminology, the substance of this state is generally similar. The Iraqi Code of Criminal Procedure refers to this state as a "flagrant crime" and stipulates the following: "A crime is considered flagrant if it is witnessed while being committed or shortly after its commission; if the victim pursues the perpetrator immediately after the crime; if the public pursues the perpetrator while shouting; if the perpetrator is found carrying tools, weapons, belongings, papers, or other items that indicate his involvement as a perpetrator or accomplice shortly after the crime; or if traces or marks indicating this are found on him at that time." Similarly, the Egyptian Code of Criminal Procedure refers to this state as a "flagrant crime." Notably, despite the difference in terminology between the Iraqi and Egyptian laws, the substance is identical. The Egyptian law states: "A crime is considered flagrant if it is witnessed while being committed or shortly after its commission and if the victim pursues the perpetrator or if the public pursues the perpetrator while shouting." A crime is also considered flagrant if the perpetrator is found carrying tools, weapons, belongings, papers, or other items that indicate his involvement as a perpetrator or accomplice shortly after the crime is committed, or if traces or signs indicating this are found at that time.

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In these two texts, we note that the term "flagrant crime" refers to apprehending the perpetrator in the act. Most legislation allows certain measures to be taken to prevent the loss of evidence, the escape of the perpetrator, and errors in interpretation. For instance, the Iraqi Code of Criminal Procedure permits filing a complaint with any police officer or commissioner present in cases of flagrant offenses. This right is stipulated in Articles 50 and 51 of the Code. The Code also grants judicial officers the right to go to the scene of the crime, record the victim's statement, question the accused, seize and preserve weapons, and document individuals' conditions, locations, and anything else relevant to the investigation. Similarly, the Egyptian legislator has granted judicial officers the right to take the procedures outlined by law in cases of flagrant felonies or misdemeanors.

Article 43 of the Iraqi Code of Criminal Procedure refers to the judicial officer's duties within their jurisdiction, as defined in Article 39 of the same law. If a judicial officer becomes aware of a crime in progress, they must inform the investigating judge or the public prosecutor. They must then proceed immediately to the scene, record victims' statements, question the accused about the charges, and seize weapons and other items that appear to have been used in the crime.

They must also examine physical evidence, preserve it, and document the condition of individuals, locations, and anything else that could help solve the crime. Furthermore, they must hear the statements of anyone present or anyone who can provide information about the incident or the perpetrator and prepare a report accordingly.

Furthermore, according to Article 44 of the same law, if they are present at the scene of an ongoing crime, they may prevent individuals from leaving or moving away until the report is finished. They also have the authority to... Anyone who can provide information must appear immediately. Any violation of this order must be recorded in the official report. When necessary, the judicial officer may request police assistance. A judicial officer's duty ends when the investigating judge, investigator, or public prosecutor arrives, unless one of these officers requests assistance.

According to the Egyptian Code of Criminal Procedure No. 150 of 1950, judicial officers are subordinate to and under the supervision of the Attorney General when performing their duties. When a judicial officer receives a report or complaint about a crime, they must immediately forward it to the Public Prosecution Office.

Judicial officers must obtain all necessary information, conduct inspections to facilitate the investigation of reported facts, and preserve evidence of the crime. All actions must be documented in a signed report that specifies the time and place of each action. The report must also include the signatures of any witnesses or experts who were interviewed. These statements must accompany the report sent to the Public Prosecution, along with the seized documents and items. In Egypt, when gathering evidence, a judicial officer may hear the statements of anyone with information about the facts, question the accused, and seek the assistance of doctors and other experts. The officer may request their opinions orally or in writing. Witnesses and experts may not be sworn in unless it is subsequently impossible to hear their testimony under oath.

Article 33 of the Code of Criminal Procedure defines judicial officers in Egypt. Their duties are nearly identical to those of judicial officers in Iraq, except for the greater number of officers in Egypt. Paragraph (a) of the aforementioned article mentions judicial officers within their respective jurisdictions, and paragraph (b) mentions individuals considered judicial officers throughout the Republic, except in cases initiated by a victim's complaint. Upon witnessing or becoming aware of a crime, the victim must immediately inform the investigating judge or the Public Prosecution and proceed to the scene to record a statement. The investigating judge or the Public Prosecution must then seize any weapons or materials used or related to the crime and take all measures to preserve evidence of the crime. They must also arrest the accused, if known, record their statement, and prepare a report on the effects of the crime and the condition of the victims. They have the right to pursue the perpetrator of the crime if they are a fugitive and search houses, people, and other places to arrest them and seize weapons, documents, papers, and other criminal materials. They must prepare a report on these actions. In the course of carrying out their duties, they have the right to prevent those present from leaving the scene of the incident or entry to the scene until the official report is completed. The officer may summon anyone who can provide information related to the crime and request assistance from the police or security forces when necessary. These forces are obligated to comply with their requests (Al-Akeeli and Al-Hurriya, 1987: 98).

Furthermore, the procedures undertaken by the judicial officer before the arrival of the investigating judge, investigator, or public prosecutor are considered sufficient evidence. The officer's role concludes upon the arrival of one of these individuals. The law does not prohibit the judicial officer from conducting the procedure personally or from using a clerk to record the report, provided the report is prepared under their supervision and signed by them. In cases of flagrant offenses, the judicial officer has the authority to make arrests and conduct searches, even though these actions are usually only carried out with an order from the investigating judge. This is because the officer can apprehend the perpetrator at the scene of the crime and prevent their escape.

III.CASES AND JUSTIFICATIONS FOR LIFTING IMMUNITY IN CASES OF FLAGRANT OFFENSES

Procedural parliamentary immunity is a temporary safeguard for members of Parliament. If caught in the act of committing a crime, a member bears criminal responsibility for any criminal conduct they commit. In such cases, the provisions of this immunity do not apply, and the member does not enjoy the guarantees of their parliamentary status. Judicial and law enforcement officers can exercise their criminal powers to apprehend and arrest the member of parliament and take criminal action against them, just as they would against any other individual. They do not require permission from the parliament to which the member belongs. However, the competent court must inform parliament of any criminal proceedings (Fawzia, 2010: 123).

The issue of cases and justifications for lifting immunity in cases of flagrant offenses will be addressed in two sections.

Section One: Cases for Lifting Immunity in Cases of Flagrant Offenses.

Section Two: Justifications for Lifting Immunity in Cases of Flagrant Offenses.

A. Cases of lifting immunity in cases of flagrant offenses*The entire document should be in Times New Roman or Times font.*

A crime is considered flagrant in certain instances. These instances are outlined in Article 1, Paragraph b of the current Code of Criminal Procedure, which states: "A crime is considered flagrant if it is witnessed while being committed or shortly after its commission; if the victim pursues the perpetrator immediately after the crime; if the public pursues the perpetrator while shouting; if the perpetrator is found carrying tools, weapons, belongings, papers, or other items that indicate his involvement as a perpetrator or accomplice shortly after the crime; or if traces or marks are found on him at that time that indicate this."

It is noteworthy that the above text specifies five instances of flagrant crimes. The first instance involves actual flagrante delicto, while the remaining instances involve ordinary flagrante delicto. These instances of flagrante delicto are exhaustive; the judge cannot create new ones (Al-Qali, 1935: 161).

- Witnessing the crime as it is being committed:

Actual witnessing means seeing the crime directly with one's own eyes. Examples include seeing a murderer stab a victim, a thief steal, a bribe-taker offer money to an official, or police witnessing a suspect carrying narcotics. However, seeing is not a prerequisite for establishing flagrante delicto; it can also be perceived through hearing or smell, such as gunshots in a murder or attempted murder or the smell of narcotics or asphyxiating gas. Note that witnessing refers to the crime itself, not the perpetrator. Flagrante delicto is an inherent characteristic of the crime, regardless of the perpetrator's identity.

Therefore, the crime must be witnessed by any means, such as sight, hearing, or smell, within parameters determined by the courts. This situation is called a state of actual flagrante delicto (Al-Marsafawi, 1964: 296).

- Witnessing the crime shortly after it is committed is one example of this.

Witnessing the crime immediately after it occurs, such as seeing a fire after it has been lit by the perpetrator or seeing the victim while they are bleeding, means that the crime occurred moments ago but its traces remain. For instance, seeing stolen goods in the thief's possession without witnessing the theft itself (Surur, 1983: 487).

- Following the perpetrator after the crime:

This means that the victim or the public follows the perpetrator after the crime and shouts. "Following" means tracking the perpetrator's movements. It is not necessary to run after them; shouting or pointing is sufficient. Following the perpetrator is considered evidence of being caught in the act. The court determines the duration of time covered by the phrase "after the crime" or "followed by public shouting."

- Observing evidence of the crime shortly after it occurred is another form of evidence.

If the perpetrator is found carrying tools, weapons, or belongings shortly after the crime that indicate he was the perpetrator or an accomplice, the presence of these items does not necessarily mean they were used in the crime. The important point is that these items and tools... ... or materials related to the committed crime (Al-Nasrawi, 1978: 350).

- The presence of traces or marks on the accused indicates his involvement in the crime.

The presence of such marks on the accused shortly after the crime, especially if they are recent, suggests that he is either the perpetrator or an accomplice. Bruises, wounds, scratches, and abrasions on the accused's body or torn clothing and bloodstains on the accused's body or clothing, for example, indicate that a struggle occurred or that the victim resisted before dying.

The legislator did not specify what is meant by "short time." However, "short time" refers to a period during which it is unlikely that these traces or marks came from a source other than the crime. In all cases of flagrante delicto, the observation must be made lawfully.

The law lists the cases of flagrante delicto exhaustively. Due to the seriousness of the situation and its consequences, the judge may not create new cases of flagrante delicto by analogy. There are direct effects on individual liberties, and it must be emphasized that every crime is subject to a state of flagrante delicto. However, this is not sufficient for applying the flagrante delicto provisions. For the latter to take effect, two conditions must be met. First, the crime must be witnessed in a flagrante delicto situation. Second, the discovery of the flagrante delicto must be lawful. An important consequence of a flagrante delicto is the ability to arrest and search the accused as an exception to the general rules.

The Egyptian legislator has exempted flagrante delicto situations from the requirement of obtaining a judicial or public prosecution order for arrest, search, detention, or any other restriction of freedom.

B. Justifications for lifting immunity in cases of flagrant offenses.

When a crime is caught in the act, it is permissible to deviate from the general rules of criminal procedure and expedite the process. This is done to prevent the loss of evidence, especially when there is minimal or negligible chance of misjudgment or malicious intent against the accused.

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Criminal immunity does not remove the criminal nature of a member's actions or mean that they cannot be held accountable, as with substantive immunity. Rather, it prevents the executive authority from obstructing a member of parliament from performing their duties by taking malicious measures aimed at pressuring them to act or vote a certain way, such as compelling them not to vote on a law, abstaining from voting, or being absent from a session. If suspicion of malice or obstruction is eliminated, then this immunity is no longer justified. Undoubtedly, in the case of a flagrant crime, the intent to obstruct or malice is negated because the crime falls under one of the flagrant crime categories, and flagrant crimes leave no doubt about the identity of the accused. If the perpetrator is a member of parliament, then this is certain. Therefore, in the case of a flagrant crime, the element of malice for political purposes is eliminated (Al-Tabtabai, 1985: 232).

Therefore, the interpretation of the exception to parliamentary immunity in cases of flagrant offenses is linked to the justifications for immunity itself. These justifications are the reasons why this immunity was granted to members of parliament in the first place. The purpose is to protect members of parliament from threats and harassment of a political or malicious nature. A crime committed in flagrante delicto, however, weakens or eliminates the possibility of malicious intent, whether political or otherwise. This justifies the exception to immunity provisions in such cases.

In cases of flagrant offenses, general law regains full authority and members of parliament are stripped of immunity guarantees. Consequently, they may be arrested and brought to trial like any other individual. In this case, there is no justification for seeking permission from the parliament to which the MP belongs. Furthermore, parliament cannot invoke immunity to evade legal provisions (Abdul Malik, 1936: 542). According to a legal opinion, only actual flagrante delicto—meaning witnessing a crime in progress—exempts one from the provisions of parliamentary immunity. Other cases where flagrante delicto is considered are also exempt. However, the prevailing opinion is that, since the specific text of the Code of Criminal Procedure stipulates a different meaning, flagrante delicto is defined by the general text (Al-Jaroushi, 2008: 70).

Some support the latter opinion, arguing that there is no justification for establishing a definition of flagrante delicto in this case that differs from the definition in the Code of Criminal Procedure. This view is further supported by the fact that, when constitutional texts refer to flagrante delicto, they use general terms without specifying details, leaving that to criminal law. Therefore, if the Code of Criminal Procedure addresses cases of flagrante delicto, then those cases must be included in the constitutional text concerning immunity provisions (Mustafa, 1988: 102). This approach is reflected in various constitutions around the world, including the French Constitution of 1958, Article 40 of the Lebanese Constitution of 1926, and Article 99 of the Egyptian Constitution of 1971 (currently in force). This concept is also mentioned in the Iraqi Constitution of the Transitional Government of 2004 and in Articles 34 and 63 of the Iraqi Constitution of 2005 (currently in force). Note that the crime of flagrante delicto, which leads to the lifting of immunity, is a felony and does not include misdemeanors or violations, which remain covered by parliamentary immunity provisions. Therefore, parliamentary immunity is considered nullified in all cases of flagrante delicto, whether actual or habitual.

However, although flagrante delicto cases are exhaustively listed in penal codes, French judicial trends have applied the flagrante delicto principle to continuing offenses. This trend undoubtedly represents an expansion of the scope and implications of flagrante delicto.

CONCLUSIONS

This study examines the issue of lifting the parliamentary immunity of a member of parliament in cases of flagrant offenses. This matter intersects with branches of constitutional and criminal law. It also explores how flagrant offenses impact the establishment and application of parliamentary immunity. We arrived at several conclusions and recommendations.

First: Conclusions:

1. The principle of parliamentary immunity does not place members of parliament above the law. Immunity does not guarantee absolute protection from restrictions; the legislature established it to achieve specific purposes and justifications that cannot be disregarded or invoked when they are no longer valid. Otherwise, the member of parliament will be held fully accountable.
2. criminal laws lack a definition of flagrant offenses and merely specify their circumstances.
3. According to the Iraqi Constitution, the Iraqi judiciary can take whatever measures it deems appropriate against a member of parliament in cases of flagrant offenses.
4.Upon the removal of parliamentary immunity, a member of parliament becomes an ordinary citizen subject to criminal law.

Second: Proposals:

- We propose amending Article 63 of the Constitution to include both felonies and misdemeanors because most crimes committed by members of Parliament, their security details, and their office staff are misdemeanors.
- The legislature should specify a timeframe for determining whether a member is caught in the act of committing a crime instead of using phrases such as "a short while" or "soon."
- We propose that the legislature enact a legal provision requiring Parliament to be notified at its first session of any action taken when a member is apprehended committing a felony. This notification is necessary to inform Parliament, not to obtain its approval, but to provide the necessary information. This constitutes a moral obligation incumbent upon the relevant authorities.

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