

## The Legal and Political, Government Support Affecting Factors on the Implementation of Public-Private Partnerships in Residential Investment Ventures

Zainab Anwar Abd Alkreem  \*, Hatem Khaleefah Breesam  

Department of Civil Engineering, College of Engineering, University of Baghdad, Baghdad, Iraq

### ABSTRACT

In several developing countries, the increasing request for housing and budgetary constraints have directed governments to search new ways of housing delivery. Many governments adopted an option partnership with the private sector commonly referred to as Public Private Partnership (PPP). The purpose of this study was to investigate the most important legal and political, government support Factors affecting the Implementation of PPPs in residential investment ventures in Iraq thereby reducing the housing deficit in the country. An inclusive research technique comprising a written review, interviews/discussions with decision-makers, professional experts, and seasoned practitioners, as well as a questionnaire, was used to extract the data for this study. One hundred questionnaire models were sent to public institutions, private sector companies, and government agencies. The responses were then subjected to statistical analysis. The outcomes show that the most five important legal and political factors were inefficiency/efficient legal framework with (Relative Important Index) RII=0.79; unstable/Stable political system with RII=0.79; corruption with RII=0.78; the growing phenomenon of partisanship with RII = 0.78; Commitments of the public and private sector with RII=0.77. While that the most five important government support Factors were Land acquisition with RII=0.77; Grants with other forms of financial support loans with RII=0.76; Government's supportive stance on investments from the private sector with RII=0.75; Project Ownership Issues with RII=0.73; Relief in certain Force Majeure events with RII=0.72 this factors can be taken in consideration for making any investment decision.

**Keywords:** Public-private partnership (PPP), Legal and political factors, Government support factors.

### 1. INTRODUCTION

In the early 1990s, when PPP was adopted in the housing sector, almost all countries across the globe certified some form of PPP investment in the delivery of urban infrastructure and

\*Corresponding author

Peer review under the responsibility of University of Baghdad.

<https://doi.org/10.31026/j.eng.2025.03.07>



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Article received: 27/07/2024

Article revised: 11/10/2024

Article accepted: 27/10/2024

Article published: 01/03/2025



housing (UN-Habitat, 2011; Muazu, 2024). This strategy has been implemented in the housing sector in many states such as Canada, South Africa, France, Egypt, China, India USA, UK, Australia and Malaysia. PPP has been successful in many states, but the success rate in the delivery of housing units by this initiative may vary from nation to nation due to the varied cultural, economic, and political settings (Sanda et al., 2017; Apriani et al., 2024). In Iraq, in previous policies from 1958 to 2003, reliance was placed heavily on the public institutions to finance projects, while the role of the private institutions was neglected through judicial decisions. In actuality, there was little to no legislation passed to support investments funded by private institutions in this period. There has been a noticeable change in policies since 2003 to combat this unsustainable reliance on the public institutions, with the goal of bolstering the private sector's confidence and offering crucial support (NIC, 2015; Safaa and Alwan, 2018).

Investment Law No. 13 was adopted by the Iraqi government in 2006, and then on 4/1/2010, Resolution No. 2 revised it (Hassan, 2020). According to (Taweab, 2020), Every Iraqi province that is not a part of a region now has an investment commission thanks to this law. The primary duties of this agency include facilitating the granting of project permits, providing tax and customs exemptions in compliance with this legislation, and managing and promoting both domestic and foreign investment through a variety of facilities and incentives (Shubber, 2009). Previous research indicates that three housing policy methods have been employed globally to manage the housing sector, based on the responsibilities played by the public and private institutions in the construction of housing (Manoochchri, 2009). According to (Manoochchri, 2009) the first strategy involves extensive state action, the second involves moderate state intervention, and the third involves primarily non-state intervention. The National Housing Policy in 2011 in Iraq recommends implementing the second strategy to address the country's housing issues (UN-Habitat, 2011).

The purpose of this study investigate the most important legal and political, government support Factors affecting the Execution of (PPPs) in residential investment ventures in Iraq thereby reducing the housing deficit in the country.

## 2. RESEARCH METHODOLOGY

### 2.1 Identify Factors Affecting Of PPP Implementation

Review of relevant literature in order to learn more about a variety of factors in construction projects in different countries, with a focus on Iraq. Fig. 1 shows the flowchart of research methodology. (21) factors effect of PPP implementation were identified and categorized into two major groups( legal and political aspects) and (Government support aspects ) shown in Tables 1 and 2.

**Table 1.** Legal and political factors affecting PPP implementation.

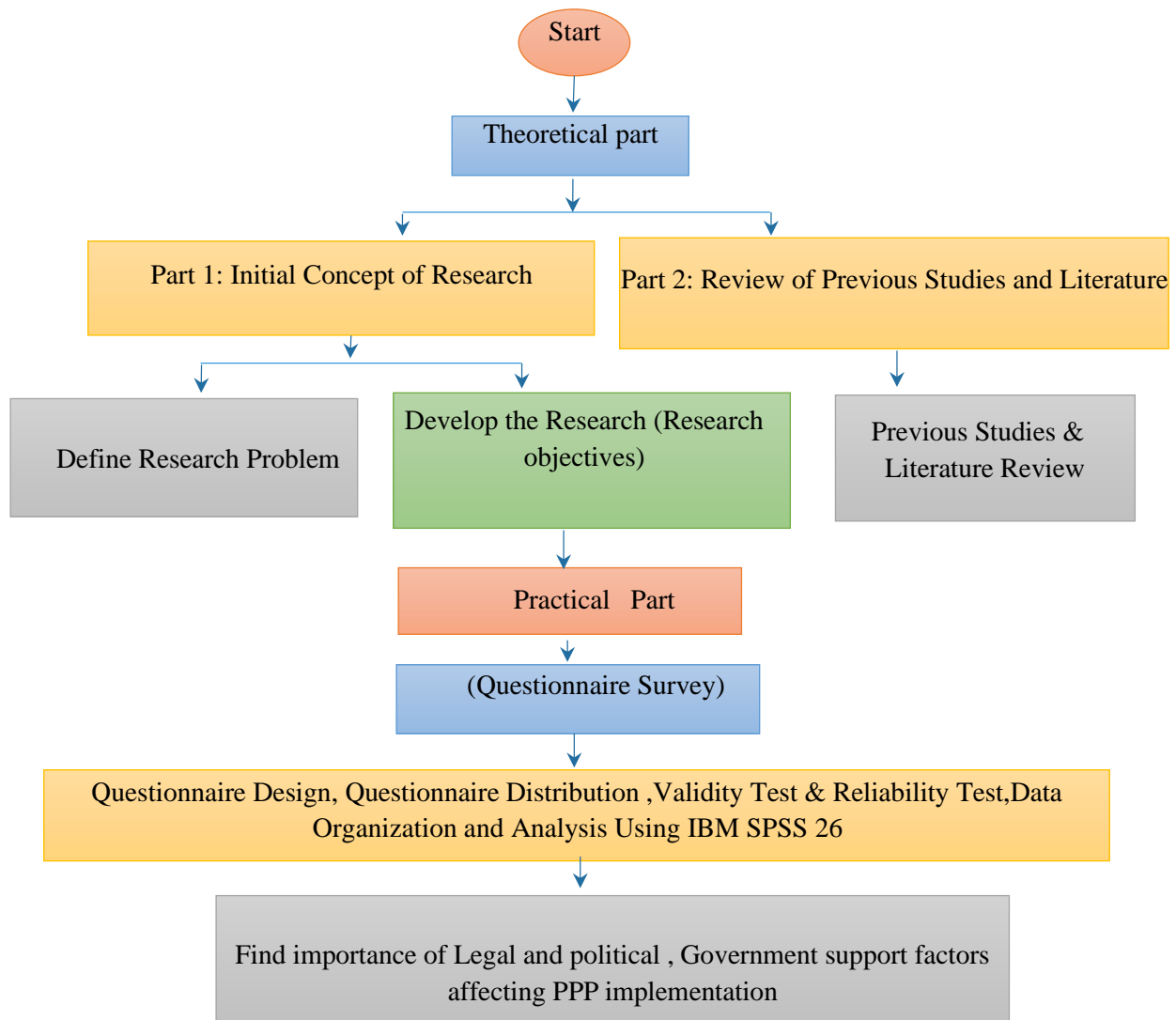
No.	Factors	References
1	Extortion and paying bribes to the influential	(Kadhim, 2021)
2	Change in law	(Harak et al., 2004; Sy et al., 2016)
3	Corruption	(Sy et al., 2016; Muhammad and Johar, 2019; Biletska, 2019; Kadhim, 2021)
4	Equitable risk allocation	(Zhang, 2005; Li et al., 2005; Jin and Doloi, 2008; Kwak et al., 2009; UN-



		Habitat, 2011; Hwang et al., 2013; Muhammad and Johar, 2019).
5	The obligations of understanding and identifying owners/ customers	(Alshahrani et al., 2023)
6	Take action against negligent developers	(Abdul-Aziz and Kassim, 2011; Muhammad and Johar, 2019),
7	Unstable/stable political system	(Zhang, 2005; Hammami et al., 2006; Babatunde et al., 2012; Muhammad and Johar, 2019; Kadhim, 2021; Fadhil and Burhan, 2022)
8	General interest to the international community and regional	(Felsing, 2008)
9	The growing phenomenon of partisanship	(Kadhim, 2021; Altaie and Onyelowe, 2024)
10	Commitments of the private and public sector	(Alshahrani et al., 2023)
11	Inefficiency /efficient legal framework	(Abdul-Aziz and Kassim, 2011; Babatunde et al., 2012; Gajurel, 2013; Biletska, et al., 2019; Kadhim, 2021; Alshahrani et al., 2023)
12	Regular shifts in government ministers and public policy	(Muhammad and Johar, 2019)
13	Price escalation	(Rashid et al., 2018)

**Table 2.** Government support aspects factors affecting PPP implementation.

No.	Factors	Reference
1	The government's supportive stance on investments from the private sector	(Osei-Kyei and Chan, 2017)
2	Resistance to change	( Osei-Kyei and Chan, 2017)
3	Equity participation	(ESCAP, 2011)
4	Good governance	(Hayllar, 2010; Helmy et al., 2011; Ismail, 2013; Osei-Kyei and Chan, 2017)
5	Protection against the reduction of tariffs or shortening of the concession period	(ESCAP, 2011)
6	Performance assurance for the investor organization	(ESCAP, 2011)
7	Grants with other forms of financial support are loans	(ESCAP, 2011)
8	Acceptability for PPPs and political support	(Osei-Kyei and Chan, 2017)
9	Tax incentives	(ESCAP, 2011; Osei-Kyei et al., 2017; Muhamad, 2022)
10	Foreign exchange risk	(ESCAP, 2011)
11	Project ownership Issues	(PPIAF and Infrastructure Consortium for Africa, 2008)
12	Relief in certain Force Majeure events	(Sy et al., 2016)
13	Land acquisition	(ESCAP, 2011; Sy et al., 2016)



**Figure 1.** The flowchart of the research methodology.

## 2.2 Field Surveys

### 2.2.1 Open Questionnaire

The researcher interviewed a wide range of consultants, clients, and contractors with expertise in project management, including those in the Iraqi government's Ministry of Construction and Housing and Municipalities, Ministry of High Education, and the private sector such as Nowruz, Makki and Bilad Al-Rafidain Residential Complexes.

**Table 3** summarizes the results of a comparison of general information about the interviewees who participated in this study. All of the interviewees possess academic qualifications such as B.Sc, M.Sc. and PhD and possess over ten years of expertise in the construction sector in Iraq. The pilot questionnaire's main objective was to make sure it accurately captured the pertinent, influential aspects of Iraq and to use those experiences to shape the list of questions that were highlighted in the study topic. The results of the interviews and the literature review led to the creation of an extensive set of data. A questionnaire form was created using this list as a guide.



Table 3. Interviewer's background.

Academic Qualification	Specialization	work tasks	Years experience
Ph.D	Civil Engineering	Consultants	20
Ph.D	Civil Engineering	Supervising Engineer	15
MSc	Civil Engineering	Supervising Engineer	12
MSc	Civil Engineering	Supervising Engineer	13
MSc	Architecture Engineering	Owner	12
BSc	Civil Engineering	Owner	13
BSc	Civil Engineering	Owner	18
BSc	Civil Engineering	Supervising Engineer	13
BSc	Civil Engineering	Supervising Engineer	14
BSc	Civil Engineering	Consultants	20
BSc	Civil Engineering	Consultants	22
<b>BSc(other )</b>	College of Administration and Economics	Owner	18
BSc	College of Law and Political Science	Owner	20

### 2.2.2 Secondary Stage (Questionnaire Form)

A closed questionnaire form was made to find factors affecting on execution of PPP in residential complex projects based on previous local and international studies and new issues generated through the dialogue with the respondents. The questionnaire was directed to practitioners involved in the Iraqi Construction Industry, including owners and their own party responsible for the contract, contractors and their representatives in construction projects like project managers and consultants and their representatives in construction projects like supervising engineers. The questionnaire form consists of two parts under the following titles:

Part I: General Information about the respondent.

This part contains general information about the respondent (sector of work, education or qualification, specialization, employment positions, and work experience).

Part II: Factors affecting PPP implementation

The (21) factors affecting PPP implementation extracted from previous studies were listed, seeking the opinion of the Iraqi experts about which of them apply to or are confronted in the local practice.

### 2.3 Pilot Survey Tests (Validity and Reliability)

The statistical analysis program, SPSS, subjected the data collected from the pilot survey to the required checks.

#### 2.3.1 Statistical validity

The validity denotes how well a tool measures what it is planned to measure (**Pallant, 2010**). The analysis is utilized to identify the correlation coefficients among factors in a particular aspect (**Loewenthal and Lewis, 2015**). **Tables 4 and 5** show the internal Consistency of (Legal and political) and (Government and Privatization) Factors affecting on PPP Financing. In this table the correlation coefficients ranged from (0.498 to .895\*\*) with the P-values below 0.05 for all, this means that all factors are regular and have the validity to compute what it is planned to measure.

**Table 4.** Internal consistency of legal and political factors.

No.	Factors	Spearman's Correlation	Sig
1	Extortion and paying bribes to the influential	0.643	0.000
2	Change in law	0.564	0.000
3	corruption	0.717	0.000
4	Equitable risk allocation	0.738	0.000
5	Obligations of understanding and identifying owners/customers	0.498	0.000
6	Action against errant developers	0.54	0.000
7	Unstable/stable political system	0.794	0.000
8	General interest to the international community and regional	0.739	0.000
9	the growing phenomenon of partisanship	0.7	0.000
10	commitments of the private and public sector	0.717	0.000
11	Inefficiency /efficient legal framework	0.83	0.000
12	regular shifts in government ministers and public policy	0.732	0.000
13	Price escalation	0.555	0.000

**Table 5.** Internal consistency of government support and privatization aspects.

No.	Factors	Spearman's Correlation	Sig
1	The government's supportive stance on investments from the private sector	0.842**	0.000
2	Resistance to change	0.695**	0.000
3	Equity participation	0.759**	0.000
4	Good governance	0.612**	0.000
5	Protection against a reduction of tariffs or shortening of the concession period	0.895**	0.000
6	Performance assurance for the investor organization	0.608**	0.000
7	Grants with other forms of financial support are loans	0.834**	0.000
8	Political support and acceptability for PPPs	0.857**	0.000
9	Tax incentives	0.725**	0.000
10	Foreign exchange risk	0.685**	0.000
11	Project ownership issues	0.571**	0.000
12	Relief in certain Force Majeure events	0.630**	0.000
13	Land acquisition	0.841**	0.000

### 2.3.2 Statistical reliability (Cronbach's Alpha)

It is a vital technique to calculate the reliability, the worth of Cronbach's alpha coefficient, it varies from 0 to 1, with a higher degree of reliability when it is closer to 1 (**Garson, 2013**). **Tables 4 and 5** display the ranking of reliability in line with the rate of Cronbach's alpha constant. After doing a test the Cronbach's alpha, we compared the outcomes of the test (0.92, 0.924) and typical values stated by (**Yockey, 2017**), they were valued in excellent limit which approves the reliability of the current questionnaire. Researchers are using it to verify the amount of validity and reliability of the questionnaire program of Science's (SPSS) Version 26.



## 2.4 Questionnaire Distribution

A suitable specimen was taken. A suitable specimen is a type of no-likelihood specimen in which answerers are selected for they are "convenient" databases for researchers (**Lavrakas, 2008**). The questionnaire was directed to the target specimen, comprising 100 "civil engineers, architects, electrical engineers, and other Specialists with related speciality" contained within the study population. The questionnaire was presented by hand in paper form through set meetings with experts from a diverse place of work and during an electronic linkage. The questionnaire finishing time is about 7 to 9 minutes. , See **Table 6**. Show the statistical analysis of the Features of the intended specimen

**Table 6.** Statistical evaluation of the intended specimen's characteristics.

Question	Classifications	Ratio
Work instruction type	Public	53%
	Private	47%
Engineering specialization	Architect	14%
	Civil Engineer	70%
	Electrical Engineer	6%
	Other	10%
Education degrees	Bachelor	30%
	Master	40%
	Ph.D	30%
Identification of respondents	Contractor	7%
	Owner	25%
	Supervisor Engineer	35%
	Consultant Engineer	33%
Experience percentages	"5 < 10" years	35%
	"10 < 15" years	21.25%
	"15 < 20" years	8.75%
	"20 < 30" years	35%

## 2.5 Analyze the Questionnaire

The quantitative analysis of the study questionnaire included the following tests: The questionnaire form was designed using the 5-point Likert scale to answer each question. The relative importance of factors affecting PPP implementation is calculated according to (**Ozdemir, 2010; Khairullah et al., 2023**) they used the relative importance index (RII) for such purpose. For each factor in the questionnaire, a five-point Likert scale ranging from (1 = very low important) to (5 = very high important) is used and transformed into a relative importance index (RII) using Eq. (1) (**Ozdemir, 2010**). On the other hand, the statistical analysis of the questionnaire data by calculating the arithmetic mean and standard deviation according to Eq. (2) and Eq. (3), respectively (**Al-Dhaheri, 2018**).

$$RII = \left( \frac{\sum W}{A * N} \right) \quad (1)$$

where:

W: the respondents' weight, which ranges from 1 to 5,

A: the respondents' highest weight (for each factor), and



N: the total number of respondents is equal to (80).

$$M = \frac{\sum_{i=1}^k xi * fi}{N} \quad (2)$$

$$S = \sqrt{\sum_{i=1}^k (xi - M)^2 * \frac{fi}{\sum_{i=1}^k fi}} \quad (3)$$

where:

S = standard deviation

M = mean.

xi = weight value for factor.

fi = number of frequencies.

N = the total number of respondents.

**Tables 7 and 8** showed the final screening and ranking most important factors for each group. **Table 7** displays the aspects of the statistical analysis of the second section of the questionnaire.

**Table 7.** Statistical analysis of legal and political factors affecting PPP implementation.

NO.	Factors	Mean	Std. Deviation	RII	rink
1	Extortion and paying bribes to the influential	3.63	0.86	0.73	8
2	Change in law	3.62	1.03	0.72	9
3	Corruption	3.92	0.89	0.78	3
4	Equitable risk allocation	3.76	1.03	0.75	6
5	the obligations of understanding and identifying owners/ customers	3.70	1.07	0.74	12
6	Action against errant developers	3.53	1.00	0.71	13
7	Unstable/stable political system	3.94	0.92	0.79	2
8	General interest to the international community and regional	3.70	1.02	0.74	7
9	the growing phenomenon of partisanship	3.91	1.08	0.78	4
10	commitments of the public and private sector	3.86	1.01	0.77	5
11	Inefficiency /efficient legal framework	3.96	0.93	0.79	1
12	regular shifts in government ministers and public policy	3.54	1.01	0.71	10
13	Price escalation	3.53	1.00	0.71	11

The results show that (Inefficiency /Efficient legal framework) is the most important factor in PPP implementation with RII=0.79, mean=3.96, and SD=0.93. This is due to the importance of this factor for the public and private sectors to ensure rights for both parties. This outcome is in covenant with the findings in **(Abdul-Aziz and Kassim, 2011; Babatunde et al., 2012; Zimmermann et al., 2013; Biletska, 2019; Kadhim, 2021; Alshahrani et al., 2023)**. (Unstable/Stable political system) came second important factor with RII=0.760, mean=3.8, SD=0.92. Stability politics have a great effect on establishing any investment project and ensuring that it does not stop. This outcome is in covenant with the findings **(Zhang, 2005; Hammami et al., 2006; Babatunde et al., 2012; Muhammad and Johar, 2019; Kadhim et al., 2021)**. Corruption is the third important factor with RII=0.77, mean=3.85, and SD=1.075. Corruption affects the stability of investment, increases the cost of projects, and weakens the positive effect of investment incentives, especially when bribes are requested from project owners to facilitate the acceptance of their projects, or bribed





employees demand a share of the return on investment. This outcome is in covenant with the findings (Sy et al., 2016; Muhammad and Johar, 2019; Biletska et al., 2019; Kadhim et al., 2021).

The fourth reason is (the growing phenomenon of partisanship) “(RII = 0.767, mean = 3.84, SD = 1.067). It is necessary to limit partisan participation and its impact on the implementation of projects, whether awarding projects to influential parties or sharing profits for projects under implementation. Therefore, laws must be enacted to regulate the work of political parties so that they have a serious and effective role in the investment development process. This outcome is in covenant with what was mentioned in (Kadhim et al., 2021). The fifth factor (commitments and obligations of the public and private sector) (RII = 0.757, mean = 3.78, SD = 0.915) this factor is important to ensure the project continues without stopping. This outcome is in covenant with what was mentioned in (Alshahrani et al., 2023).

**Table 8.** Statistical analysis of government support factors affecting PPP implementation

No.	Factors	Mean	Std. Deviation	RII	Rank
1	The government's supportive stance on investments from the private sector	3.73	1.15	0.75	3
2	Resistance to change	3.50	1.10	0.70	8
3	Equity participation	3.43	0.98	0.69	13
4	Good governance	3.56	0.98	0.71	6
5	Protection against the reduction of tariffs or shortening of the concession period	3.43	1.16	0.69	12
6	Performance assurance for the investor organization	3.53	0.90	0.71	7
7	Grants with other forms of financial support are loans	3.80	1.05	0.76	2
8	Political support and acceptability for PPPs	3.53	0.94	0.71	11
9	Tax incentives	3.56	1.23	0.71	9
10	Foreign exchange risk	3.51	1.08	0.70	10
11	Project ownership Issues	3.64	1.15	0.73	4
12	Relief in certain Force Majeure events	3.61	1.10	0.72	5
13	Land acquisition	3.84	1.05	0.77	1

**Table 8** displays the aspects of the statistical analysis of the third section of the questionnaire on government support factors affecting PPP implementation. The results show that (Land acquisition) is the most important factor in PPP implementation with RII = 0.77, mean=3.84, and SD = 1.05. Real estate is granted to the investor without compensation (free) for residential projects that are located outside the basic design of cities, and the value of the land is not calculated when selling it to the citizen (i.e. the land is distributed free of charge to the citizen). This factor is very important for attracting investors and citizens. This outcome is in covenant with the findings of (ESCAP et al., 2011; Zimmermann et al., 2013; Sy et al., 2016). (Grants with other forms of financial support are loans) came second important factor with RII = 0.760, mean = 3.8, SD = 1.05. The Authority helps to provide loans and banking facilities to the investor, guaranteed by the project itself and provides soft loans to citizens wishing to purchase housing units from the investment project. Also, this factor's goals attract investors and citizens. This outcome is in covenant with the findings of (ESCAP et al., 2011). (government positive attitude towards private sector investments and political stability) is came the third important factor with RII=0.77, mean=3.85, SD=1.075.



This factor plays an important role in providing an attractive investment environment for the investor, by providing encouragement, support and care for foreign and local investment through a package of incentives and facilities granted to it. This outcome is in covenant with the findings of **(Osei-Kyei et al., 2017)**.

The fourth reason is (Project Ownership Issues) “(RII=0.73, mean=3.64, SD=1.15). It is important to encourage investors. This outcome is in covenant with what was mentioned in **(PPIAF and Infrastructure Consortium for Africa, 2008; Hannoura, 2013)**. The fifth factor (Relief in certain Force Majeure events) (RII=0.72, mean=3.61, SD=1.10). This outcome is in covenant with what was mentioned in **(Sy et al., 2016)**.

### 3. CONCLUSIONS

There is a rising want for PPPs implementation as a strategy for the treatment lack housing units in Iraq. The purpose of this research was to help the decision makers about the most important legal and political, government support factors affecting the PPPs implementation before taking any investment decision. The researchers show the following important legal and political factors as most influential of PPP implementation (Inefficiency /Efficient legal framework), (Unstable/Stable political system, Corruption,(the growing phenomenon of partisanship), (commitments of both public and private sector). Also, the research shows the following important Government support factors as most influential of PPP implementation (Land acquisition), (Grants with other forms of financial support are loans), (The government's supportive stance on investments from the private sector), (Project Ownership Issues), (Relief in certain Force Majeure events).

### Acknowledgements

The author is grateful for the resources provided by the Department of Civil Engineering, College of Engineering, University of Baghdad which significantly facilitated this work.

### Credit Authorship Contribution Statement

Zainab Anwar Abd Alkreem: Methodology, writing, interviews/discussions with professional experts, experienced practitioners, and decision-makers as well as a questionnaire. Hatem Khaleefah Breesam: Methodology and proofreading.

### Declaration of Competing Interest.

The author declares that he has no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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## العوامل القانونية والسياسية وعوامل الدعم الحكومي المؤثرة على تنفيذ الشراكات بين القطاعين العام والخاص في مشاريع الاسكان الاستثمارية

زينب أنور عبد الكريم\*، حاتم خليفة برسيم

قسم الهندسة المدنية، كلية الهندسة، جامعة بغداد، بغداد، العراق

### الخلاصة

في العديد من البلدان النامية، أدى الطلب المتزايد على الإسكان والقيود المفروضة على الميزانية في الحكومات إلى البحث عن طرق جديدة لتوفير السكن. اعتمدت العديد من الحكومات خيار الشراكة مع القطاع الخاص يشار إليه عادة بالشراكة بين القطاعين العام والخاص (PPP). هدفت هذه الدراسة إلى دراسة أهم العوامل القانونية والسياسية، وعوامل الدعم الحكومي المؤثرة على تنفيذ الشراكات بين القطاعين العام والخاص في مشاريع الاسكان الاستثمارية في العراق. تم استخراج بيانات هذا البحث من خلال منهجية بحث شاملة شملت مراجعة الكتابات؛ مقابلات/مناقشات مع خبراء محترفين وممارسين ذوي خبرة وصناع قرار بالإضافة إلى استبيان. تم توجيه مائة نموذج استبيان إلى الشركات الحكومية وشركات القطاع الخاص والمؤسسات العامة، ثم تم تعريض الإجابات للتحليل الإحصائي. تظهر النتائج أن أهم خمسة عوامل قانونية وسياسية هي عدم كفاءة الإطار القانوني باهمية نسبية  $RII = 0.79$ ؛ عامل النظام سياسي غير مستقر/ مستقر باهمية  $RII=0.79$ ؛ عامل الفساد  $RII = 0.78$ ؛ ظاهرة الحزبية المتزايدة باهمية  $RII = 0.78$ ؛ عامل التزام القطاعين العام والخاص باهمية  $RII = 0.77$ . في حين أن أهم خمسة عوامل الدعم حكومية هي عامل الاستحواذ على الأراضي باهمية  $RII = 0.77$ ؛ المنح المصحوبة بأشكال أخرى من الدعم المالي مثل القروض بقيمة  $RII=0.76$ ؛ الموقف الإيجابي للحكومة تجاه استثمارات القطاع الخاص والاستقرار السياسي =  $0.75$ ؛ قاضيا ملكية المشروع باهمية  $RII=0.73$ ؛ الإغاثة في أحداث القوة القاهرة باهمية  $RII = 0.72$ .

**الكلمات المفتاحية:** الشراكة بين القطاعين العام والخاص، العوامل القانونية والسياسية، عوامل الدعم الحكومي.