

## The impact of administrative privileges on administrative jurisdiction independence in the Saudi law

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### Abstract

It works on the principle of administrative jurisdiction independence and its legality, arbitrariness, and transgression of its authority. Basic pillars are established in public life through the law, and they include the maintenance of people's rights and freedoms. Thus, this paper aims to explore the impact of the privileges and benefits granted to the judiciary administration on its independence in the Kingdom of Saudi Arabia. This study also compares the benefits of a unified judicial system with those of a dual legal system. It was discovered that administrative authority works are issued either unilaterally or through collaboration with another department and administration, and that, despite the benefits of the dual system of justice and law, it is a system that favors and overwhelms the public administration at the expense of human and citizen rights and freedoms in the process of adjudicating administrative disputes.

**Keywords:** Administration privileges, Independence of administrative jurisdiction, Saudi Judicial System.

### 1. Introduction

Administrative decisions are one of the most visible manifestations of administrative jurisdiction's management privileges, which stem from the legalized and organized grant of broad privileges and powers. And given that it is alone in making decisions without the need to obtain the consent or approval of the stakeholders, administrative decisions in this capacity differ from administrative contracts, as the latter arise from the confluence of two wills to produce the effect arranged by the system. All countries want to protect the principle of administrative independence, which gives the administrative judge the power to protect the private rights and freedoms of people and their interests.

In the Kingdom of Saudi Arabia, administrative authority is the management of public utilities and their functions within, and the administrative authority to carry out this activity uses different types of images and powers granted to it by the regulator, such as discretionary authority, decisions, and administrative contracts. These are the aspects considered to be the privileges enjoyed by the administrative authority, and they are derived from the system. They are its means of carrying out its various functions and activities due to its uniqueness in making decisions without the need to obtain a court ruling or the consent or approval of those concerned or those who will be affected by the decision. This is because these privileges have a big impact on the administrative jurisdiction because they limit its freedom and make it a little less free when making decisions. Hence, this research seeks to measure the impact of the privileges granted to the general administrative authority on the independence

of the administrative jurisdiction in the Kingdom of Saudi Arabia. Hence, this study aims to answer the following questions:

1. What are the privileges of management in the Saudi administrative jurisdiction?
2. How legitimate are the administrative privileges and immunities in the Saudi administrative jurisdiction?
3. What is the impact of the administrative privileges on the Saudi administrative jurisdiction?

### **1.2 Aims & Scope of Study:**

The significance of this study is attached to the independence of administrative jurisdiction and the role of the administrative authority in ensuring the functioning of public utilities. Also, because the privileges of the administrative authority are enforceable as soon as they are issued, people are forced to follow the decisions of the administration made on their own. This research's significance also lies in its method, which is based on the comparative descriptive approach, extrapolating, and shedding light on the various studies on administrative privileges in administrative jurisdictions and related legal texts. It should also be noted that this study is limited to the issue of administrative privileges and their impact on the independence of administrative jurisdiction. Within the Kingdom of Saudi Arabia's legal texts, the research will be done on the subject at hand.

#### **2.1.1: Privilege of Discretionary Power for Administration**

Administrative discretion means that the administration has a degree of freedom of action while exercising most of its legal competencies. The source of this freedom is the refusal of the legislator and the administrative judge to interfere in restricting the administrative activity. However, discretion may be achieved when he mentions general phrases that are not specifically defined and precise enough to allow the administration great freedom of choice to apply them. There is another theory of personal rights that refers to the basis of discretionary power and the absence of the personal rights of individuals. Otherwise, the administration enjoys discretionary power except for that which is related to the personal rights of individuals. Similarly, the project theory, which is based on the premise that administrative activity is a type of project and that managing this project requires the enjoyment of a large amount of discretion <sup>1</sup>.

Contrary to discretionary power is restricted power, which means a prior and binding determination of an action so that the administration is not left with any freedom to issue the decision. Examples of restricted power include the use of numbers and calculations in the formulation of the legal basis, as in the case of tax law. It is also worth mentioning that the combination of discretionary and restricted powers in one administrative decision does not inevitably mean a balance between the restricted and discretionary aspects of this decision <sup>2</sup>.

<sup>1</sup> - Alraqabat 'iilaa a'mal al'iidarat (Supervision of Administrative Work). Sami Gamal El-Din. Mansha'at Al-Maaref, Alexandria, 1982, p. 359.

<sup>2</sup> - Alsultat altaqdiriat walsultat almuqayadat (Discretionary Power and Restricted Power). Suleiman Al-Tamawi, *ibid*, p. 107 and beyond.

Besides, administration's self-monitoring of its actions may lead to changes in its behavior, and it might amend, withdraw, or replace one act with another as it monitors the legality of the decision issued before challenging its illegality before judicial supervision. Besides, the administration seeks to achieve public interest in its actions, and these must be legitimate through self-Monitoring through the administration's review of its behavior <sup>3</sup>.

The administration and management controls itself under administrative control. It is self-control characterized by easy error fix. It is an appropriate control whereby the administration can annul the wrongful decision and replace it with a better decision <sup>4</sup>. This control is exercised in two types which are: Hierarchical control of subordinates by administrative heads, and Decentralized Control which is exercised by the decision-maker <sup>5</sup>.

Among the advantages of administrative control are ease of application by individuals, avoiding potentially lengthy litigation procedures and the hiring of a lawyer as required by the litigation procedure; the person is sufficient to file a complaint with the relevant authority or its hierarchical authority for the relevant department to examine the complaint <sup>6</sup>. The apparent disadvantage of administrative control is that it makes the administration both an adversary and a judge, which makes it ineffective. Yet it always existed in working life and constituted a good period in the history of control of administrative work. In France, the system of judicial administration, which had been in place before judicial control had been established since 1792–1872, existed alongside judicial oversight of the administration.

In Saudi Arabia, Article 3 of the Code of Procedure of the Board of Grievances, which was repealed by Royal Decree No. 190 with the date of 16/11/1409 AH, provides that: "Where there is no special provision in the case provided for in paragraph (b) of article (13) of the Statute" A complaint must be brought before the Administrative Court within 60 days from the date on which the author of the decision is aware of it. If it is not possible to report it within this time frame, the complainant may bring the case before the court another time <sup>(7)</sup>. Hence, the Saudi Arabian regulator implements administrative control as it has an important and effective role to play in correcting the errors of the administrative apparatus, ensuring that it performs its functions well and does not exceed the rights guaranteed to individuals by the system.

### **2.1.2: Administrative control and individual grievances**

Automatic control is considered one of the most popular forms of judicial,

<sup>3</sup> - Alqada' al'iidari (Administrative Judiciary). Maged Ragheb Al-Helou, Cairo, Dar Al-Nahda Al-Arabiya, p. 53 and beyond.

- Ar-raqabat calaa 'aemal al'iidarat (Oversight of Administration's Work ( . Farouk Ahmed Khammas, Cairo, Nile Arab Publishing Group, p. 75.

<sup>4</sup> - Alqada' al'iidari (Administrative Jurisdiction). Mahmoud Jabbouri, Amman, Dar althaqafat lilnashr wal-tawziei, P. 45.

<sup>5</sup> - Ibid, p. 25.

<sup>6</sup> - Ibid, Alraqabat alaa a'malil idarat (Control of Administrative work). Farouk Khammas, p. 70.

- Ibid, Alqada' al'iidari (Administrative Jurisdiction). Mahmoud Jabbouri, p. 25 – 29.

<sup>7</sup> - Paragraph (b) of Article Two of the old Board of Grievances system issued by Royal Decree No. 1/2 and dated 17/7/1402 AH replaced Paragraph (b) of Article Thirteen of the Board of Grievances system promulgated by Royal Decree No. M/87 dated 19/9/1428 AH.

administrative, and departmental control itself. This is done when a judicial administration or department reviews its actions and activities. The same administrator who has issued the act or activity may review its issuance to ascertain the legality or appropriateness of its conduct<sup>8</sup>. Automatic control may also be carried out by specialized staff who inspect the work of the department as well as by specialized bodies, such as the Central Management and Administration Agency, the Central Accounting Office, and the Administrative Control Authority.

Regarding the Saudi system, some may confuse the competencies of the Public Monitoring Bureau (PMB) and the Control and Investigation Commission (CIC), owing to the duplication of oversight between the Office and the Commission, and since both bodies are subject to each other's oversight and control, some may assume that but the system is clear and defines the functions and terms of reference of each body, and there is no overlap but cooperation and involvement in certain tasks. However, there have been significant changes and developments in the Kingdom that have affected public administration in general, leading to duplication of work and overlapping functions between the Commission and the Public Monitoring Bureau, to the extent that the observations and reports issued by both bodies are identical. The terms of reference of the Control and Investigation Commission have included the administrative control management in the authority in accordance with Article 8 Section II of the Rules of Internal Regulations to monitor the delegation of powers and responsibilities in accordance with the approved systems, assess regulations and regulatory decisions, and disclose violations resulting from default in administrative units, and propose treatment methods in the event of neglect incidents or administrative irregularities and their transmission to competent authorities.

If a violation is discovered, the Office may, depending on the gravity of the offense, request that the official conduct the necessary investigation and administrative punishment, or the Office may initiate public proceedings against the official in charge of the disciplinary procedure. This is also what the Control and Investigation Authority is doing, which, in accordance with its terms of reference, conducts the necessary monitoring to detect financial and administrative irregularities in government agencies. If irregularities are detected in a government agency, the Minister or head of the authority shall be informed of such offences, depending on their importance, in order to carry out the requested investigation and transmit them to the competent authority in the office.

The source of the decision or its chief administrative officer may not find out the illegality of the conduct. Hence, individuals are entitled to file complaints with the relevant stakeholders with a view to rescinding, withdrawing, or modifying the flawed conduct of the administration to reveal the illegality of its conduct. An individual affected by such unlawful conduct may either file his or her complaint with the staff member who issued the act against him or her. In this case, it is called a "Provincial Complaint or Grievance" in the petition. This complaint is submitted to the Senior Administrative Head of Staff who issued the act, and it is called It's called a "Presidential Grievance" in this case, or it is submitted to a special commission established and regulated by law in terms of how it is constituted, the limits of its

<sup>8</sup> - Ibid, At-tanzimul idari (Administrative Organization), Abdel Ghani Bassiouni, p. 50.

references, the means of appeal, and the strength of its decision<sup>9</sup>. Similarly, administrative contract is one of the ways in which administration and management expresses its will. Administrative decision-making is one of the most important benefits of public authority or one of the methods of common law established for the administration as a means of expressing its binding will in administrative law associations. The law determines the administrative nature of administrative contracts, such as public transaction contracts, business transactions, etc., in accordance with the legislative standard. In the judicial context, an administrative contract requires that one of its parties be a legal person such as a State, local communities, or public enterprises, and that the contract should relate to the organization, exploitation, or operation of a public facility, and that it contains exceptional and unusual conditions in ordinary contracting<sup>10</sup>.

The comparative and Saudi courts define the administrative decision as the disclosure of the administrative authority of its binding will in the form established by the system in accordance with the powers it possesses under the systems and regulations with a view to creating or considering certain systemic effects where this is possible and may be justified in order to achieve a public interest. The importance of the administrative decision is that the Department establishes, modifies, or abolishes legal centers for persons without their consent, such as expropriation and travel bans. However, the distinctive criterion of an administrative decision must be defined so that it can be distinguished from other administrative works based on its formal or objective criterion.

#### **2.1.4: Compulsory enforcement**

Compulsory execution or enforcement through the department and administration is one of the most compelling methods used by the administration to implement its decisions on individuals. It is the most dangerous method for individual liberties and rights infringements because of its oppression and force methods. In this method, the administration does not perform legal work but rather performs the physical act of using force majeure to force individuals to comply<sup>11</sup>. In view of the oppression of individuals, the violation of their personal freedoms, and the departure from the rule of non-use of force to require rights, there must be a lack of discretion in utilizing the benefit of this type of administrative decision, as it is the most dangerous. Hence the importance of providing the greatest guarantees for the protection of rights and freedoms when implementing this, through expanding the scope of limitation in the exercise of this benefit of administrative decision<sup>12</sup>.

Compulsory enforcement or execution is defined as: "the right of the administration or the power of administrative control to enforce its decisions forcibly on individuals, without the need for a judicial judgement as to whether they have not been implemented voluntarily." This means that the administrative control authority may resort to the use of physical force where necessary to prevent disturbance of

<sup>9</sup> - Ibid, At-tanzimul idari (Administrative Organization), Abdel Ghani Bassiouni, p. 56.

<sup>10</sup> - Ibid, At-tanzimul idari (Administrative Organization), Abdel Ghani Bassiouni, p. 56.

<sup>11</sup> - Ibid, Al-qadaul idariyu – Qadaul ilgai (Administrative Judiciary - The Cancellation Judiciary), Suleiman Al-Tamawi, p. 80.

<sup>12</sup> - Ibid.

public order with its known elements or to restore order as it was, without having to obtain prior authorization from the judiciary, and the use of physical force for the compulsory enforcement of administrative decisions is to do away with pre-judicial meddling<sup>13</sup>.

Considering the above, compulsory enforcement or forced execution is considered a social necessity due to its nature of complementing the power of the state to respect its orders and obey its laws. Jurisprudence and the judiciary have established the identification of cases under which the administration may use the means of compulsory execution where such cases exist, the most significant of which is if there is an explicit legal provision for the administration to use compulsory execution. In this case, the regulator states that the administration has the right to implement its decisions without having to go to court. This can be done by force in an administrative way, but it won't change the civil and criminal penalties that are already in place.

Thus, the application of compulsory enforcement can be summarized as follows:

- I. Use of public force to carry out demolition decisions.
- II. Seizure of property occupied by the owner in the public interest.
- III. Removing a beneficiary of public money from his place in order to protect public order.
- IV. Destruction of signs and flyers on building walls for security purposes.
- V. Use of force to prevent breaches of security<sup>14</sup>.

### 2.1.5: Intervention in case of necessity

A state of necessity is defined as: "There must be an emergency or urgent situation in which the administration must intervene in order to protect individuals and society from the threat to public order and the functioning of public facilities, even if the law does not expressly provide for it, or if there is a sanction established by law for the offence committed, all under the supervision of the judge, who shall ensure that a state of necessity and urgency exists"<sup>15</sup>. Also, what constitutes a case of state of necessity is when the administration finds itself in an imminent danger that requires its intervention immediately to maintain security and tranquility, health, or public morals, and if it awaits the court decision, serious risks will arise. In this situation, the administration may resort to compulsory enforcement even if the regulator expressly prevents it from resorting to it, as the rule is that necessity knows no law. Also, the theory of necessity is based on the following conditions:

- I. Serious threat to public order
- II. This risk cannot be avoided in normal ways
- III. Administration's objective in using this privilege is to achieve the public interest
- IV. Failure to sacrifice the interest of individuals in the public interest.

Consequently, it is possible for the administration to impose administrative sanctions

<sup>13</sup> - Ibid, At-tanzimul idari (Administrative Organization), Abdel Ghani Bassiouni, p. 65.

<sup>14</sup> - Annazariyatul ammat li qanunil Uqubatil idariyah (General Theory of Administrative Penalties Law), Amin Mustafa Mohamed, Alexandria, Darul Jamiya al jadeedah, 1996 AD. P. 80.

<sup>15</sup> - Awjuhith ta'n bi ilghail qarar al'idari (Ways of Appealing Against Annulment of Administrative Decision), Abdelaziz Abdel Moneim Khalifa, El-Mahalla El-Kubra, Egypt, 2002, p. 171 – 172.

in order to protect the public interest when it issues administrative decisions aimed at controlling everyday life in society. A decision to penalize someone for something they did not do is considered an administrative rather than a judicial decision. Unlike criminal punishments, modern administrative sanctions can be issued without the need for a lengthy process, making them more effective in dealing with minor offenses and lessening the strain on the courts to conclude more serious cases. Administrations are granted jurisdiction to levy public authority-granted administrative punishments, such as fines and penalties for noncompliance, under this approach. Also, due to the foundation of civic life being built on regulations governing the flow of wealth, the right to own property is sacred and legally protected. However, as the intrusive ideology of the capitalist state took hold, the concept of the public interest or good, which granted the government the right to acquire property, began to serve as a social role and impose constraints on ownership. Due to these limits, real estate has been temporarily appropriated by the state, which has been established in jurisprudence and the judiciary as a public privilege and is now recognized in the constitutions as a means of dispossession and regulation of its acquisition for the public good .

### 3.1: The Impact of administrative privileges on the Independence of Administrative Jurisdiction

Despite the difference in comparative laws regarding the criteria set for the jurisdiction of the administrative judiciary <sup>16</sup>, the regulator in the Kingdom resolved this difference and decided the formal criterion with regard to the jurisdiction of the administrative judiciary in the Kingdom, and therefore, the courts of the Board of Grievances are competent to consider any dispute in which the administration is a party <sup>(17)</sup>, and thus many problems arising from the conflict of jurisdiction and its overlap were resolved. However, there is a small part of the cases in which the administration is a party, and the courts of the Board of Grievances can't rule on them. For example, there is a dispute over the ownership of property.

Some researchers mentioned that the term "administrative jurisdiction" in the Saudi system has two meanings: a broad meaning and a narrow meaning, as the broad meaning represents a part of the general judiciary; that is, it includes the judicial methods according to which administrative disputes are considered and decided according to ordinary law. As for the narrow meaning, it includes special judicial methods according to which administrative disputes are considered and decided according to special rules that are distinct from civil law <sup>"18</sup>. So, the Saudi Arabian term for administrative jurisdiction says that it can only be done if there are two main things:

- **The organic element is** represented by the fact that the administration is a means to the dispute.

<sup>16</sup> - Al-Wajeez fil qadail idariy (Al-Wajeez in the Administrative Judiciary), Suleiman Al-Tamawi, p. 44.

<sup>17</sup> - Whereas the Order of the Grievances, which was made by the Royal Decree (M/78) on September 19, 1428 AH, had the thirteenth paragraph: (C) Compensation claims filed by the people who were affected by the management body's decisions or actions, and (D) claims about contracts in which the management body is a party.

<sup>18</sup> - Alqadaul idariyu wal murafa'aatul idaria (Administrative Judiciary and Administrative Pleadings), Ayyad Ashour, Beirut, Al-Resala Foundation, p. 56-57.

- **The objective element** represented in the dispute is subject to rules derived from public order and distinct from the rules of the private system, with judicial procedures mostly independent of civil judicial procedures.

Thus, administrative jurisdiction can be defined as a combination of these two elements as “a type of judiciary independent of the general judiciary that considers cases and disputes in which the administration is a party, provided that it uses the methods of common law.”

Following a decision, judicial oversight of the administrative authority’s rights is a guarantee. This is the only way for an employee, for example, to get his penalty lifted. There are many objective and formal flaws and shortcomings that can be relied on when going to the administrative judiciary. The administration, while following up on the functioning of the public utility and the workers, exercises several decisions through different means and actions within its privileges. These actions are divided into two parts:

I. **Physical Acts:** These are facts and actions carried out by the administration without intending to have a legal effect on them.

II. **Legal acts:** the work of the Department with a view to producing legal effect, new legal consequences, amending or eliminating existing points of law<sup>19</sup>.

Among the aspects to which the administrative jurisdiction attaches importance are the integrity of the administrative decision and the limitation of the powers of the administration; monitoring the existence and correctness of the material facts in a system; and this incident is what prompted the administration to issue this decision and had a systemic effect, which is expressed in the reason pillar in the administrative decision<sup>20</sup>:

- It must be valid and exist from the time of its issuance request to the time of its issuance, so that those decisions are issued based on them as they are true foundations and exist.
- It must be specific and not be general, vague, or unknown.
- The reasons must be serious.
- That the facts are true<sup>21</sup>.

For a long time, the French Council of State remained away from supervision over the physical acts constituting the pillar of reason, as it did not impose its control over these facts except in a relatively recent history dating back to the early twentieth century, on the pretext that when it judges the appeals brought before it by the relevant stakeholders to cancel the administrative decisions issued in their right, he decides on an issue related to the legitimacy of these decisions and their compliance with the law, because he is a legal judge and not a factual judge, and this task is similar to that of the Court of Cassation, which does not examine the validity of facts from their in-

<sup>19</sup> - Al-qaratul idariat fil mamlakatil arabiat as-saudiat (Administrative Decisions in the Kingdom of Saudi Arabia), Muhammad Abdul-Aal Al-Sinari, Riyadh, Institute of Management. P. 2.

<sup>20</sup> - As-sultat at-taqdiriat lil idarat war-raqabatul qada’iyat (Discretionary Authority for Administration and Judicial Oversight), Issam Al-Barzanji, Al-Nahda Al-Arabiya, p. 368.

<sup>21</sup> - Its judgment is in Case 393 of Year 2, dated 19/1/1972 AD, Year 3, p. 248. Referred to by Sami Jamal Al-Din, Judiciary of convenience and discretion, *Ibid.*, p. 190.

validity, but rather its task is limited to the proper application of the law<sup>22</sup>. Since the administrative judiciary has the right to investigate the validity, occurrence and conformity of the reasons to the system, it was stipulated in Judgment No. 174/T/6 of 1427 AH that when it was necessary for the administrative decision to be based on true material facts and to produce the cause, and since it was so, it was The material fact has not been proven against the plaintiff, and if it is proven, its proof against the plaintiff does not lead to a cause, since its existence does not mean that what the defendant attributed to the defendant is proven<sup>23</sup>.

If these facts are absent, then the administrative decision is in violation of the system and is subject to cancellation due to its lack of the legal basis on which it is based. Administrative decisions are at the time in which they were issued. Examples of management decisions that require their cancellation are issuing a decision to dismiss an employee to cancel the job without there being a real cancellation of it; and the same is the decision to terminate the service of an employee for submitting his resignation from his job, even though he did not submit it, and the decision is void because the resignation fact has not been fulfilled<sup>24</sup>.

The Saudi administrative judiciary has expanded its supervision over the validity of the physical existence of facts; if their existence is found correctly according to the system, the decision is rescinded, and this includes what the Board of Grievances decided in judgment No. 68/T/3 of 1410 AH<sup>(25)</sup> to cancel the administration's decision to penalize an employee by deduction from his salary and transfer him for what was attributed to him for violating the.

It's important to keep an eye on important facts, so the regulator said in Article (26) of the employee disciplinary system that it's okay to change a disciplinary decision in two cases:

- I. If the decision erred in the application or interpretation of the system,
- II. If facts or documents that were not known at the time of the issuance of the decision appear, their proof would lead to the innocence of the violator.

It is not sufficient to acknowledge the legality of an administrative decision from a system-compliant body that the administration bases its issuance on material facts; rather, it must fulfill the facts and conditions required by the system to be a justification for the decision. A judge can't just say that an employee did what was said about him and that he did something bad. The judge must be able to figure out what the employee did that was bad enough to warrant punishment, and he must do so in a way that makes sense for the system. Also, if the decision is based on several reasons and some of them are proven correct, this does not necessarily entail canceling the

<sup>22</sup> - Ibid, Al-qadaul idariyu wa muhasabutud daolat (Administrative Judiciary and State Accountability), Mustafa Abu Zaid Fahmy, An Nahda alarabiat, Cairo, P. 504.

<sup>23</sup> -Al-qanunul idariyu fil mamlakatil arabiyat: Dirasatun muqaranatun (Administrative Law in the Kingdom of Saudi Arabia, a comparative study), Hamdi Muhammad Al-Ajmi, Library of Law and Economics, Riyadh, P. 15.

<sup>24</sup> - Awjuhut ta'n bi ilghail qarar al'idari (Ways of Appealing Against Annulment of Administrative Decision), Abdelaziz Abdel Moneim Khalifa, El-Mahalla El-Kubra, Egypt, 2002. P. 189-190.

<sup>25</sup> - Al-qanunul idariyu fil mamlakatil arabiat al-Saudiyat: Dirasatun muqaranatun (Administrative Law in the Kingdom of Saudi Arabia: A Comparative Study), Hamdi Muhammad Al-Ajmi, P. 16.

decision. Rather, the administrative judge assesses the value of each of the valid and other reasons on which the decision was based. The decision does not invalidate it; however, if the reasons are not valid and sufficient, the decision is void <sup>26</sup>.

It is not sufficient for the validity of the administrative decision that the facts on which it is based exist; rather, those facts must remain in place until the decision is issued, in addition to the need for those facts to be precisely defined. In contrast to the control of legal conditions on cause and control of appropriateness <sup>27</sup>.

#### 4. Findings & Conclusion

The administration's self-monitoring means following up on the implementation of the administrative process and its implementers and evaluating their work to reach the set goal in the shortest time, with the greatest accuracy, and with the least amount of error and cost. Also, the administration's automatic control over itself is the one that is carried out by itself when it reviews its actions and behaviors. Based on this and the previous literature and case reviews, the main findings of this research are summarized as follows:

- I. The administration seeks in all its actions to achieve the public interest, and its actions must be legitimate through self-monitoring. This oversight is carried out through the administration's review of its behavior, and it cancels, amends, withdraws, or replaces this behavior with another act. It checks to see if the decision made is legal before challenging it before a judge.
- II. Administrative authority works are issued either unilaterally or through collaboration with another department or administration; the former is represented in administrative decisions, while the latter is embodied in administrative contracts.
- III. The source of the decision or the chief administrative officer may not discover the illegality of the act that was issued, and here individuals have the right to file grievances with the aim of canceling, withdrawing, or modifying the defective actions directed at the administration to reveal the illegality of their act and the individual affected by this illegal act.
- IV. The administrative authority, when making administrative decisions, has the first chance to be seen as legitimate, which means that people will respect and follow the law.
- V. Administrative decisions are the preferred method of management to carry out its functions due to the speed and effectiveness of administrative work. Administrative decisions allow the administrative authority to broadcast any matter without the permission of anyone, even if they are against it.
- VI. Administrative contracts are defined by law. They are administrative contracts with the power of law because their subject matter is a public good.
- VII. There are countries that adopt a unified judicial system; that is, they do not have an

<sup>26</sup> -Ibid, Al-qadaul idariyu (Administrative Judiciary), Maged Ragheb Al-Helou, p. 133.

<sup>27</sup> - Abdelaziz Abdel Moneim Khalifa, Awjuhut ta'n bi ilghail qarar al'idari (Ways of Appealing Against Annulment of Administrative Decision), p. 229.

administrative judiciary independent of the ordinary, and there are countries that adopt a dual judicial system, where they have two judicial bodies, one of which specializes in handling administrative disputes represented by administrative courts, and the second specializes in disputes between individuals, which are the ordinary courts.

- VIII. The administrative authority is characterized by monitoring the implementation of the contract, and this control may have the nature of material work or the nature of administrative orders, according to the requirements of the public interest.
- IX. The administrative authority is distinguished by its ability to unilaterally amend the requirements of the contract and has the right to impose penalties and terminate the contract unilaterally.
- X. Different comparative laws in relation to the criteria that define the jurisdiction of the administrative judiciary; However, the regulator in the Kingdom resolved this difference and decided the formal criterion for the jurisdiction of the administrative judiciary in the Kingdom, and therefore, the courts of the Board of Grievances are competent to consider any dispute in which the administration is a party, and thus many problems that arise from the conflict of jurisdiction and its overlap in many of the cases. However, there is a small part of the cases in which the administration is a party, and the courts of the Board of Grievances do not have jurisdiction, such as the dispute over the ownership of real estate.

In conclusion, the researcher recommends conducting more research on the privileges of management in the Saudi administrative judiciary because this topic is of scientific and practical importance.

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