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Course Description: Administrative Law 3

1- Basic Information:

Course Name	Administrative Law 3
Course ID	ADM506
Contact Hours (Registered Sessions)	24
Contact Hours (Synchronized Sessions)	28
Mid Term Exam	--
Exam	2
Registered Sessions Work Load	34
Synchronized Session Work Load	36
Credit Hours	5
Course Level	5

2- Pre-Requisites:

Course	ID
Administrative Law 2	ADM406

3- Course General Objectives:

After the principles of the rule of law and the principles of democracy were firmly established, and after the International Bill of Human Rights was issued, countries rushed

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to codify the basic structural principles of the state, and these principles were even upgraded to become constitutional principles.

As a result, the work of the public administration has been subjected to judicial oversight in order to ascertain their legality, and to cancel them and compensate for them if their illegality is proven.

Judicial oversight systems on the work of the administration varied between the unified judicial system and the dual judicial system.

With the proven effectiveness of the administrative judiciary and its success in protecting the principle of legality, this system was widely spread in countries that were affected by the Latin legal system led by France, and among these countries is our beloved country Syria, where it has implemented the administrative justice system in its modern sense since 1959.

This course dealt with the issue of administrative judiciary in terms of both membership and function, where the Syrian State Council, in its judicial and advisory sections, was studied, and issues within the jurisdiction of the judicial section of the Council were studied and the provisions of Law No. 32 of 2019.

The focus was on studying the two main types of administrative claims, which are:

The annulment claims and the full court claim, in terms of the nature of each of them, the characteristics of each, and the conditions for accepting each of them.

Subsequently, the negligent administration's responsibility for its unilateral legal actions and for its material actions was studied.

At the end of the course, we devoted independent research to the study of the responsibility of the administration without error. This was followed by a brief study of the

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characteristics of administrative procedures and their comparison with civil and criminal procedures. The course was concluded by presenting the issue of appealing the rulings of the courts of first instance before the Supreme Administrative Court.

Since the main objective of this book is to enable our dear students to understand the administrative judiciary and its procedures, we have tried hard to multiply practical examples, and we have also taken into account the judicial policy followed by the State Council on issues within its jurisdiction by presenting the jurisprudence of the Administrative Court and the Administrative Court Supreme.

4- Intended Learning Outcomes (ILO):

Code	Intended Learning Outcomes
ILO1	<p>The idea of controlling the work of administration. In this lecture we will study the following topics:</p> <ol style="list-style-type: none"> 1. Theoretical basis for the idea of controlling the work of administration 2. The work of the public administration is what is subject to supervision 3. Justifications for controlling the work of the administration
ILO2	<p>The principle of legality as a criterion for controlling the work of the administration. In this lecture we will study the following topics:</p> <ol style="list-style-type: none"> 1. The principle of legality as a criterion for controlling the work of the public administration 2. Sources of the principle of legality (written sources, unwritten sources)

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	3. Restrictions on the principle of legality (discretionary authority - the theory of exceptional circumstances - acts of sovereignty).
ILO3	<p>Types of control over the work of administration. In this lecture we will study the following topics:</p> <ol style="list-style-type: none"> 1. Parliamentary (political) oversight of the work of the administration. 2. Administrative control (self and presidential). 3. Judicial oversight and justifications for its preference over other types of oversight.
ILO4	<p>Judicial oversight systems for administration work. In this lecture we will study the following topics:</p> <ol style="list-style-type: none"> 1. The unified judicial system and its applications 2. Evaluation of the unified judicial system (its advantages and disadvantages) 3. Double Judicial system 4. The historical development of the Double Judicial system (in France, Germany and Syria). 5. Evaluation of the Double Judicial system
ILO5	<p>The Organization the administrative judiciary in Syria under the State Council Law No. /32/ of 2019/. In this lecture we will study the following topics:</p> <ol style="list-style-type: none"> 1. Legal status of the State Council 2. Sections of the State Council (Judicial Section and Advisory Section) 3. State Council judges (appointment - immunity - discipline)

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ILO6	<p>Matters within the jurisdiction of the Judicial Section of the State Council. In this lecture we will study:</p> <ol style="list-style-type: none"> 1. Electoral appeals 2. Appeals of employees and those of office holders 3. Individuals' appeals against final administrative decisions 4. Disputes related to taxes, fees and general costs 5. Disputes related to administrative contracts 6. Disputes related to nationality 7. A claim for compensation for illegal administrative decisions
ILO7	<p>Cancellation claim. In this lecture we will study:</p> <ol style="list-style-type: none"> 1. The nature and legal basis of the annulment claim 2. Characteristics of the annulment claim 3. Formal conditions for accepting the cancellation claim (Conditions related to the administrative decision complained of - conditions related to the plaintiff - conditions related to the date)
ILO8	<p>Effect of filing an annulment action on the contested decision. In this lecture we will study:</p> <ol style="list-style-type: none"> 1. The rule of non-positional effect of the annulment claim (general principle) 2. Effect of the cancellation claim (exception) 3. Formal conditions of a request in accordance with the implementation of the decision complained of

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	<p>4. The objective conditions for requesting a stay of execution of the decision complained of</p> <p>5. The nature of the judgment suspending the implementation of the administrative decision complained of</p>
ILO9	<p>Full court action and administration liability based on fault. In this lecture we will study:</p> <ol style="list-style-type: none"> 1. The nature of the full judiciary claim, its characteristics and criteria for distinguishing it from the annulment claim, and its cases in Syria (administrative contract disputes - tax judiciary - electoral judiciary) 2. The tort responsibility of the administration based on the error, and the focus will be on (the element of error, the element of damage, and the element of causation) 3. Distinguish between a personal error and a general elbow error 4. General elbow fault images 5. General elbow error in the case of administrative decisions 6. General elbow error in the case of material works
ILO10	<p>Elements of administration responsibility on the basis of fault.</p> <p>At the end of the time allotted to study this chapter, it is expected that the student will be able to:</p> <ol style="list-style-type: none"> 1. Defines administration responsibility on the basis of error and its elements 2. Defines the content of the error corner and differentiates between a personal error and an accompanying error

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	<ol style="list-style-type: none"> 3. Indicate the cases of elbow error and the extent of the administration's responsibility for compensation 4. Indicates the content of the element of damage and its types 5. The content of the pillar of the causal relationship between the error and the damage and the cases of exemption from liability of the administration
ILO11	<p>Responsibility for administrating without fault (on the basis of risk), disciplinary principles of administrative due process and methods of appealing judgments of courts of first instance. In this lecture we will study:</p> <ol style="list-style-type: none"> 1. The concept of responsibility without fault and its elements 2. Its applications in France and the position of the legislator and the Syrian judiciary regarding it 3. Methods of appealing the rulings of administrative courts and administrative courts 4. Principles governing administrative procedures.
ILO12	<p>principles of administrative procedures</p> <p>At the end of the time allotted to study this chapter, it is expected that the student will be able to:</p> <ol style="list-style-type: none"> 1. Explains the disciplinary principles of administrative procedures 2. The methods of appealing the judgments of the courts of first instance in terms of determining the competent court of appeal, the methods of appeal and the reasons for each of them.

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5- Course Syllabus (24 hours of total Recorded Sessions, 28 hours of total synchronized sessions)

- **RS:** Recorded Sessions; **SS:** Synchronized Sessions;

ILO	Course Syllabus	RS	SS	Type	Additional Notes
ILO1	<ul style="list-style-type: none"> • Justifications for oversight of the work of the public administration • Standard of control over the work of the public administration (the principle of legality) 	2	4	✓ Exercises ✓ Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	discussion and dialogue
ILO2	<ul style="list-style-type: none"> • The principle of legality as a control criterion • Sources of the principle of legality 	2	4	✓ Exercises ✓ Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	Questions and exercises
ILO3	<ul style="list-style-type: none"> • Types of control over the work of administration 	2	2	✓ Exercises ✓ Assignments <input type="checkbox"/> Seminars	Questions and exercises

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				<input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO4	<ul style="list-style-type: none"> Administrative control systems over administration work 	2	2	<input checked="" type="checkbox"/> Exercises <input checked="" type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	Questions and exercises
ILO5	<ul style="list-style-type: none"> The Organization the administrative judiciary in Syria under the State Council Law No. /32/ of 2019/ 	2	2	<input checked="" type="checkbox"/> Exercises <input checked="" type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	Questions and exercises
ILO6	<ul style="list-style-type: none"> Matters within the jurisdiction of the Judicial Section of the State Council 	2	2	<input checked="" type="checkbox"/> Exercises <input checked="" type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects	discussion and dialogue

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				<input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO7	<ul style="list-style-type: none"> Cancellation claim 	2	2	<input checked="" type="checkbox"/> Exercises <input checked="" type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	Questions and exercises
ILO8	<ul style="list-style-type: none"> Effect of filing an annulment action on the contested decision 	2	2	<input checked="" type="checkbox"/> Exercises <input checked="" type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	discussion and dialogue
ILO9	<ul style="list-style-type: none"> Full court action and administration liability based on fault 	2	2	<input type="checkbox"/> Exercises <input checked="" type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices	Questions and exercises

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				<input type="checkbox"/> Others	
ILO10	<ul style="list-style-type: none"> Elements of administration responsibility on the basis of fault 	2	2	<input type="checkbox"/> Exercises <input checked="" type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input checked="" type="checkbox"/> Case Study	Questions and exercises
ILO11	<ul style="list-style-type: none"> Responsibility for administrating without fault (on the basis of risk) 	2	2	<input type="checkbox"/> Exercises <input checked="" type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input checked="" type="checkbox"/> Case Study	Questions and exercises
ILO12	<ul style="list-style-type: none"> principles of administrative procedures 	2	2	<input type="checkbox"/> Exercises <input checked="" type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input checked="" type="checkbox"/> Case Study	Questions and exercises

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6- Assessment Criteria (Related to ILOs):

ISC	Interactive Synchronized Collaboration	Ex	Exams	Rpt	Reports
PF2F	Presentations and Face-to-Face Assessments	PW	Practice Work		

ILO Code	ILO	Intended Results	Assessment Type				
			ISC	PW	Ex	PF2F	Rpt
ILO1	Oversight of the work of the public administration.	Understand and analyze	✓				
ILO2	Knowing the principle of legality.	Understand and analyze	✓				
ILO3	Oversight of administration's work.	Understand and analyze					✓
ILO4	administration control systems.	Understand and analyze	✓				✓
ILO5	The Organization the administrative judiciary in Syria under the State Council Law No. /32/ of 2019/.	Understand and analyze	✓				

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ILO6	Matters within the jurisdiction of the Judicial Section of the State Council.	Understand and analyze					✓
ILO7	Cancellation claim.	Understand and analyze					✓
ILO8	Effect of filing an annulment action on the contested decision.	Understand and analyze					✓
ILO9	Full court action and administration liability based on fault.	Understand and analyze	✓				
ILO10	Elements of administration responsibility on the basis of fault.	Understand and analyze	✓				
ILO11	Responsibility for administrating without fault (on the basis of risk).	Understand and analyze					
ILO12	principles of administrative procedures.	Understand and analyze					

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7- Practice Tools:

Tool Name	Description
Submit working papers	-----
Presentation of seminars	-----
Conducting scientific study sessions	-----
Visits to the State Council	-----
Follow up on the jurisprudence of the judiciary	-----
Studying a claim and expressing an opinion thereon	-----

8- Main References

First: Arabic references:

- Dr. Saeed Nahili, Dr. Absi Al-Hassan, Administrative Law (Administrative Activity), Aleppo University Publications, 2007.
- Dr. Saeed Nahili, Dr. Absi Al-Hassan, Administrative Contracts, Aleppo University Publications, Open Education, 2004.
- Dr. Hassan Al-Bahri, Constitutional Law, Political Systems, New and Revised Edition, 2019.
- Dr. Anwar Raslan, Administrative Law, Cairo University Center for Open Education, Special Edition for Syria, 2002.
- Dr. Muhammad Refaat Abdel Wahab, Administrative Judiciary, Book One, Al-Halabi Legal Publications, Beirut 2005.

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- Dr. Saeed Nahili, Principles of Administrative Law, Part One, Al-Baath University Publications, Faculty of Law, 2012.
- Dr. Mansour Ibrahim Al-Atoum, Disciplinary Responsibility of the Public Employee, First Edition, 1984.
- Dr. Mustafa Abu Zaid Fahmy, Administrative Judiciary and the State Council, fourth edition.
- Dr. Muhammad Al-Hussein, Dr. Muhannad Noah, Administrative Contracts, Damascus University Publications.
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- Dr. Fouad Deeb Private International Law - Nationality - Damascus University Publications, Faculty of Law.
- Counselor Hamdi Okasha, Administrative Decision in the State Council Judiciary, 1987.
- Dr. Maher Aboul-Enein, The Cancellation Case before the Administrative Court, Book One, House of Legal Books, Shatat, Egypt, 1998.
- Dr. Muhammad Waheed Al-Din Swar, The General Theory of Commitment, Damascus University Publications, 1982.
- Dr. Zaki Al-Najjar, Implicit Decision of Acceptance, Cairo, 1998.
- Dr. Abdel Alim Abdel Hamid Musharraf, Continuous Administrative Decision, Cairo, 2004.

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- Dr. Saeed Nahili, Public Administration, Al-Hawash Private University Publications, Faculty of Law, 2021.
- Dr. Muhammad Maher Abul-Enein, The cancellation claim before the administrative judiciary, the reasons for canceling administrative decisions according to the provisions of the Egyptian Supreme Administrative Court until 1996, Book Two, Egypt, 1998.

Second: Foreign references:

- Maurer, Hartmut, Allg. Verwaltungsrecht MUNCHEN 1999.
- Jellinek, Walter, Verwaltungsrecht, 1966.
- Mayer, Otto, deutsches Verwaltungsrecht, 2 Bde., 3. Aufl 1924.
- Tettinger/Wahrendorf, Verwaltungs-prozeßBrecht, Berlin, 2000.

9- Additional References

- Dr. Suleiman Al-Tamawi, Administrative Judiciary, Book One, The Elimination District, Cairo, 1996
- Dr. Suleiman Al-Tamawi, Administrative Judiciary, Book One, Compensation Judgment and Methods of Coping in Judgments, Cairo 1996
- Dr. Daima Al-Jarf, Judicial Supervision of Public Administration Workers, Al-Qada' District, Cairo
- 1993

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- Dr. Mohamed Abdel Latif Administrative Judiciary Law, Book Two - Annulment Case, Cairo, 2002

Relevant Legislation:

- The Syrian Constitution 2012
- State Council Law 32 of 2019
- General Elections Law No. 5/ of 2014
- Local Administration Law 107 of 2011
- Basic Law of State Workers No. 50 of 2004
- Contract Law for Public Entities
- No. / 51 / for the year 2004
- Trial Procedure Law No. / 1 / of 2016

Judicial opinions:

- The set of principles approved by the Supreme Administrative Court from 1960 to the present day.