Department of Legal Management
Introduction to the study of law
First year

Assist. Lect. Duaa Mohammad

1- What is law?

Law is a body of rules which have been laid down for determining legal rights and legal obligations which are recognized by courts.

Rules are either sent by god or made by man. On one hand, positive laws are human-made laws that oblige or specify an action as well as they describe the establishment of specific rights for and individual or group. On the other hand, natural laws are rules sent by God. Natural laws are laws which claim a basis in god, nature, or reason. If a rule is not binding on the people, it is not positive. Alzakaa, for example, is an Islamic order, but the authority will not punish the people who do not pay it. Therefore, it is not a positive law.

Natural law	Positive law
1- based upon principles and truth	1- based upon ideological beliefs
(inherent to creation)	(constructs of mind)
2- harmonized with, due to	2- complied with, due to fear of
knowledge and understanding	punishment
3- universal; exists and applies	3- differ with location based upon
anywhere in the universe regardless	the legislators
of location	
4- eternal and cannot be changed	4- changes with time based on the
	legislators

2- General vs special law.

Law is a new term. It appeared in the Arab homeland in the middle of the nineteenth century in two meanings:

- 1. Special Law: it is the collection of all legal decisions which are binding on every member in the society. The authority will punish any person who disobey these decisions. The transportation law is a special law. The income law is another example.
- 2. General Law: an example of general law is the Iraqi civil law. Another example is the international law. A general law is a group of rules of general behavior in the society. These rules regulate the social relations among people.
- -A code is the law which governs a certain field in our life: the civil code and the commercial code, for example. Commercial code regulates commercial relations.
- -Is law necessary to life? Yes, it is. Without law, there is no order in the society. It is necessary for our civilization and for the development of our life.

3- Terminology

Eaw قاعدة

Rule قاعدة

Special law قاعدة

Special law قانون الخاص قانون الدخل

General law القانون العام القانون العام القانون العام القانون العام القانون العانون المدني قانون وضعي قانون محدد Code قانون التجاري Commercial law القانون النقل Transportation law القانون الدولي الدولي التوانون الدولي القانون الدولي القانون الدولي التوانون الدولي القانون الدولي التوانون الدولي التوانون الدولي التوانون الدولي الدولي التوانون ال

Lecture 4-5

Q/There are two minimum requirements that must be satisfied in order for a legal system to exist, mention them.

- 1- Private Citizen must generally obey the primary rules of obligation.
- 2- Public officials must accept the secondary rules of recognition, change, and adjudication as standards of official conduct.

```
هناك حد أدنى من المتطلبات التي يجب استيفاؤها من أجل وجود نظام قانوني ، اذكر هما.
1- يجب على المواطن العادي عموماً الالتزام بقواعد الالتزام الأولية.
2- يجب على الموظفين العموميين قبول القواعد الثانوية للتمييز والتغيير والفصل كمعايير للسلوك الرسمي.
```

Q. what is the relation between moral and legal rules? Or state the relation between moral and legal rules.

Moral and legal rules of obligation may overlap, because they may be similar in some situations. However, they may also differ in other situations. Moral and legal rules may apply to a similar aspect of conduct, such as the obligation to be honest and the right to respect the rights of other people. However, they cannot always be changed in the same way that legal rules can be changed.

قد تتداخل قواعد الالتزام الأخلاقية والقانونية ، لأنها قد تكون متشابهة في بعض المواقف. ومع ذلك ، قد تختلف أيضًا في حالات أخرى. قد تنطبق القواعد الأخلاقية والقانونية على جانب مماثل من السلوك ، مثل الالتزام بالصدق والحق في احترام حقوق الآخرين. ومع ذلك ، لا يمكن تغييرها دائمًا بنفس الطريقة التي يمكن بها تغيير القواعد القانونية.

Q. what is "legal positivism"? Or According to Hart, there is no logical connection between moral and legal rules, comment. Or explain Hart's theory of legal positivism.

Hart state that there is no necessary logical connection between legal and moral rules, and that the existence of legal rights and duties may be devoid of any moral justifications. However, he describes his own view as "soft positivism" because he admits that the rules of recognition may consider the compatibility or incompatibility of a rule with moral values as a criterion of the rule's legal validity.

ما هي " legal positivism"؟ أو حسب هارت ، ليس هناك علاقة منطقية بين القواعد الأخلاقية والقانونية ، اشرح ذلك او علق على ذلك؟ . أو شرح نظرية هارت legal positivism؟

يقول هارت أنه لا توجد علاقة منطقية ضرورية بين القواعد القانونية والأخلاقية ، وأن وجود الحقوق والواجبات القانونية قد يكون خاليًا من أي مبررات أخلاقية.ومع ذلك ، فهو يصف وجهة نظره الخاصة بأنها "soft positivism" لأنه يعترف بأن قواعد الاعتراف قد تعتبر توافق أو عدم توافق القاعدة مع القيم الأخلاقية كمعيار للصحة القانونية للقاعدة .

Q. Hart considers international law problematic, comment. ? Or international law is described by Hart as problematic, state why? Or why did Hart consider international law as problematic?

Hart described international law as problematic:

- 1- Because it may not have all the elements of a fully developed legal system.
- 2- International law may lack secondary rules of recognition, change, and adjudication. International legislatures may not always have the power to enforce sanctions against nations who disobey it.
- 3- International courts may not always have jurisdiction over legal disputes between nations.

هارت يعتبر القانون الدولي إشكالي، اشرح ذلك. ؟؟؟ أو هارت يصف القانون الدولي بأنه إشكالي، لماذا؟ أو لماذا اعتبر هارت القانون الدولي إشكالياً؟

وصف هارت القانون الدولي بأنه إشكالي:

- الأنه قد لا يحتوي على جميع عناصر النظام القانوني الكامل.
- -2قد يفتقر القانون الدولي إلى قواعد ثانوية للاعتراف والتغيير والفصل. قد لا تتمتع الهيئات التشريعية الدولية دائمًا بالسلطة لفرض عقوبات على الدول التي لا تطيعها.
 - 3قد لا يكون للمحاكم الدولية دائمًا السلطة في المنازعات القانونية بين الدول.
- Q. what are the main types of legal system?

There appear to be two main types of legal system: Roman law also known as "civil law", and common law

س: ما هي الأنواع الرئيسية للنظام القانوني؟

يبدو أن هناك نوعان رئيسيان من النظام القانوني: القانون الروماني والقانون العام.

Q. what is the difference between common law and Roman law?

ما الفرق بين القانون العام والقانون الروماني؟

The basic difference between common law and civil or Roman law can be defined as follows:

يمكن تعريف الفرق الأساسي بين القانون العام والقانون المدني أو القانون الروماني على النحو التالي:

Civil law "Roman law"	Common law
1- Its core principles are codified	1- Its legal system is characterized
into a referable system that serves as	by case law, which is law developed
the primary source of law. مبادئه	by judges through decisions of
الأساسية مدونة في نظام مرجعي يعمل كمصدر	courts and similar tribunals. يتميز
أساسى للقانون	نظامه القانوني بالسوابق القضائية، وهو قانون
- -	يضعه القضاة من خلال قرارات المحاكم
	والهيئات القضائية المماثلة
2- In a civil law system, the judge's	2- Judges decide matters of law and,
role is to establish the facts of the	where a jury is absent, they also find
case and to apply the provisions of	facts. Most judges rarely inquire
the applicable code. However, the	extensively into matters before them,
judge often brings the formal charge.	instead, they rely on arguments
في نظام القانون المدني، دور القاضي هو إثبات	presented to them. يقرر القضاة المسائل
وقائع القضية وتطبيق أحكام القانون المعمول به.	القانونية ، وفي حالة غياب هيئة المحلفين ، فإنهم
بالإضافة الى ذلك القاضي غالبًا ما يوجه التهمة	يجدون الحقائق أيضًا. نادرًا ما يستفسر القضاة
الرسمية.	بشكلٍ مكثف في المسائل المعروضة عليهم ،
	وبدلاً من ذلك ، يعتمدون على الحجج المقدمة لهم
3- It is used in Spain, China, Japan,	3- It is used in United States,
Germany, and most African	England, Australia, Canada, India,
يعمل به في اسبانيا و الصين و nations.	and Iraq. يعمل به في الولايات المتحدة و
اليابان وألمانيا و معظم الدول الافريقية	إنكلترا و كندا والهند والعراق
4- Only used to determine	4- Used to rule on future or present
administrative of constitutional court	تستخدم للحكم في القضايا المستقبلية أو . cases
يستخدم فقط لتحديد المسائل الإدارية .matters	الحالية
للمحكمة الدستورية	
5- The civil law tradition developed	5- Common law systems have
during the roman empire and	evolved primarily in England and its
influenced continental Europe at the	القانون العام تطور في ز former colonies
same time and was applied in the	إنكلترا ومستعمراتها السابقة
colonies of European imperial	
powers such as Spain and Portugal.	

القانون المدني بدا في العصر الروماني واستمر	
في أوربا القارية وطَّبق في المستعمراتُ التابعةُ	
ي رو. وي و لها مثل اسبانيا والبرتغال	
تها من اسبانیا و انبر نعال	

Department of Legal Management
Introduction to the study of law
First year
Assist, Lect. Duaa Mohammad

Q/There are two minimum requirements that must be satisfied in order for a legal system to exist, mention them.

- 1- Private Citizen must generally obey the primary rules of obligation.
- 2- Public officials must accept the secondary rules of recognition, change, and adjudication as standards of official conduct.

هناك حد أدنى من المتطلبات التي يجب استيفاؤها من أجل وجود نظام قانوني ، اذكر هما. 1- يجب على المواطن العادي عموماً الالتزام بقواعد الالتزام الأولية. ٢- يجب على الموظفين العموميين قبول القواعد الثانوية للتمييز والتغيير والفصل كمعايير للسلوك الرسمي.

Q. what is the relation between moral and legal rules? Or state the relation between moral and legal rules.

Moral and legal rules of obligation may overlap, because they may be similar in some situations. However, they may also differ in other situations. Moral and legal rules may apply to a similar aspect of conduct, such as the obligation to be honest and the right to respect the rights of other people. However, they cannot always be changed in the same way that legal rules can be changed.

ما هي العلاقة بين القواعد الأخلاقية والقانونية؟ أو ذكر العلاقة بين القواعد الأخلاقية والقانونية?

قد تتداخل قواعد الالتزام الأخلاقية والقانونية ، لأنها قد تكون متشابهة في بعض المواقف. ومع ذلك ، قد تختلف أيضًا في حالات أخرى. قد تنطبق القواعد الأخلاقية والقانونية على جانب مماثل من السلوك ، مثل الالتزام بالصدق والحق في احترام حقوق الآخرين. ومع ذلك ، لا يمكن تغييرها دائمًا بنفس الطريقة التي يمكن بها تغيير القواعد القانونية.

Q. what is "legal positivism"? Or According to Hart, there is no logical connection between moral and legal rules, comment. Or explain Hart's theory of legal positivism.

Hart state that there is no necessary logical connection between legal and moral rules, and that the existence of legal rights and duties may be devoid of any moral justifications. However, he describes his own view as "soft positivism" because he admits that the rules of recognition may consider the compatibility or incompatibility of a rule with moral values as a criterion of the rule's legal validity.

ما هي " legal positivism"؟ أو حسب هارت ، ليس هناك علاقة منطقية بين القواعد الأخلاقية والقانونية ، اشرح ذلك او علق على ذلك؟ . أو شرح نظرية هارت legal positivism؟

يقول هارت أنه لا توجد علاقة منطقية ضرورية بين القواعد القانونية والأخلاقية ، وأن وجود الحقوق والواجبات القانونية قد يكون خاليًا من أي مبررات أخلاقية ومع ذلك ، فهو يصف وجهة نظره الخاصة بأنها "soft positivism" لأنه يعترف بأن قواعد الاعتراف قد تعتبر توافق أو عدم توافق القاعدة مع القيم الأخلاقية كمعيار للصحة القانونية للقاعدة .

Q. Hart considers international law problematic, comment. ? Or international law is described by Hart as problematic, state why? Or why did Hart consider international law as problematic?

Hart described international law as problematic:

- 1- Because it may not have all the elements of a fully developed legal system.
- 2- International law may lack secondary rules of recognition, change, and adjudication. International legislatures may not always have the power to enforce sanctions against nations who disobey it.
- 3- International courts may not always have jurisdiction over legal disputes between nations.

هارت يعتبر القانون الدولي إشكالي، اشرح ذلك. ؟؟؟ أو هارت يصف القانون الدولي بأنه إشكالي، لماذا؟ أو لماذا اعتبر هارت القانون الدولي إشكالياً؟

وصف هارت القانون الدولي بأنه إشكالي:

- 1 لأنه قد لا يحتوي على جميع عناصر النظام القانوني الكامل.
- -2قد يفتقر القانون الدولي إلى قواعد ثانوية للاعتراف والتغيير والفصل. قد لا تتمتع الهيئات التشريعية الدولية دائمًا بالسلطة لفرض عقوبات على الدول التي لا تطيعها.
 - 3قد لا يكون للمحاكم الدولية دائمًا السلطة في المنازعات القانونية بين الدول.
- Q. what are the main types of legal system?

There appear to be two main types of legal system: Roman law also known as "civil law", and common law

س: ما هي الأنواع الرئيسية للنظام القانوني؟

يبدو أن هناك نوعان رئيسيان من النظام القانوني: القانون الروماني والقانون العام.

Q. what is the difference between common law and Roman law?

ما الفرق بين القانون العام والقانون الروماني؟

The basic difference between common law and civil or Roman law can be defined as follows:

يمكن تعريف الفرق الأساسي بين القانون العام والقانون المدني أو القانون الروماني على النحو التالي:

G: '11 (D 1 2)	C
Civil law "Roman law"	Common law
1- Its core principles are codified	1- Its legal system is characterized
into a referable system that serves as	by case law, which is law developed
the primary source of law. مبادئه	by judges through decisions of
الأساسية مدونة في نظام مرجعي يعمل كمصدر	courts and similar tribunals. يتميز
" أساسى للقانون	نظامه القانوني بالسوابق القضائية، وهو قانون
	يضعه القضاة من خلال قرارات المحاكم
	و الهيئات القضائية المماثلة
2- In a civil law system, the judge's	2- Judges decide matters of law and,
role is to establish the facts of the	where a jury is absent, they also find
case and to apply the provisions of	facts. Most judges rarely inquire
the applicable code. However, the	extensively into matters before them,
judge often brings the formal charge.	instead, they rely on arguments
في نظام القانون المدني، دور القاضي هو إثبات	presented to them. يقرر القضاة المسائل
وقائع القضية وتطبيق أحكام القانون المعمول به.	القانونية ، وفي حالة غياب هيئة المحلفين ، فإنهم
بالإضافة الى ذلك القاضي غالبًا ما يوجه التهمة	يجدون الحقائق أيضًا. نادرًا ما يستفسر القضاة
الرسمية.	بشكل مكثف في المسائل المعروضة عليهم ،
	وبدلاً من ذلك ، يعتمدون على الحجج المقدمة لهم
3- It is used in Spain, China, Japan,	3- It is used in United States,
Germany, and most African	England, Australia, Canada, India,
يعمل به في اسبانيا و الصين و أ	and Iraq. يعمل به في الولايات المتحدة و
اليابان وألمانيا و معظم الدول الافريقية	إنكلترا و كندا والهند والعراق
4- Only used to determine	4- Used to rule on future or present
administrative of constitutional court	تستخدم للحكم في القضايا المستقبلية أو cases.
	الحالبة
	r

matters. يستخدم فقط لتحديد المسائل الإدارية للمحكمة الدستورية	
5-The civil law tradition developed during the roman empire and influenced continental Europe at the same time and was applied in the colonies of European imperial powers such as Spain and Portugal. powers such as Spain and Portugal. laie in laie in late	5- Common law systems have evolved primarily in England and its former colonies القانون العام تطور في ز إنكلترا ومستعمراتها السابقة

Department of Legal Management
Introduction to the study of law
First year

Assist. Lect. Duaa Mohammad

1- What is law?

Law is a body of rules which have been laid down for determining legal rights and legal obligations which are recognized by courts.

Rules are either sent by god or made by man. On one hand, positive laws are human-made laws that oblige or specify an action as well as they describe the establishment of specific rights for and individual or group. On the other hand, natural laws are rules sent by God. Natural laws are laws which claim a basis in god, nature, or reason. If a rule is not binding on the people, it is not positive. Alzakaa, for example, is an Islamic order, but the authority will not punish the people who do not pay it. Therefore, it is not a positive law.

Natural law	Positive law
1- based upon principles and truth	1- based upon ideological beliefs
(inherent to creation)	(constructs of mind)
2- harmonized with, due to	2- complied with, due to fear of
knowledge and understanding	punishment
3- universal; exists and applies	3- differ with location based upon
anywhere in the universe regardless	the legislators
of location	
4- eternal and cannot be changed	4- changes with time based on the
	legislators

2- General vs special law.

Law is a new term. It appeared in the Arab homeland in the middle of the nineteenth century in two meanings:

- 1. Special Law: it is the collection of all legal decisions which are binding on every member in the society. The authority will punish any person who disobey these decisions. The transportation law is a special law. The income law is another example.
- 2. General Law: an example of general law is the Iraqi civil law. Another example is the international law. A general law is a group of rules of general behavior in the society. These rules regulate the social relations among people.
- -A code is the law which governs a certain field in our life: the civil code and the commercial code, for example. Commercial code regulates commercial relations.
- -Is law necessary to life? Yes, it is. Without law, there is no order in the society. It is necessary for our civilization and for the development of our life.

3- Terminology

Eaw قاعدة

Rule قاعدة

Special law قاعدة

Special law قانون الخاص قانون الدخل

General law القانون العام القانون العام القانون العام القانون العام القانون العانون المدني قانون وضعي قانون محدد Code قانون التجاري Commercial law القانون النقل Transportation law القانون الدولي الدولي التوانون الدولي القانون الدولي القانون الدولي التوانون الدولي القانون الدولي التوانون الدولي التوانون الدولي التوانون الدولي الدولي التوانون ال

Department of Legal Management
Introduction to the study of law
First year
Assist, Lect. Duaa Mohammad

3. Islamic Shareea

Islamic shareea has been an important source of law. Islamic countries depended on Islamic shareea from the seventh century until the nineteenth century as their law. This shareea was a complete system from regulating life and spreading good behavior among Muslims. It consists of Holy Quran and the tradition of our prophet, Muhammad. It is a divine legislation in its source. It is a positive law as Muslims depended on it in writing more and more legal rules.

When France invaded North Africa, the Islamic shareea became less important as a source of law. After that, the Ottoman State borrowed some French legal rules and put them instead of Islamic rules but the Ottoman State issued its civil law in 1876, depending on Islamic shareea only. It organized the personal status affairs of the state.

In Iraq, Islamic shareea is now a source of law in two fields inly: personal status affairs and financial dealing. Personal status affairs include marriage, divorce, will, inheritance,... financial dealings organize the financial activities in the society and protect the rights of the people.

The Iraqi Civil Codification says: (if legislation does not say anything about certain matter, the court should go to custom, if custom does not say anything about it, the court should go to Islamic Shareea. If al- Shareea says nothing about it, the court should depend on the rules of justice).

Therefore, we may say that Islamic shareea is the third source of law in Iraq.

Department of Legal Management
Introduction to the study of law
First year
Assist, Lect, Duaa Mohammad

4- Rules of justice

Justice means the feeling of equality. It says that every person should have his rights. Nobody should take the rights of others. This feeling is built on a group of rules. They are called the rules of justice. They aim at organizing the society in the correct way. They depend on equality. Equality is a system of natural justice. If legislation, customs and religion do not give the answer to the judge, the judge will depend on equality. He will use his mind. He will think of a good answer.

Rules of justice are general. They are binding on everybody. But they are not as strong ass legal rules. They change with the change of life. sometimes they are not clear. They aim at equality and happiness. But how to find equality and happiness? There is no single answer.

Rules of justice made the Roman law more flexible. If a person disobeys a legal rule with good intention, the punishment will be not severe.

In England, rules of justice are as important as legal rules. Sometimes, rules of justice and legal rules disagree with each other.

In Islam, rules of justice are very important. They spread equality and justice in the society. They encourage legal reform from time to time.

However, rules of justice should not allow a judge to make his own rules. He should not depend on himself only. He should respect the existing rules.

Terminology

Justice

Flexible

Punishment

Legal reform

Existing

Equality

Equity

Intentions

Severe

Department of Legal Management
Introduction to the study of law
First year
Assist, Lect, Duaa Mohammad

5 & 6- Judiciary and jurisprudence

In Iraq, there are four formal sources of law. They are legislation, custom, islamic shareea and rules of justice. A judge goes to them for answers. There are also two interpretive sources of law. They are judiciary and jurisprudence. If something is not clear in the formal sources, they explain it. They complete each other. a jurist learns from the experience of a judge. A judge learns from the opinion of a jurist.

D/ **Judiciary** is a group of judges in a country. It also means the collection of decisions issued by the courts of a country. It is the practical side of law. It first appeared in Roma. It was one of the sources of Roman law.

In the Islamic society, it appeared with Islam. Islam spread justice. Muhammad was the first Muslim judge.

In England, judiciary is a formal source of law. A judge sometimes depends on previous decisions made by other judges. This is because the English law is not codified.

D/ **Jurisprudence** is the second interpretive source of law. It means the opinions of justice. It is the scientific side of law. It puts theories. Judges depend on these theories. In Islam, jurisprudence began with the holy Quran. After that, different schools of Islamic jurisprudence appeared. Discretion also appeared. It developed the legal system. It encourages the judge to study the situation carefully before taking decision.

Terminology

مجموعة القضاة او مجموعة القرارات التي تصدرها المحاكم Jurisprudence الدراسة العلمية للقانون فقه القانون

Jurist فقيه بالقانون حقوقي اجتهاد Discretion تفسيري Interpretive

Department of Legal Management
Introduction to the study of law
First year
Assist, Lect, Duaa Mohammad

1. Legislation

There are six sources of law in Iraq: legislation, custom, Islamic Shareea, rules of justice, judiciary and jurisprudence.

Legislation is the most important source of law. It means the legal rules which the state puts. They are binding on everybody. Legislation is also the operation of writing a text which will be a legal rule. It should be clear and exact. Everybody should obey it.

Legislation aims at developing the society. It should change its rules from time to time in order to suit the changes of life.

There are three kinds of legislation:

- 1- Constitutional legislation: it sets the system of the state. It is also called the constitution. The people should take part in writing it. The first constitution in Iraq appeared on March 21, 1925.
- 2- Ordinary legislation: it is set by the authority. The parliament sometimes allows the authority to legislate some necessary things. The parliament also legislates thing which the society needs. They become legal after the president certifies them.
- 3- Sideways legislation: it is the authority not the parliament which issues sideways legislation. It includes instructions and internal system of offices and companies.

2. Custom

Like legislation, custom is an important source of law. However, legislation is written. Customs is not written. It comes as a social habit. People respect it because it organizes their life. They find it useful for them to follow it. if it does not break legislation, the court will apply it.

A custom should be general. Everybody should obey it. it should be old enough. It should be stable and regular.

A custom should encourage good behavior. It develops itself with the development of the society. Therefore, it is more flexible than a written law.

A custom is three type:

- 1- comprehensive: everybody in the state should obey it. Muslims in Egypt, for example, say that the furniture of a house would belong to the wife, not the husband!
- 2- local: it is obeyed in some parts of the country only, like the customs of tribes in Iraq.
- 3- professional: it concerns a certain job, like counting the interest in different banks. Each bank counts a certain interest on the money it lends to people.

If the comprehensive custom and the local custom do not agree, people follow the local custom. Custom has no place in some laws, like the financial law and the commercial pleadings.

In Iraq, custom completes legislation. If legislation does not say anything about a certain matter, the judge goes to custom.

Terminology

Legislation

Judiciary

President

Jurisprudence

Operation

Constitution

Instructions

Sideways

Ordinary
Comprehensive
Local
Professional
State
Regular
Custom
Apply
Stable

Exact

(1) The definition of Administrative law

Administrative law: Branch of public law which deals with the composition power, duties rights and liabilities of public authorities.

تعريف القانون الإداري

القانون الإداري: فرع من القانون العام الذي يتعامل مع الصلاحيات والواجبات وحقوق و التزامات السلطات العامة.

(2) The development of administrative law

The emergence and development of Administrative law are closely associated with political, social and economic factors .in France where Administrative law originated in the late eighteenth century, politest played a decisive role in this formulation .in modern times, it is the complex society with its diverse social and economic aspects that has motivated the adoption of administrative law of one type or another.

تطور القانون الإداري

يرتبط ظهور القانون الإداري وتطوره ارتباطًا وثيقًا بالعوامل السياسية والاجتماعية والاقتصادية ، ففي فرنسا حيث نشأ القانون الإداري في أواخر القرن الثامن عشر ، لعب السياسيون دورًا حاسمًا في هذه الصياغة. وفي العصر الحديث ، كان المجتمع فية الجوانب الاجتماعية والاقتصادية المتنوعة والمعقدة التي دفعت إلى اعتماد القانون الإداري من نوع أو آخر.

(A): in France:

In the eighteenth century, the system of justice in France was slow and costly .the ordinary courts interfered with the activities of the administration. The parliaments of the ancient regimes impeded attempts at Administrative reform.

في القرن الثامن عشر ، كان نظام العدالة في فرنسا بطيئًا ومكلفًا ، وتدخلت المحاكم العادية في أنشطة الإدارة. أعاقت برلمانات الأنظمة القديمة محاولات الاصلاح الإداري.

The demand for this reform did not only come from a suffering public but also from the advisers of the monarch .encouraged and inspired by the doctrine the separation of powers and an elaborate system of checks and balances the leaders of the revolution of 1789 called for such a reform .

لم يأتِ مطلب هذا الإصلاح من الجمهور الذي اضطهد فحسب ، بل جاء أيضًا من مستشاري الملك الذين شجعوا واستلهموا من مبدأ فصل السلطات وايجاد نظام دقيق للضوابط والتوازنات دعا قادة ثورة ١٧٨٩ إلى إصلاح ذلك.

When napoleon as first consul came to build a viable governmental machine, restrictions on the courts suited him. His desire was to create a strongly centralized autocracy he also wanted to establish a strong, almost military, control over his administrator's in provinces and in the branches of government aixal electric strong and in the branches of government aixal electric strong and lifety, it is able to a strong and in the branches of government aixal electric strong and lifety and also strong allows and also strong allows a strong allows and allows a strong allows and allows a strong allows and allows a strong allows a strong and allows a strong a strong allows a strong a stron

It is submitted that the role of state has undergone fundamental change under the faire policy of the nineteenth century, the state was mainly concerned with the defiance, the maintenance of law and order, and the protection of life and order and the property of the subject

من المسلم به أن دور الدولة قد خضع لتغيير جو هري في ظل سياسة عدم التدخل في القرن التاسع عشر، وكانت الدولة مهمتها بشكل أساسي بالدفاع والحفاظ على القانون والنظام وحماية الحياة والنظام وممتلكات الدولة.

الكلمات المطلوبة للحفظ:

معناها	الكلمة
القانون الاداري	Administrative law
القانون العام	public law
الواجبات	Duties
الحقوق	Rights
سياسي	Political
اجتماع	Social
اقتصاد	Economic
حكومة	Government
أصلاح	Reform
المحاكم	Courts

LECTURER (2)

Types of courts in Iraq

- A- Civil Courts (المحاكم المدنية)
- 1- Courts of appeal: Iraq is judicially divided into 14 appellate regions.

2- The courts of first instance: The court of first instance sits as a single judge. It decides on actions and matters within its powers as determined by the law.

3- Courts on civil matters: to rule in personal status actions for non-Muslims and foreigners.

4- Personal status courts: shall be formed in any location that has a court of first instance

B- Criminal courts:

1. Courts of felonies -: A criminal court (or more) is formed in the center of each governorate.

2. Courts of misdemeanors

(محاكم الجنح)

3- Juvenile Courts.

محاكم الأحداث

الكلمات المطلوبة للحفظ:

معناها	الكلمة
المحاكم المدنية	Civil Courts
محاكم الاستئناف	Courts of appeal
محاكم البداءة	courts of first instance
محاكم المواد	Courts on civil matters
محاكم الاحوال الشخصية	Personal status courts
المحاكم الجنائية	Criminal courts
محاكم الجنايات	Courts of felonies
محاكم الجنح	Courts of misdemeanors
محاكم الاحداث	Juvenile Courts
أنواع	Types

LECTURER (3)

The Court of Administrative Justice

The Administrative Judiciary Court is competent to adjudicate the validity of individual and organizational administrative orders and decisions issued by employees and bodies in ministries and agencies not associated with a ministry and the public sector that have not appointed a reference to challenge them based on the request of someone with a known interest and a possible situation. Calls for fear of harming those concerned.

تختص محكمة القضاء الاداري بالفصل في صحة الاوامر والقرارات الادارية الفردية والتنظيمية التي تصدر عن الموظفين والهيئات في الوزارات والجهات غير المرتبطة بوزارة والقطاع العام التي لم يعين مرجع للطعن فيها بناءً على طلب من ذي مصلحة معلومة وحالة ممكنة ، ومع ذلك فالمصلحة المحتملة تكفي ان كان هناك ما يدعو الى التخوف من الحاق الضرر بذوي الشأن .

Court of Cassation

The Court of Cassation is the supreme judicial body that exercises control over all courts The Court of Cassation includes a number of courts that guarantee it to perform its functions properly

محكمة التمييز: هي الهيئة القضائية العليا التي تمارس الرقابة على جميع المحاكم تضم المحكمة عددًا من المحاكم التي تضمن لها ذلك لتؤدي وظائفها بشكل صحيح. الكلمات المطلوبة للحفظ:

معناها	الكلمة
أداري	Administrative
الاوامر	Orders
قرارات	Decisions
مو ظفین	Employees
وزارات	Ministries
التمييز	Cassation
العليا	Supreme
ضمان	Guarantee

Perform	تنفيذ
Functions	وظائف
Competent	مختص

LECTURER (4)

أقسام القانون Law departments

In order to study the law in more detail you need to be able to appreciate how it can be broken up into a number of different component parts. One method of dividing the law into different categories is to classify it as substantive law or as adjectival law.

من أجل دراسة القانون بمزيد من التفصيل ، يجب أن تكون قادرًا على تقدير كيفية تقسيمه إلى عدد من الاقسام المكونة المختلفة. تتمثل إحدى طرق تقسيم القانون إلى فئات مختلفة في تصنيفه كقانون موضوعي أو قانون شكلي .

Substantive law:

Substantive law is the term which is used to refer to the rules which govern our rights and duties under the law, for example, the cases and statutes which create criminal offences or the cases and statutes which define contractual obligations.

القانون الموضوعي: لقانون الموضوعي هو المصطلح المستخدم للإشارة إلى القواعد التي تحكم حقوقنا وواجباتنا بموجب القانون ، على سبيل المثال ، القضايا والقوانين التي تخلق جرائم جنائية ، أو الحالات والقوانين التي تحدد الالتزامات التعاقدية.

Adjectival law: Adjectival law prescribes how those substantive rules can be used within the legal system, for examples the rules of evidence, procedure and costs which are to be observed when bringing a case to court

القانون الشكلي :يصف قانون الوصف كيف يمكن استخدام هذه القواعد الموضوعية داخل النظام القانوني ، على سبيل المثال قواعد الإثبات والإجراءات والتكاليف التي يجب مراعاتها عند رفع قضية إلى المحكمة

الكلمات المطلوبة للحفظ

معناها	الكلمة
القانون الموضوعي	Substantive law
القانون الشكلي	Adjectival law
مصطلح	Term
یشیر الی	refer to
الحقوق	rights
الواجبات	Duties
الالتزامات	Obligations
الاثبات	Evidence

LECTURER (5)

Law departments

أقسام القانون

The broadest distinction which can be drawn is between international law and domestic law

إن أوسع تمييز يمكن استخلاصه هو بين القانون الدولي والقانون المحلي

International law is concerned with the external relationships between different States and is based on treaties and conventions.

يهتم القانون الدولي بالعلاقات الخارجية بين الدول المختلفة ويستند إلى المعاهدات والاتفاقيات.

Domestic law comprises the laws of a particular State, that is the cases or statute law which govern relationships within that country and can be divided into public law and private law.

يتألف القانون المحلي من قوانين دولة معينة ، أي الحالات أو القانون التشريعي الذي يحكم العلاقات داخل ذلك البلد ويمكن تقسيمه إلى قانون عام وقانون خاص الكلمات المطلوبة للحفظ:

معناها	الكلمة
يميز	Distinction
قانون دولي	international law
قانون محلي	domestic law
العلاقات	Relationships
دولة	States
عام	Public
خاص	Private

Defined International law?

is concerned with the external relationships between different States and is based on treaties and conventions.

Defined Domestic law?

comprises the laws of a particular State, that is the cases or statute law which govern relationships within that country and can be divided into public law and private law.

LECTURER (6)

القانون العام والقانون الخاص

Public law

Public law is that body of laws which deals with the relations between private individuals and the Government

القانون العام هو مجموعة القوانين التي تتناول العلاقات بين الأفراد والحكومة .

Private Law

This term refers to the law governing the relationship between individuals.

يشير هذا المصطلح إلى القانون الذي يحكم العلاقة بين الأفراد .

ConstitutionalLaw:

Constitutional Law is a branch of public law containing so much of the political constitution as is laid down in positive legal rules, and as including such subjects as the formation, powers and privileges of the legislature, the executive functions and powers of the head of the executive, the existence and composition of the judicial establishment and the machinery of local government.

القانون الدستوري هو فرع من فروع القانون العام يحتوي على قدر كبير من الدستور السياسي كما هو منصوص عليه في القواعد القانونية الوضعية ، ويشمل على هذا النحو مواضيع مثل تشكيل وصلاحيات وامتيازات الهيئة التشريعية ، والوظائف التنفيذية وصلاحيات رئيس المجلس. تنفيذي ، وجود وتكوين المؤسسة القضائية وآلية الحكم المحلي.

الكلمات المطلوبة للحفظ:

معناها	الكلمة
قانون عام	Public law
الافراد	Individuals.
الحكومة	Government
القانون الدستوري	Constitutional Law
فر ع	Branch

Defined Public law?

Public law is that body of laws which deals with the relations between private individuals and the Government

Defined Private Law?

This term refers to the law governing the relationship between individuals.

Defined Constitutional Law?

Constitutional Law is a branch of public law containing so much of the political constitution as is laid down in positive legal rules

LECTURER (7)

محاضرة تطبيقية لأقسام القانون:

موقعة من تقسيمات القانون	المعنى	القانون
Public, Domestic, Substantive law	القانون الاداري	Administrative Law
Public, Substantive law	القانون الدولي	international law
Public, Domestic, Substantive law	قانون العقوبات	Penal law
, Domestic, private Substantive law	القانون المدني	Civil law
private, Domestic, Substantive law	قانون التجاري	Commercial Law
private, Domestic, Adjectival law	قانون المرافعات	Procedures Act
Public, Domestic, Adjectival law	قانون اصول المحاكمات	Procedural law
Public, Domestic, Substantive law	القانون الدستوري	Constitutional law
private, Domestic, Substantive law	قانون العمل	work law

LECTURER (8)

Characteristics of administrative law,

Judicial of origin:

Most of the rules and principles contained in the administrative law are the result of the judiciary of the French State Council, noting that the administrative judiciary is not the only one that sets the rules and laws of administrative law, and in return it does not negate the judicial character of the administrative law Because what is known as the legislator always interferes with the laws.

خصائص القانون الإداري

١- قضائي النشأة: معظم القواعد والمبادئ التي يتضمنها القانون الإداري، هي ناتجة عن قضاء مجلس الدولة الفرنسية، ، علماً أنّ القضاء الإداري ليس الوحيد الذي يضع قواعد وقوانين القانون الإداري، كما أنّه في المقابل لا ينفي الصفة القضائية للقانون الإدارية؛ لأنّ ما يُعرف بالمشرع يتدخل دائماً في القوانين.

Un regulated:

What is meant here by legalization is to lay down a set of harmonious laws and rules in the form of one group known as legalization, and it includes many civil, commercial and maritime fields, in addition to the criminal, and through the above, legalization collects one branch of law in one code only, which in turn includes Rulings, rules and provisions, in addition to legal principles. Note that the idea of legalization is an old one that goes back to the era of Emperor Justin, and is still widespread to this day, specifically after the groups that were developed by Napoleon Bonaparte.

Y-غير مقنن: المقصود هنا بالتقنين هو وضع مجموعة من القوانين والقواعد المتجانسة والمتناغمة على شكل مجموعة واحدة معروفة باسم التقنين، وتشمل العديد من المجالات المدنية والتجارية والبحرية، إضافةً للجنائية، ومن خلال ما سبق يجمع التقنين فرعاً واحداً من فروع القانون في مدونة واحدة فقط، تتضمن بدورها الأحكام والقواعد والأحكام، إضافةً للمبادئ القانونية. علماً أنّ فكرة التقنين هي قديمة تعود إلى عصر الإمبراطور جستنان، وما زالت منتشرة حتى وقتنا الحالى، تحديداً بعد المجموعات التي وضعها نابليون بونابرت

Newly established:

which confirms this is jurisprudence, and what is meant by modernity here is its newness in comparison with other legal laws and rules, specifically civil law; Because it was set thousands of years ago when the Roman Empire was established, and the constitutional law that most of its rules were laid down by the Greek philosophers, such as Aristotle and Plato, in addition to the inheritances and laws related to personal status that existed with the beginning of the Islamic state.

٣-حديث النشأة:

والذي يؤكد ذلك هو الفقه، والمقصود بالحداثة هنا هو حداثته مقارنةً بالقوانين والقواعد القانونية الأخرى، تحديداً القانون المدنيّ؛ لأنّه وضع قبل آلاف السنين عندما نشأت الإمبراطوريّة الرومانيّة، ووضعت القانون الدستوري الذي وضع معظم قواعده اليونانيون الفلاسفة، كأرسطو وأفلاطون، إضافةً إلى المواريث والقوانين المتعلقة بالأحوال الشخصية والتي وجدت مع بداية الدولة الإسلامية.

Flexible and rapidly developing:

Flexible and rapidly developing: and this is what distinguishes it from other laws, and this is due to two reasons: Most of the matters governed by administrative law are modern and consistent with what is happening in society in terms of development in the political, economic and social fields, and the administrative judge must develop its content. The expansion of the areas included in the Administrative Law, so that it is no longer limited to defending the homeland and the people and maintaining security and safety; but it went beyond to include the management of public utilities in society.

3- مرن وسريع التطور :وهذا ما يميزه عن بقية القوانين الأخرى، وهذا يرجع لسببين وهما: معظم الأمور التي يحكمها القانون الإداري هي حديثة ومجارية لما يجري في المجتمع من تطور في المجالات السياسية والاقتصادية والاجتماعية، ويتوجب على القاضي الإداري أن يطوّر من مضمونها. اتساع المجالات التي يتضمنها القانون الإداري، فلم يعد مقتصراً على الدفاع عن الوطن والشعب وحفظ الأمن والأمان؛ بل تعدى ليشمل إدارة المرافق العامة في المجتمع.

معناها	الكلمة
	Un regulated
المنشأ أو التأسيس	Established
مرن	Flexible
سريع	Rapidly
متطور	Developing
بثبات	Invariably

QI\ what are its Characteristics of administrative law?

- 1- Judicial of origin
- 2- Unregulated:
- 3- Newly established
- 4- Flexible and rapidly developing:
- Q2\ Discussed" administrative law is....?

Judicial of origin: rules and principles contained in the administrative law are the result of the judiciary of the French State Council.

Unregulated: by legalization is to lay down a set of harmonious laws and rules in the form of one group known as legalization.

Newly established: is meant by modernity here is its newness in comparison with other legal laws and rules, specifically civil law.

Flexible and rapidly developing:

is what distinguishes it from other laws, and this is due to two reasons: Most of the matters governed by administrative law are modern and consistent with what is happening in society in terms of development

Defined legalization?

, legalization: collects one branch of law in one code only,

Note that the idea of legalization?

of Emperor Justin -\footnote{\capacita} \text{Napoleon.}

LECTURER (9)

Sources of administrative law: -

The sources of administrative law include the sources of law in general, and they are usually four sources (legislation - custom - judiciary - jurisprudence). And with legislation and custom, it shall be an official source of administrative law, while jurisprudence remains a source for its interpretation, and the following is a presentation of the sources of administrative law

مصادر القانون الإداري :-

تشتمل مصادر القانون الإداري على مصادر القانون بصورة عامة ، وهي عادة أربعة مصادر (التشريع – العرف – القضاء – الفقه) وإذا كان التشريع والعرف هما المصدران الرسميان للقوانين الأخرى ، فإن القضاء يمثل مصدراً رئيسياً للقانون الإداري على الإطلاق ، ويكون مع التشريع والعرف مصدراً رسمياً للقانون الإداري ، بينما يبقى الفقه مصدراً تفسيراً لله، وفيما يلى عرض لمصادر القانون الإداري

First - Legislation

Legislation as a source of administrative law means a set of written legal rules issued by the authority competent with legislation in the state, and this authority may be the authority to establish it, so the legislation is constitutional and is called (the constitution), but if the authority is legislative then the legislation is ordinary and it is called the convention of law, and finally if this authority is executive We are facing what may be called subsidiary legislations or regulations, and the legislation is distinguished from other sources for its clarity, definition and ease of amendment

أولاً - التشريع : يقصد بالتشريع كمصدر للقانون الإداري مجموعة القواعد القانونية المكتوبة الصادرة من السلطة المختصة بالتشريع في الدولة ، وقد تكون هذه السلطة سلطة تأسيسه فيكون التشريع دستورياً ويسمى (الدستور) ، أما إذا كانت السلطة تشريعية فيكون التشريع عادياً ويطلق عليه اصطلاح القانون ، وأخيراً إذا كانت هذه السلطة تنفيذية فإننا نكون أمام ما يمكن تسميته بالتشريعات الفرعية أو اللوائح ، ويتميز التشريع عن غير من المصادر الأخرى بوضوحه وتحديده وسهولة تعديله.

1- Constitutional legislation

١ ـ التشريع الدستوري

Y-Ordinary legislation

٢- التشريع العادي

3- Subsidiary legislation or regulations

-٣- التشريع الفرعي أو اللوائح

Second – custom

ثانيا - العرف

Third - the judiciary

ثالثا- القضاء

Fourth: General principles of law

رابعا- المبادئ العامة للقانون

الكلمات المطلوبة للحفظ:

معناها	الكلمة
التشريع الدستوري	
	-Ordinary legislation
التشريع الفرعي أو	- Subsidiary legislation or regulations
اللوائح	
العرف	Custom
القضياء	- the judiciary
المبادىء العامة للقانون	General principles of law
التشريع	Legislation
مصادر	Sources

QI\ what is it Sources of administrative law?

- 1- Legislation
- 2- Custom
- 3- The judiciary
- 4- General principles of law.

Q\What is it Types of legislation?

- 1- Constitutional legislation
- **7-Ordinary legislation**
- 3- Subsidiary legislation or regulations.

نشأة القضاء الإداري وتنظيمه في العراق

The emergence and organization of the administrative judiciary in Iraq;

With the promulgation of Law No. 106 of 1989, the Second Amendment Law of State Council Law No. 65 of 1979, an independent administrative judiciary was established for the first time in Iraq alongside the ordinary judiciary, and Iraq became a double judicial system. As for before this date, Iraq was known under the Administrative Courts Law No. (140) of 1977. The socalled administrative courts, which are courts that specialize in examining disputes in which the administration is a party, regardless of whether the dispute is of an administrative or civil nature, so it was part of the ordinary judiciary, These courts according the abolished to abolishing were law the Administrative Courts Law No. (20) of 1988

بصدور القانون رقم ١٠٦ لسنه ١٩٨٩ قانون التعديل الثاني لقانون مجلس شورى الدولة رقم ٦٥ لسنه ١٩٧٩ أنشأ لأول مرة في العراق قضاء إداريا مستقلا إلى جانب القضاء العادي وبات العراق كالنظام القضائي المزدوج. أما قبل هذا التاريخ فقد عرف العراق بموجب قانون المحاكم الادارية رقم (١٤٠) لسنة ١٩٧٧. ما يسمى بالمحاكم الادارية وهي محاكم تختص بالنظر في المنازعات التي تكون الادارة طرفا فيها بصرف النظر عن كون المنازعة ذات طبيعة إدارية او مدنية لذلك كانت جزء من القضاء العادي ، وقد تم الغاء هذه المحاكم بموجب قانون الغاء قانون المحاكم الادارية رقم (٢٠) لسنة ١٩٨٨

الكلمات المطلوبة للحفظ:

معناها	الكلمة
مجلس	Council
عادي	Ordinary
مزدوج	Double
نظام	System
فحص المنازعات	examining disputes
بغض النظر	Regardless

Abolished

LECTURER (11)

A court for the administrative judiciary shall be formed

Under the presidency of the Vice President for Administrative Judicial Affairs or an advisor and two members from the advisors or assistant advisors in the following areas: -

A - The northern region, which includes the governorates of Nineveh, Kirkuk and Salah al-Din, and its center is in the city of Mosul.

B - The central region, which includes the governorates of . Baghdad, Anbar, Diyala and Wasit, and its center is in the city of Baghdad.

C - The central Euphrates region, which includes the governorates of Karbala, Najaf, Babil and Qadisiyah, and its center is in Hilla

D – The southern region, which includes the governorates of Dhi Qar, Muthanna, Basra and Maysan, and its center is in the city of Basra.

د – المنطقة الجنوبية وتشمل محافظات ذي قار والمثنى والبصرة وميسان ويكون مركزها في مدينة البصرة.

Second - It is permissible, when necessary, to form other courts for the administrative judiciary and for employees' judiciary in the governorate centers, with a statement issued by the Minister of Justice, based on a proposal from the Presidency, and published in the Official Gazette

ثانياً — يجوز عند الاقتضاء تشكيل محاكم اخرى للقضاء الاداري ولقضاء الموظفين في مراكز المحافظات ببيان يصدره وزير العدل ، بناء على اقتراح من هيأة الرئاسة وينشر في الجريدة الرسمية.

Defined A court for the administrative judiciary? Under the presidency of the Vice President for Administrative Judicial Affairs or an advisor and two members from the advisors or assistant advisors

- What are The number of administrative court areas in Iraq?-
- A The northern region
- B The central region,
- C The central Euphrates region,
- D The southern region.

LECTURER (12)

The jurisdiction of the Administrative Court:

أختصاص محكمة القضاء الاداري:

The Administrative Court shall have jurisdiction

تختص محكمة القضاء الاداري:

Decide on the validity of individual and organizational administrative orders and decisions issued by employees and bodies in ministries and the public sector.

Reasons for appealing orders and decisions, in particular, are the following: -

- 1-That the order or decision includes a violation of the law, regulations, instructions, or internal regulations.
- 2 That the order or decision was issued contrary to the rules of jurisdiction, or was defective in its form, in the procedures, in its location, or its cause.

That the order or decision includes an error in the application of laws, regulations, instructions, or bylaws, or in their interpretation or in it abuse or abuse of power or deviation from it.

-٣

۱ ان يتضمن الامر او القرار مخالفة للقانون او
 الانظمة او التعليمات او الانظمة الداخلية

٢ ان يكون الامر او القرار قد صدر خلافا لقواعد
 الاختصاص او معيبا في شكله او في الاجراءات او في
 محله او سببه .

٣- ان يتضمن الامر او القرار خطأ في تطبيق القوانين او الانظمة او التعليمات او الانظمة الداخلية او في تفسير ها او فيه اساءة او تعسف في استعمال السلطة او الانحراف عنها.

LECTURER (13)

Conditions for filing an appeal before the Administrative Court What are

Before submitting the appeal to the Administrative Court, it is required that the grievance be made before the competent administrative authority within (30) thirty days from the date of its notification of the contested order or administrative decision or its consideration of notified, and this authority must decide on the grievance within (30) days from the date of registration Grievance has.

يشترط قبل تقديم الطعن الى محكمة القضاء الاداري ان يتم التظلم منه لدى الجهة الادارية المختصة خلال (٣٠) ثلاثين يوما من تاريخ تبلغه بالأمر او القرار الاداري المطعون فيه او اعتباره مبلغا ، وعلى هذه الجهة ان تبت في التظلم خلال (٣٠) يوما من تاريخ تسجيل التظلم لديها.

When the grievance is not decided or rejected by the competent administrative authority, the complainant must submit his appeal to the court within (60) sixty days from the date on which the grievance is actually rejected or judged, and the court must register the appeal with it after the legal fee has been paid. To claim his rights to compensation for damages arising from the violation or breach of the law

عند عدم البت في التظلم او رفضه من الجهة الادارية المختصة على المتظلم ان يقدم طعنه الى المحكمة خلال (٦٠) ستين يوما من تاريخ رفض التظلم حقيقة او حكما وعلى المحكمة تسجيل الطعن لديها بعد استيفاء الرسم القانوني ولايمنع سقوط الحق في الطعن امامها من مراجعة القضاء العادي للمطالبة بحقوقه في التعويض عن الاضرار الناشئة عن المخالفة او الخرق للقانون

The Administrative Court decides on the appeal submitted to it, and it may decide to dismiss the appeal, cancel or amend the appealed order or decision with a ruling for compensation if it is required based on the plaintiff's request

- تبت محكمة القضاء الاداري في الطعن المقدم اليها، ولها ان تقرر رد الطعن او الغاء او تعديل الامر او القرار المطعون فيه مع الحكم بالتعويض ان كان له مقتضى بناء على طلب المدعى.

The court's decision stipulated in Paragraph (A) of this clause is subject to appeal by the Supreme Administrative Court within thirty (30) days from the date it was notified or deemed notified.

- يكون قرار المحكمة المنصوص عليه في الفقرة (أ) من هذا البند قابلا للطعن فيه تمييز لدى المحكمة الادارية العليا خلال (٣٠) ثلاثين يوما من تاريخ التبليغ به او اعتباره مبلغاً.

The court's unchallenged decision and the Supreme Administrative Court's decision issued as a result of the appeal shall be final and binding

- يكون قرار المحكمة غير المطعون فيه وقرار المحكمة الادارية العليا الصادر نتيجة الطعن باتا وملزما.