

Legal System for Appeal Against the Judicial Decision Issued for Cessation of Administrative Decision Implementation Case Study (France, Egypt And Jordan)

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Abstract: *In this research entitled " Legal System for Appeal Against the Judicial Decision Issued for cessation of Administrative Decision Implementation" we addressed in details ways of appeal that are legally approved in the French, Egyptian and Jordanian legal systems for appeal against the first instance administrative courts' judgments issued for applications of appeal against administrative decision implementation , then conditions of accepting appeal at second instance supreme courts were addressed and finally there was an investigation for implications of accepting appeal against implementation cessation judgments and how administrative supreme courts' control in Egypt, Jordan and the French state council for the first instance courts decisions issued for cessation the administrative decision implementation.*

Keywords: *appealing, judicial judgment, cessation of administrative decision.*

I. INTRODUCTION:

The decision to suspend the implementation of administrative decisions is an exception for the principle of the unstopable effect of the appeal by cancellation, and by this exception represented by the characteristic of urgency, the legislator meant to achieve balance between the appellant's interest issued regarding the administrative decision which results in adverse effects that cannot be remedied if canceled in the one hand, and the interest of the administration in achieving the objectives of the administrative activity through its important method represented by the administrative decisions which considered to be effective and arrange their effects once they issued on the other hand.

For the urgent nature of implementation cessation , some legislations – among which is the Jordanian legislation - have allowed appeal against the verdicts of administrative courts issued for implementation cessation applications independently and before the final judgment in the lawsuit.

II. SIGNIFICANCE OF THE STUDY:

Appeal is a judicial way that is regulated by the legislator regarding how to reintroducing the dispute for the a higher court than the one issued and ruled the appealed judgment to review it and then to be canceled, substituted with new one or amended to achieve the desired objective of the tow-tier litigation principle which in turn offers an important guarantee of justice so as to rectify judges' mistakes and litigants lost defenses and evidence in front of the first instance court.

III. PROBLEM OF THE STUDY:

The problem of the research is represented by the legislative deficit that regulates the implementation cessation rules as the texts related to this system came general and extensive and didn't reach the appropriate clarity and

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accuracy for the urgent nature of the implementation cessation system of administrative decision in addition to that the Jordanian administrative judicial system is relatively new and haven't receive the enough search in cessation verdicts for the administrative court in general and the judicial verdicts issued for applications of implementation cessation for administrative decisions in particular.

IV. METHODOLOGY:

In this study, the researcher adopted the analytic comparative approach taking the French and Egyptian administrative judicial systems as a comparative base for this study analyzing the legal text regulating the procedures of reviewing the administrative conflicts in France , Egypt and Jordan that include the cessation of administrative decision implementation and appeal the verdicts issued in these applications.

2.Appeal's Legally approved Ways Against the Judicial Judgment Issued for Implementation Cessation Application

The verdict issued for the application of administrative decision cessation is a judicial one that has judicial verdicts' characteristics , and among the prominent judicial verdicts that it is allowed to appeal them independently with specific ways determined by comparative legislations and this is through the legally approved dates to appeal verdicts (1).

Comparative legislations- the subject of this study- indicated several legally approved ways to appeal the verdict issued for the application for implementation cessation and first we will address this in the French judicial system, then in the Egyptian judicial system and finally in Jordanian judicial system as follows :

1st Requirement: Appeal ways in the French legal system.

2nd Requirement : Appeal ways in the Egyptian legal system.

3rd Requirement : Appeal ways in the Jordanian legal system.

2.1 Requirement: Appeal ways in the French legal system

Since the 30 September and 28 November decrees, the French legislator has stipulated that the judicial verdict issued by the administrative judiciary may be appealed. And the range of this rule included appeal with cassation and resumption alike until the new legal administrative justice codification takes effect which closed the way in the face of resumption and opened it for cassation as a single way to face the verdicts of the urgent cases judge that decide the application for administrative decision implementation cessation(2).To face the judgments of the judge of urgent matters separating the request to stop the implementation of the administrative decision.

The provisions of the new codification of justice included that the verdicts issued by the judge of urgent administrative matters relating to applications for implementation cessation are definitively issued, and since these verdicts are issued in that capacity; the appeal can be only by way of cassation in front of the Council of State as it the sole competent authority to hear appeals against verdicts issued by the various administrative judicial bodies (3).

We believe that the cassation way for administrative verdicts is a long process and takes much procedures and isn't appropriate for the nature of the urgent implementation cessation judiciary specially when the appeal in the judicial verdict issued for implementation cessation request does not result in cessation the target verdict for appeal as it is conceivable that the administration will implement the contested decision in all its parts, citing the public interest or job stability, and as a result the cassation appeal becomes useless (4).

Finally, it is worth to mention – in this context- that the French legislator allowed appeal in the verdict issued from the French state council via plea (5), and this approach is not only limited to the two litigators parties but, it is possible for the external party to follow it– or the so called : the third litigator in the French legalized administrative justice- but this is conditioned that this third litigator doesn't know about the litigation for which the verdict targeted for appeal has been issued, and that the violation of the plea to non-litigants reinforces the argument that it may be

followed in the verdicts issued in the request for suspension, and thus the way to appeal the plea is followed in case one of its cases is available according to the elements and conditions (6).

2.2 Requirement: Appeal's Ways in the Egyptian Judicial System

As the judicial verdict issued for the request of implementation cessation is determined by a previous judicial verdict to decide for the cessation case, this verdict has the characteristics of verdicts and among the most importance ones among them that it is allowed to appeal this decision independently from the cessation case as the case with any other judicial verdict with and this is conditioned during the approved dates for appeal (7).

The current law of the Egyptian state council has determined the ways of appeal against administrative verdicts which include plea and cassation in articles 13 and 23 from the previous law and article 13 indicated that the administrative judicial court is concerned with deciding appeals submitted to it in verdicts issued from administrative courts and appeal is by those concerned or the President of the State Commissioners' Commission within sixty days from the date of issuance of the judgment, it is also allowed to appeal for the Supreme Administrative Court against verdicts issued by the Administrative Court or the disciplinary courts.

For appeal against the issued verdict regarding implementation cessation, it is not necessary to wait for issuing a verdict regarding the cancellation lawsuit as this includes ignoring the nature of things in a matter that supposed to be urgent thus interests of those who are concerned are at risk due to wasting time therefore appeal against verdicts of implementation cessation takes place as these verdicts are temporal issued during the occurrence of the lawsuit and before they are decided and this is based on the code number 212 of Civil and Commercial Procedure, on the one hand (8) in the other hand, the issued verdict for the request of implementation cessation is a judicial verdict that has the

same characteristics of judicial ones, and among these the possibility to appeal independently from the issued verdict for cancellation lawsuit (9). The aim of allowing appeal against the verdict issued for the administrative decision implementation cessation independently from the verdict issued for the cancellation lawsuit is to confirm the urgent nature for this verdict which is incompatible with waiting for a verdict in the case of canceling the administrative decision required to suspend execution in order to appeal the rejection of implementation cessation, in addition to that the appeal against the verdict issued in the cancellation lawsuit does not extend to the verdict issued for implementation cessation, as the ruling issued by the administrative judiciary The urgent part is enforceable even if challenged in the Supreme Administrative judge(10).

To conclude, the Egyptian legislator hasn't explicitly stipulated that the appeal may be independent in the judicial verdict issued in the request for implementation cessation but based on verdicts of administrative judiciary and texts of the state council and civil and commercial lawsuits, there is nothing explicitly prohibit appeal and this appeal is submitted to the concerned party or the head of the state commissioners' board and is take place in the Administrative Court or the Supreme Administrative Court.

2.3 Requirement: Appeal's Ways in the Jordanian Judicial System

Article 29 of the Jordanian judicial legislation has stipulated that :

A- It is not allowed to appeal against verdicts issued during the occurrence of the lawsuit and the conflict is resolved only post issuance of the verdict that finishes the whole conflict except for ;

1- Decisions issued in urgent cases.

2-

Article 6 from the same legislation has stipulated that : the administrative court is concerned with reviewing requests related to urgent cases submitted for appeals and lawsuits within its specialty including cessation of the appealed decision temporally if this court sees that the results of implementation are irreversible.

Reviewing the above mentioned texts, it is clear that the Jordanian legislator has allowed to appeal against the judicial verdict issued for administrative decision implementation cessation in the supreme administrative court (11), but the word appeal in article 29 came as a general one and the Jordanian legislator didn't specify a specific way to appeal . Reviewing the civil procedures' law as the general legislation for judicial procedures, it is found that the Jordanian legislator has specified appeal ways and methods in urgent verdicts as article 176 of the civil procedures' law confirms the possibility to plea decisions issued for urgent cases regardless the type of court issues these decisions and the plea court concerned with appeal request submitted to it decides in appeal with a decision that is not appealable by cassation without the permission of the cassation court chief or any who is authorized.

The question now is about the extent to which the time of Article (176) of the Code of Civil Procedure may be applied to challenge the judicial ruling issued in the request for implementation cessation specially if it is known that the urgent judiciary is an exception for what is original, and the approved rule in legislation is that exception is narrow and can't be expanded, and when looking at the applicative aspect in the Jordanian administrative judiciary, we find that the list of appeals

submitted to the supreme administrative court relating to the appeal of the decision to implementation cessation includes the name of the appellant and the appellant against names and the decision subject to appeal and the reasons for the appeal and requests without a reference to the word (plea or appeal) in line with the opinion of the researcher, however, we hope to see a jurisprudential opinion or judicial diligence in the issue to resolve the controversy.

In summary, the Jordanian legislator allowed to appeal the judicial verdict issued for administrative decision implementation cessation in article 29 of administrative judiciary law but didn't specified a specific way to appeal whether via ordinary ways or unordinary ones.

3.Provisions of Appeal Acceptance by the Concerned Court and its Effects

Among the most important pillars for appeal are provisions of accepting it as appeal acceptance provisions have a great significance as the same with provisions of lawsuit acceptance and appeal provisions are based on the same start point and justification as they do not prohibit resorting to judiciary and they offer a kind of regulation for judicial protection request , appeal acceptance provisions are represented by the followings:

1st Requirement: Benefit.

2nd Requirement: Status.

3rd Requirement: Date (Appointment).

3.1 Provisions of Appeal Acceptance by the Concerned Court

The general stable rule in the various procedural legislations and attracts agreement of legislation is that benefit is the base of claim as there is no

benefit without claim or suit case , and this is confirmed in the procedural legislations where article (5/h) of the Jordanian judicial law stipulated that the submitted lawsuit or claim isn't accepted from one other than who has a benefit or interested and this is also confirmed by the supreme administrative court in a recent verdict that stipulated that the provision for accepting the submitted lawsuit for the court is that the direct personal benefit should be available and continuous since being submitted until the verdict is issued for it , it is also provisioned for lawsuit that the appealed decision shouldn't harm the legal status of appellant , otherwise the lawsuit is finished and has no topic due to the lack for benefit (12).

Benefit is defined as a financial or moral value or benefit and it may be a condition for implementing or to determine the extent of right (13), or it is the legal benefit the claimant seeks to achieve by the submitted lawsuit and benefit may be represented by protecting the right of the claimant or financial / moral compensation if legal evidence is available (14).

To achieve benefit, there are two main conditions : the 1st one is that benefit should be personal and derived from a legal status of the claimant, and the second is that it should directly affect the claimant's legal status , and the extent of benefit in the administrative judiciary domain is larger than it in the ordinary judiciary as the administrative one approves the probable benefit and expands it and it is no doubt that determining benefit in the lawsuit is one of the objective issues that differ based on the different nature of conflict and its conditions, in addition, benefit has a large sense which is not limited to the lawsuit alone but it extends to include each request emerges during the lawsuit procedures (15). Moreover ,benefit is conditioned to be continuous until the decision about appeal is made as the cancelation lawsuit is a judicial conflict where

its range is the availability of benefit for the claimant since being submitted and this condition should be continuous during the conflict until the final decision is issued (16).

Status is what offers the person the right for litigation and to seek the procedures of conflict, this status is based on the right upon which there is a conflict or based on a legal text or a representative authority . Status is the legal ability to submit the conflict for judiciary or appearing there to receive it (17), and if benefit was to violate the legal status of the claimant in the objective lawsuit or violating his/her own right in the own lawsuit, the status here is the ability to present in the court in the lawsuit (18). Based on the general principles in procedure, to accept the appeal, status should be available for each appellant and appealed against (both parties of the conflict), this means that each of the appealed and the appealed against are parties in the conflict upon which the verdict was issued , claimer or claimed against, or interventionist or competitor , is also allowed that general or private successor to be the party , other than those mentioned here have no status to appeal the verdict as appeal leads to neither benefit nor harm for these other parties (19).

To summarize, it is not allowed for parties other than the actual parties of the lawsuit for which a verdict is issued to appeal for the supreme court , and appeal isn't accepted from this opposition only by this status he has in the first conflict upon which the verdict subjected for appeal is issued as status as a condition for the lawsuit acceptance initially, then this includes the necessity of its existence in case appealing the verdict issued for this lawsuit. The condition of status is characterized by that it has a double nature as it should be available for the claimant or who subscribe the request and also for the claimant against as having the

status of the representative of the administrative party subjected to lawsuit and this status should be competent in administrative judiciary in lawsuits and requests (20). By date or appointment of appeal it is meant the determined time limit within which appeal procedures can be initiated and the procedural date is that date related to the procedures' law and it is a period of time determined by law and judicial procedure is restricted to this period and date is one of the formal conditions for appeal acceptance and thus the procedure is not correct unless it occurs within the legally determined time limit (21).

Dates of appealing against verdicts differs based on the different ways of appealing, and each type of appealing has specific date that is related to and distinguish it from other types. For the date of appealing against judicial verdict issued for the request of implementation cessation, we find that the French legislator has specialized in verdicts issued for cessation requests for a relatively short time (15 days) since announcing the verdict subjected to appeal (22).

For the Egyptian legislator- as previously indicated – it is found that legislation hasn't explicitly allowed the appeal against the verdict issued for implementation cessation request, however the Administrative judicial verdicts

have repeatedly allowed appeal independently against the verdict issued for implementation cessation request and the legally determined date for appeal is 60 days since the judicial verdict subjected to appeal is issued whether there is a plea in the administrative judicial court or the supreme administrative court.

The Jordanian legislator has explicitly indicated the legally determined date/ appointment for appeal against the judicial verdict issued for implementation cessation request and the date is 15 days since

the day of issuing the decision or informing it based on the situation (23). for appeal to be effective and active, the date of issuing the verdict originally is the date of its effectiveness and the beginning of appeal by plea period (24).

“This rule is a general one that includes all appeals except in case of special text for some appeal ways that are approved by law judgment (25). The origin in judicial verdicts is that they should be announced, and announcing the judicial verdict means informing the adversary subjected to it, and the importance of announcement lies in that it is the procedure that moves the period of appeal, and normally the announcement is conducted by clerks of the court and adversaries should be personally informed and based on their true addresses and the date of rejecting the announcement is the date when the appeal starts during (26).

In the same context, comparative administrative judiciary has created the so called " Certain Knowledge Theory " which is among the legal theories that were developed by the Egyptian administrative judiciary and found a large extent of application, and certain knowledge replaces announcement (27). It is conditioned for certain knowledge which counts for the beginning of appeal date validity to be a certain acknowledgment about the issuance of the judicial verdict and its content and counting for the date should start since the certain knowledge and not based on assumptions (28).

The effect of exceeding the deadline of appeal is rejecting it formally, as the Jordanian supreme administrative court approved this principle and in one of its verdicts it indicated that : the submitted appeal is rejected after exceeding the determined legal period (29) and this is based on the 26th article of the Jordanian administrative judiciary and therefore, the appellant against the verdict issued for implementation cessation request should submit the request within the legal period so as the supreme administrative court formally accepts it, for example, after reviewing the appeals submitted for the judicial verdicts issued for implementation cessation request, it is found that the supreme administrative court initiates its decision with the following expression : after scrutiny and deliberation, the appeal shall be submitted within the legal period and it is formally accepted (30).

Finally, it is worth to indicate that appeal is submitted by a list that includes the adversaries' names, their status, the verdict subjected to appeal, its date, the reasons of appeal and then expressing the appellant requests, and when one element of these is absent, the appeal is then void (31). The moral of the statements is to insure that the parties of appeal are the same parties of the lawsuit in the first instance court as it is not allowed to submit an appeal by non-adversaries didn't present at the first instance court (32).

3.2 Topic: Effects of Appeal Against the Judicial Verdict Issued for Implementation Cessation Application

Effects of appeal indicate the consequences resulted from initiating appeal as for each action has its own effect, and indeed action may be discarding and the focus is directed toward its effect or result, and effects of appeal against judicial verdict for implementation cessation request are represented by :

3.2.1 Requirement: Non-suspensive Effect of Appeal.

Among the most important effects resulted from appealing the administrative judicial verdict is the effect related to the extent of verdict's enforceability or the so called the effect of appeal on the

implementation verdict subjected to appeal and this is because this effect is related to the authenticity of what it is occurs by on the one hand, and its close association with the parties to the dispute on the other hand(33). The non-suspensive effect rule for appeal (34) is legally stemmed in the laws related to administrative conflicts and the French legislator has stipulated this principle and effect in article (L, 9) (35) of the administrative justice codification , which states that : "Appeals submitted to the State Council have non-suspensive effect for implementation, unless the Council issues an order otherwise."

The Egyptian legislator has adopted the same principle in the article 50 of the Egyptian state council law which indicated that : appeal in the supreme administrative court shall not suspend the cessation of implementing the verdict subjected to appeal unless the department of appeals' investigation commands with other procedure , in addition, appeal in supreme administrative judicial court can't target verdicts issued from administrative courts for implementation cessation unless the court commands with other procedure.

In the same vein, the Jordanian legislator has indicated in article 28 of the Jordanian administrative judicial law that appeal in the supreme administrative court has no ability for implementation cessation unless the court issues other procedure (36).

The rule has its justifications for the principle of separation between authorities first, and the notion of executive decision second , as the non-suspensive effect of the lawsuit has been excluded because if the submitted lawsuit for the administrative judiciary has a suspensive effect , then this means the transferring of the concerned active administration from an executive administration into a judicial one given that implementing the appealed administrative decisions in this case will rely on the administrative judge which is considered as an intervention from administrative judiciary in administration business which in turn makes its independency in face of this judiciary doubtful (37).

For the notion of the executive decision as a justification for appeal for the rule of the non-suspensive effect of appeal, Haur Iou commented on it and introduced the administrative decision as one of the hallmarks for the administrative law as it is the privilege that enables the administration to face individuals who claim the administration is indebted to instead of submitting a lawsuit for the judge and thus the administration puts itself in the position of the claimant and issues the executive decision that shall make the claimed debt a subject for direct implementation therefore the administration has the right to make its own executive decisions for the rights it claims without resorting to judiciary and these decisions themselves have an obligatory effect in face of individuals (38).

These are the most prominent legislative views that have been accepted to justify the principle of the non-suspensive effect for appeal , now the research takes us to investigate the other type of effects for appeal against the judicial verdict to cessation implementation and this effect is Devolutive Effect of Appeal.

3.2.2. Requirement: Devolutive Effect of Appeal

Devolutive effect of appeal is to submit the case for the concerned court for appeal and hence it has the authority on this case and commits to decide about it in that it agrees to cancel the verdict subjected to appeal (all or a part of this verdict) and if the verdict is canceled, the court should act as if a first instance court and issues a new verdict for the conflict (39).

The most resulted effects from appeal include transferring the conflict adjudicated by the first instance court to the second instance court, and this last one becomes concerned with investigating and adjudicating it and thus it has the same rights of the first instance court regarding investigating actions and legal issues (40).

This effect leads to the result that concerned court's judges are never allowed to exclude rivalry for appeal as this represents a denial for justice and the appeal court's commitment in light of appeal in general is an absolute

commitment without any restrictions and differs from this last one regarding the decision about appeal which is surrounded by a general restriction represented by that the first instance court has no mandate for it (41).

When discarding the devolutive effect of appeal submitted for judicial verdicts issued for implementation cessation request, we find for example that the supreme administrative court in Jordan controls the condition of the existence of irreversible consequences so as the verdict of the administrative court for urgent request shall be in accordance with the rule of law (42).

By the irreversible consequences indicated in article A/6 of the Jordanian administrative judiciary it is meant the riskiness of the resulted situation from implementing the decision by the administration by which a great harm occurs for who is interested and this harm can't be reversed or corrected in the future if the administrative decision is objectively cancelled (43). According to this, urgency or the irreversible consequences are represented by the necessity of providing with the urgent legal protection which can't be achieved by following the ordinary procedure for litigation due to the existence of conditions that represent riskiness for the adversary's rights or include a harm that can't be corrected (44). It is worth to note here that the Jordanian legislator in the administrative judiciary hasn't stipulated the condition of seriousness (45) to accept the request of administrative decision implementation cessation ,however, this does not prevent the supreme administrative court to control this basic condition which strongly relates to the extent of the administrative court verdict evidence in accepting the request of implementation cessation.

In Egypt , and after highlighting several verdicts of the administrative court while addressing appeals submitted against lawsuits issued by the administrative judicial courts that include the issue of administrative decision implementation cessation , the supreme administrative court indicated that the Egyptian legislator in the state council law has indicated two conditions to accept administration decision implementation cessation by the first instance courts , the first condition is related to the association between the request and the lawsuit sheet and the second one is related to the existence of irreversible results (46).

In other verdicts, it was indicated that irreversibility is determined by two aspects :

1.The extent of conciliation in kind : here irreversibility is present for results when there is no way for conciliation in kind by returning the solution to what it was of the same kind such as in the case of the withdrawal or cancelation of licenses to acquire or carry a weapon, if such withdrawal or cancelation endangers the life of who has the licensee requesting the cessation of implementation due to the danger of the inability to self-defense or for example the results that are legally irreversible such as decisions about deprivation of attending the exams and the like (47).

2.The extent of conciliation by material compensation and this irreversibility exists when money can't be the way for conciliation , that is, results that can't be compensated by money and can't be materially reversed (48).

In another verdict, the Egyptian supreme administrative court indicated that it is necessary for the urgency element or the irreversible results to be continuous until the date of final judgment for the conflict and in case there are no irreversible results during the sessions of the lawsuit, the verdict in this case loses one of its main elements which requires rejecting it (49),and in addition, it is not a condition for urgency to exist that all irreversible results include harms or risks for the claimant but it is enough for some of which to exist(50).

It is worth to note that the Egyptian administrative judiciary has taken the seriousness condition as one of cessation the implementation of the administrative decision although the legislator didn't explicitly indicate it in the state council law (51).

For the French legislator and the state council rules position toward the appeals submitted in the judicial verdicts issued for the administrative urgent cases such as implementation cessation we find that the judiciary of the state council in its beginnings was content with merely causing a damage to the claimant as a result of the implementation

of the administrative decision, even if the damage was minor, and then this trend was reversed and there has been an emphasis in the damage as well as such a damage was required to be serious (52).

The administrative court of Paris, in one of its rulings, has judged that the direct implementation for the appealed decision should lead to harmful results with exceptional riskiness that can't be reversed for the appellant (53) , the administrative court of Bordeaux also indicated the harm resulted from implementation as disturbances and as an exceptional riskiness (54).

According to the current French administrative justice legalization , the French legislator stipulates that the cessation of implementation shall be considered a branch of the urgent administrative judiciary, which shall be under the specialty of the judge of urgent administrative cases, and legalization allowed the judge of urgent administrative cases to stop the implementation of the appealed administrative decision either as whole or partially with the condition of the existence of urgency or the so called the irreversible results in addition to the seriousness condition (55).

In application, the French state council as a court of cassation of the judicial decisions issued by the judge of urgent administrative cases related to the suspension of the implementation of the administrative decision has tended to determine the serious reasons justifying the cessation of implementation, in order to allow the appeal judge to monitor the lower courts, in relation to the judgments related to just suspend the implementation of the decision (56).

V. CONCLUSION

This study addressed the legal system for appeal against judicial verdicts issued for cessation of implementing administrative decision , and this system is an exception of the general origin represented by the executive nature of administrative decisions . to accept appeals for cessation of implementing administrative decisions, there are formal controls and provisions and other objective ones which were addressed her in details . we conclude with a group of results and recommendations the most important among which are listed below.

VI. RESULTS

1. The verdict issued for the request of cessation of implementation is a judicial verdict and has the characteristics of these verdicts .

2.The judicial verdict issued for the request of implementation cessation has two unique characteristics : the first one is the fast procedures of its issuance, and the second relates to the temporary nature of this verdict.

3.The administrative first instance judge has a wide discretion authority in responding or not to respond to the request of implementation cessation.

4.The French legislator has explicitly stipulated the two conditions of urgency and the serious reasons to accept the request of administration decisions implementation cessation.

5.To accept appeal against the judicial verdict issued for implementation cessation there is the condition of the availability of the status and benefit and that the appeal should be submitted at the determined legal date/ appointment which is 15 days in the French and Jordanian systems and 60 days in the Egyptian system.

6.In the French legislation, the judicial verdicts issued for cessation of implementation are subjected to plea and cassation but based on the modern legalization , appeal against these verdicts is only by cassation in the state council . For the Egyptian legislator, this later didn't explicitly indicate that appeal is allowed independently in the judicial verdict issued for cessation of implementation , and with reference to the general provisions of the Egyptian Council of State law and the jurisprudence of the administrative judiciary, there is nothing to prevent the appeal on plea against the judicial decisions related to the suspension of the implementation of the administrative decision. For the Jordanian legislator, appeal against the judicial verdict issued for cessation of implementation is explicitly allowed without determining ways of appeal.

7. Judicial control by the French state council and the Egyptian administrative Supreme Court exceed that of the Jordanian administrative Supreme court in several stages specially if we looked to the first instance court decisions related to cessation of implementing administrative decisions and this is attributed to that the Jordanian administrative law is new in addition to the lack for fully specialized judge in administrative conflicts.

VII. RECOMMENDATIONS

- [1] 1.The Jordanian legislator is recommended with determining a specific way to appeal against verdicts of administrative verdicts issued for cessation of implementation by mandating the articles 25 and 29 of the administrative judiciary to be appropriate for this recommendation.
- [2] 2.The Jordanian legislator is recommended to explicitly indicate the provision of serious reasons as one of the provisions for cessation of implementing administrative decisions and adding this provision to item (A) of article 6 of the Jordanian administrative judiciary.
- [3] 3.The Jordanian legislator is recommended to explicitly stipulate the ways of informing the issued judicial verdicts from the administrative and the administrative supreme courts.
- [4] 4.The Egyptian legislator is recommended to explicitly stipulate in the state council law the possibility of appeal against judicial verdicts issued for cessation of implementation and to shorten the appeal time from 60 days to 15 days as these compared in this study.
- [5] 5.Finally, The Egyptian legislator is recommended with the necessity of giving adversaries the right to appeal in the supreme administrative court with the participation of the chief of commissioners according to the cases of appeal in the state council law.
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