

The physical and Legal Disappearance of the Subject of the Administrative Decision

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Abstract: *This research deals with the physical and legal disappearance of the subject of the administrative decision outside the judiciary way. The research is limited to the ways of disappearance of usual nature, the ways that are for reasons beyond the will, the waiver of the one who has rights according to these decisions, as well as how to complete the waiver, and the cases that enable the administration to end the decisions by an individual will, and finally the disappearance of the administrative decision because of negligence or abandonment, due to the absence of its application requirements.*

Keyword: *The physical and Legal Disappearance*

I. INTRODUCTION:

The administrative decision is considered one of the legal actions issued by the administration with a separate will, as it embodies the privileges of the most important administration through which it execute most of its activities and procedures, and it is in turn includes a set of privileges that ensure its compatibility with the conditions, circumstances and time in which it appeared to existence, it considered a description to the manifestation of public authority any state can to raise with the burdens of the public authority, as well as it described a management tool and its means to execute its many functions in order to achieve administrative work quickly and effectively, because the administrative decision has a mandatory force and the administration must implement it directly according to it's executive nature .

These administrative decisions not eternal because they may be threatened with extinction because the administrative decision like other operations is submit to development and change whatever it is, the administrative decision authority in hand of administration to reach goals and objectives that set by ahead , and the legal system for the administration decision means creation and making legal effects like, foundation or amendment or deletion legal position , as the duration of its validity is long , as that the validity ends to limit and during it the administrative decision is removed.

The research will include in its substance the definition of the administrative decision in the first topic, and its pillars in the second topic, and in the third topic pictures of its removal through the natural end of the administrative decision, the end of the decision with the period specified for its effectiveness, and the suspension of the administrative decision on a breakdown condition or its association with a term, as well as the end of administrative decisions For reasons outside the will of the administration according to changing real or legal circumstances, and as a result of the assignment of those who are granted rights under the decision , or the result of abandonment or negligence not to apply, and the end of the administrative decision to work of administration according to .individual will. The search ends with a conclusion and a list of sources used in the research.

II. RESEARCH IMPORTANCE:

The administrative decision occupies a privileged position in the legal sciences in general and the administrative law in particular, because it is the most important legal means established by the legislator for the administration to carry out its burdens and perform its functions in order to achieve the public interest and serve the people, as well as it is the most common and widely used means of management at the practical level, and the administrative decision remains an effective means In the judicial control of unilateral actions of the administration.

III. RESEARCH PROBLEM:

The subject of the research process an important problem centered around images of physical and legal demise of the subject of the administrative decision and its results.

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IV. RESEARCH OBJECTIVE:

- Definition of the administrative decision, its elements and pictures.
- Learn about the physical and legal demise of the subject of an administrative decision.

The first topic

Definition of the administrative decision

The definition of the concept of administrative decision, especially finding a combined collective definition of it, is still a matter of dispute between jurists of administrative law and common law and their explanation. The French jurist Horiu recognized him as (Declaration of volition will bring the impact against the individuals issued by administrative authority of the executive image lead to direct implementation) ⁽¹⁾. This definition has been criticized because the decisions affect are not only limited to individuals, but also the field of administration, and it is also required that the decision must be enforced on people by force.

The Egyptian State Council defined it as (the administration's disclosure of its binding commitment with the authority it possesses according to laws and regulations with the intent to create a specific legal center, wherever possible and legally permissible in order to seek the public interest) ⁽²⁾. This definition was also criticized for not only defining the concept of an administrative decision, but it also deals with the conditions of its validity and the possibility of its implementation also ⁽³⁾.

As defined by the Iraqi administrative judiciary as (a legal act issued by an administrative organization with its own will in order to cause certain legal effects⁽⁴⁾, by this definition, the Iraqi administrative judiciary has stipulated and stipulated three elements in the administrative decision that it is (to be a legal act, and to be issued by an Administrative authority, and that it is by the individual will of the administrative authority).

Another definition of the administrative decision signified that it is (a legal act issued expressly or implicitly by the individual will of the administrative authority or any public or private organization authorize intention of creating a legal effect that creates, amends, or cancels a legal position)⁽⁵⁾.

The following is not within the scope of administrative decisions ⁽⁶⁾:

- 1- Physical work: such as a car accident in a department of an administration employee or damage caused by public works, because it is not considered a disclosure of the administration's will.
- 2- The pure actions of the legislative authority: such as laws and other actions that the constitution requires to be issued by the parliament, while decisions concerning the appointment personnel in the parliament and their dismissal and punishment by the president of the Council is considered one of the administrative decisions.
- 3- The pure work of the judiciary: the basic rulings issued by the courts, while decisions issued by members of the judiciary in their administrative capacity are not considered rulings, but rather are within the scope of administrative decisions.
- 4- Acts of sovereignty: They are among the administrative decisions, but they are explicit text outside the jurisdiction and of the judiciary. They are issued by the administration as a ruling authority and not an administrative authority, for example a decision issued by the President of the Republic to declare a state of emergency, or to grant an individual the right of political asylum to Country.
- 5- Administrative contracts: Administrative contracts consist of two wills always: the will of the administration and the will of another side, while the administrative decision is issued by only one party that is the administration.
- 6- The work of groups and private organizations: These actions fall outside the scope of administrative decisions such as companies, as they do not fall within the meaning and concept of common law persons

The second topic: types of administrative decision and its elements

The first requirement - Types of administrative decision:

In terms of topic, the administrative decision is divided into ⁽⁷⁾:

- 1- The decision establishing:

It is the decision according to which the right arises, such as the decision of appointment, promotion, or bonus. If this decision is not issued, a right does not arise for the employee even if his conditions are met.

- 2-Detection Decision:

In which the employee derives his right from an objective general rule stipulated by a law or legal regulation, and the most important thing of the decision is to reveal this right, and examples of this are the settlement decision, granting an incentive bonus as a result of obtaining a higher diploma from the bachelor such as masters and doctorates, the previous service account decision, etc.

Second requirement -Staff of the administrative decision:

To determine the legality of the administrative decision, there are the pillars must exist, which are as follows:

1- Reason corner: The administrative decision in order to be issued should be based on a valid reason, and it means the factual and legal situation and the conditions and circumstances prior to the issuance of the administrative decision and what prompted the issuance of it by the administrative authority ⁽⁸⁾.

2- Corner of disclosure of will in a manner required by law: any external appearance of the decisions embodying its content so that individuals can know what it is and follow it so that this external appearance is consistent with what the law wants. The importance of the form lies in to rushing to make decisions to achieve it in the public interest and ensuring that public utilities and administrative activities go well ⁽⁹⁾.

3-Corner of jurisdiction: That is, the legal ability to initiate an administrative work as assigned by the legislator to persons or bodies who have the authority to take and issue decisions, so the legislator distributes jurisdiction in administrative organs and bodies, taking into account the job level and nature of jurisdiction ⁽¹⁰⁾.

The rules of jurisdiction are based on the following elements ⁽¹¹⁾:

A- The personal element: It is embodied in identifying the employees or administrative bodies for whom the law permits the right to issue administrative decisions.

B - The substantive element: It is embodied in the subject or type of decision that the concerned employees or the specific administrative bodies can issue.

C- The temporal element: It is embodied in the statement of the time period during which administrative bodies or administrative employees can issue a decision.

D- The spatial element ;It is embodied in the statement of the spatial scope within which its limits the administrative employees or administrative bodies could exercise their jurisdiction.

4-Corner of the shop: means its substance and its subject matter, i.e. the individual rules and orders included in the decision, and the decision is considered defective and requires cancellation if it is not legitimate as well as legal permissibility ⁽¹²⁾.

5- Corner of the goal or goal: that is, the final point or result of the administrative decision, which is represented in achieving the public interest, and the goal that represents the final result is confront on the other side by the reason that is prior to the decision ⁽¹³⁾.

The third Topic: The concept of the disappearance of the administrative decision and its forms.

The first requirement - The concept of the disappearance of the administrative decision:

The removal of the administrative decision means that it stops producing its legal effects for certain reasons that lead to that ⁽¹⁴⁾.The administrative decision may end or remove without interference from the administration that issued it, and thus its effects will disappear. The decision, like all legal phenomena, has a time even if the time of its entry into force or its validity is prolonged. First and foremost, it aims at the end of the decision and the effects of this decision, and its removal or end is due to natural causes, not by the judiciary, and also by the end of the period prescribed for it. The administrative decision also disappears when the de facto or legal situation is removed, and also when it is suspended for an abusive time and in the wake of the cancellation lawsuit by a court ruling ⁽¹⁵⁾.

The second requirement - pictures of the disappearance of the administrative decision:

1- The natural disappearance of the administrative decision:

The administrative decision in its emergence, continuity, and demise is subject to the will of the public authority, in order to achieve the public interest, so if this is the goal of the administration from all administrative decisions that it issues, whether they are created or modified for a legal position, then its demise or end is mortgaged and also linked to the achievement of the public interest ⁽¹⁶⁾.

One of the reasons for the disappearance or the end of the decision naturally is the impossibility of its implementation or the enforcement of its content, due to the lack of the place of the decision, if the lack of the place of the decision was before its issuance, then there is no decision, while if the absence is after the issuance of the decision, its implementation will be impossible, and thus the disappearance of the decision takes place from the moment In which it becomes evident that his lack of place and what follows thereafter are interrupted by the legal effects from that moment⁽¹⁷⁾.

The absence of the place may be material or legal, and examples of material lack include the end of the industrial place's license upon demolition, and the end of the license to practice a profession once the person who was granted the license died, and the legal absence, for example, is the end of the license for the use of public money with the disappearance of the public feature of money ⁽¹⁸⁾.

The administrative decision naturally omits with the permeation of its content, the individual administrative decision will disappear and often expire upon implementation. When a decision is issued to demolish a particular building, the decision ends once the building is demolished, and the decision to deport foreigners will disappear once they leave the country⁽¹⁹⁾.

Also, the administrative decision will disappear naturally if it is related to a specific date of its permeation. If that decision is not implemented within the period specified for it, the decision ends with the passage of time without implementation, if the end of the decision is not normal, it remains valid its legal effects until it ends after intervention The administration that issued it by one of the legal means pertaining to this matter⁽²⁰⁾.

In the case of Monldivo, the French State Council ruled in 1970 that “provisional decisions do not really create but rather arrange a temporal situation”⁽²¹⁾.

While the administrative judiciary went in Egypt that (Reassignment is a temporary assignment of an employee to perform the burdens of a job, and therefore it is a matter of time in its nature that the administrative authority may withdraw at any time, according to which the employee does not have a final legal position that cannot be violated)⁽²²⁾

In Iraq, the administration may assign the employee the burdens of a job that is higher than his position as an agency and for a specific period of time that may be long or short, and then terminate the assignment and return the assigned employee to his original job⁽²³⁾.

Some administrative decisions require their long-term permanence, such as the decision issued to grant a license to a store. It does not disappear with the establishment of a place, but it continues as long as the beneficiary of the license is still practicing his activity, except if the administration interferes and withdraws the license for the public interest requirements or because the beneficiary violated the conditions stipulated must benefit from the license⁽²⁴⁾.

Most individual administrative decisions result in the production of new legal effects, and such decisions to complete their implementation implement their content, or are stripped from the executive force, for example, when a decision is issued to impose disciplinary punishment on a government employee or when a decision is issued to promote another employee, these decisions are end and removed by implementing its content In the first case, by executing the disciplinary punishment on the employee. While in the second case ,by promotion of the second employee and it's graduation upwards according to the career ladder⁽²⁵⁾.

2- The administrative decision ends with the expiration of the period specified for its implementation:

The administration may see, according to what achieves the public interest , that it determines a specific period for the validity of the administrative decision taken by it. It shall cease with the expiration of the specified period for its effectiveness, without interfering with it to cancel the decision or withdraw it ,an example of this is when a foreigner for a certain period ,this decision of dissolution shall be dissolved by expiry of a certain period of validity , even if the foreigner has not committed any act that is harmful or violates the public order⁽²⁶⁾.

It is not the practice of the administration to issue decisions for a specific period. But , certain circumstances may require the issuance of temporary decisions, and they will enter into force on a specific date and expire on a specific date as well, so the decision will disappear upon reaching the effective date⁽²⁷⁾. An example of that The passport whose validity expires after the validity period for which it is determined to expire .

Also, the administrative decision may be specific to a season, and the decision will disappear and end with the end of that season, as is an example of the fishing or bird season⁽²⁸⁾.

Consequently, the administrative decision specified to a specific season , and will remove with the ending of this season , an example, is the fishing season , subsequently the administrative decision will automatically disappeared at the moment when it's validity period end , as it ceases to produce its legal effects regarding the future, and that period may be specified by a legal text or be specified in the substance of the decision, such as the decision to grant an employee a vacation for a specific period, The decision disappear for the expiry of the vacation period, or the decision to grant a foreigner a residence permit for a specified or temporary period, will be removed, and the decision will be removed according to the custom of the expiry of the date of residency. Therefore, the foreigner must leave the country at the time , if the administration insists that the foreigner leave the country after the expiry of the period specified for his residence, in which he was authorized , Or if abstain from extending the residence ,According to its discretion, to act this shall be deemed consistent with the law⁽²⁹⁾.

As for granting an employee a vacation for a specified period, the vacation here is definitely the vacation authorized by law for employees, and here the administration does not have the right to deny it, nor does it have the discretion to grant vacation because its authority is restricted in this case⁽³⁰⁾.

Commenting the administrative decision on a dissolution condition or a time bound association :

In general, the condition is a future condition and its occurrence is unfulfilled, and it must fulfill the obligation⁽³¹⁾, and it is in two cases either as a standing condition or a void condition, and the standing condition is the one whose existence fulfills the commitment, and the abrogating condition is that which fulfills it, and the obligation ends. Therefore, the decision suspended on a null condition is effective from the date of the issuance of the decision and the product of all its legal effects, and it will disappear and end with the fulfillment of the abusive condition retroactively⁽³²⁾, and the disappearance and expiry of the decision will be from the date of the decision and not from the date of the abrogating condition without that having an effect on the rights Acquired, and we find this applied in the rulings of the Supreme Administrative Court in Egypt⁽³³⁾.

The wisdom behind this lies in avoiding the damages that may be caused to the administration and thus have an effect on the structure and composition of the administrative decision itself, for example when appointing an individual who has been in trial for a period of time, this gives the administration the right to dispense with it if it finds it not worthy to occupy the job, the lack of efficiency An employee has a condition whose presence has led to the disappearance of the decision according to which this individual was appointed, and thus the abusive condition has been fulfilled because he is not fit for the job⁽³⁴⁾.

The administration also has the right to cancel the license or license the extraordinary use whenever it wishes if the person holding the license violates the conditions stipulated in the decision or for the necessity of the public interest, or an amount related to the preservation of public money, or to achieve one of the purposes of administrative control such as public security or General serenity, etc.⁽³⁵⁾.

When management issues a decision in the interest of employees, they must abide by the limits and conditions of that decision and not violate and misuse it⁽³⁶⁾.

Likewise, among the abusive conditions are the administration granting a license and suspending the validity of its enforcement and its continuation in a specific realistic or legal case, so if the case is removed and ended, the decision is over⁽³⁷⁾.

As a general rule, the condition must be legitimate in order to produce its legal effects, if it is illegal or contrary to public order, then the decision is correct and sound and the condition upon which the decision was commented void, because the lack of legitimacy of the condition leads to the nullity of the decision associated with it absolutely⁽³⁸⁾.

As for the term, its meaning is a matter related to the future and its occurrence is certain, and it is of two types: standing or annulling, if the decision was issued and its effect was dependent on the solutions of the term it became standing, while if the decision was issued and its affect was dependent on the solutions of the term it became annulling⁽³⁹⁾.

The difference between a decision that is commented on a abrogated condition and a decision that is suspended on a standing date ,as for decisions that are suspended on a abrogated condition are effective from the date of their issuance, it is not retroactive to the time of its release⁽⁴⁰⁾.

4,The disappearance of decisions for reasons beyond the control of the administration:

From the images of the disappearance of the administrative decision, the occurrence of reasons outside the will of the administration that lead to the disappearance of the administrative decision, and those reasons are not the will of the administration entered in it, its role is embodied only after it appears realistic or legal cases that force it to interfere by stopping the effects and consequences of the decision retroactively or in the future⁽⁴¹⁾, and among the aspects of the removal of the decision in this way are the following:

A- Changing real or legal conditions:

Administrative decisions are issued within certain circumstances and conditions that are the reason why management makes them and these conditions may change. Does this mean that administrative decisions remain in effect? What will it be the result of its validity? Look The jurisprudence and the administrative judiciary in France to the legitimacy of the administrative decision from the perspective of the realistic conditions under which it was issued⁽⁴²⁾, and the authority of the administration is almost absolute in arranging its legal actions according to the change in the actual conditions, and such release is seen in the organizational regulations more than we see the individual decisions, Because individual decisions lead to the creation of legal rights and centers pertaining to the subjective element of the person, and organizational decisions are not seen from the perspective of the rules and circumstances that have arisen under them, but from the perspective of the rules and emerging conditions because they are a permanent and continuous behavior and do not produce rights, but their purpose is to organize and promote Cases of that future, and in this regard, Dr. explains. Suleiman Al-Tamawi stated that (the regulation , according to its administrative nature, changes according to the requirements of administrative life and the requirements of the conduct of public facilities)⁽⁴³⁾.

As for individual decisions, as a rule, it is not permitted to be subjected to them if they result in rights and their stability is taken for granted, unlike those individual decisions that do not produce any right for an individual so that the absolute freedom management to withdraw it according to changing circumstances, because withdrawing the individual decision that did not

produce rights does not violate The principle of non-retroactivity of decisions to respect the acquired rights ⁽⁴⁴⁾. As for what Dr. Suleiman Al-Tamawi stated that the reactionary situation here is a phenomenon, not a real one ⁽⁴⁵⁾, We believe that this justification or justification lacks accuracy, as the reaction occurs in the external and non-external cases, and that it does not violate the principle is due to the lack of any right, especially since Dr. Sulaiman Al-Tamawi refers to one of the judicial decisions issued on April 10, 1955, which states that An individual administrative decision that does not create legal centers, status, or benefits for others, the administration has the right to withdraw it at any time because restrictions impose on the administration's side the withdrawal of individual decisions if it creates legal centers, situations or advantages for the benefit of individuals, so it is not appropriate to deny them.

On the whole, the withdrawal of the decision is governed, and in all cases the true and actual conformity to the circumstances and developments that occur after it is issued, because the withdrawal has become an unavoidable necessity ⁽⁴⁶⁾.

B. The administrative decision ceases to give up those who have rights under the decision:

The general rule says that sound decisions that involve individual rights cannot be withdrawn by the administration because withdrawal is only effective in individual decisions that do not produce rights, or decisions that are defective, or decisions that are unlawful, provided that these decisions are withdrawn in The period prescribed for a cancellation lawsuit, so how the principle of withdrawal can be applied in decisions that produce individual rights and outside the specified period.

The effect of the assignment of the rights produced by the decision converts the decision into a decision that does not create a right. Forfeiting the rights that are generated by the decision certainly does not mean removing and ending the decision without the intervention of the administration willing to remove the decision and terminate it according to that assignment, and if the decision includes the rights of several individuals and not one individual, then the assignor He cannot, through his waiver, terminate the decision and remove it, as it remains in effect for other individuals whose rights they have not waived ⁽⁴⁷⁾.

An example of this is the French State Council ruling issued on the Brandestetter case, as on 23/6/1921 a decree was issued appointing the Regional Director for mail, telegrams and Wireless Communication in the city of Marseille, but he sent a letter on February 15, 1922, ceding his appointment to the position that He previously accepted it, and the State Council ruled that he exercised his full right to assign without limitation or condition, and he considered his waiver final and final with regard to not benefiting from that appointment decision ⁽⁴⁸⁾.

With regard to the organizational decisions issued by the administration with the aim of managing the various administrative facilities, they are outside the scope of individuals' assignment because they do not contain and primarily guarantee individual benefits and rights, therefore the administration may withdraw them at any time they want and according to the public interest, the assignment and withdrawal are related to each other, so the assignment is considered paved behavior and withdrawal It is the road that reveals the disappearance and the end of the decision ⁽⁴⁹⁾.

The administration's termination of the administrative decision and its removal is in itself a revealing decision about the state of the assignment and in turn discloses the termination of a new decision embodied in the cancellation of the specific rights of the individual who waived retroactively since the time it was decided upon, as the administration when it acknowledges the assignment and removes the decision with all its effects as we have already said, it is It reveals a new decision that clarifies the truth of what it approved, since the nature of the revealing decision in the field of law is not new, but its work is limited to proving a pre-existing condition and achieving it for legal effects, because the administration's acceptance to waive the right that the individual waived and issue it to a new decision by canceling the old decision means that it disclosed The right originally determined and agreed to waive it, especially since the withdrawal has occurred on a legitimate and valid decision ⁽⁵⁰⁾

And from that, Article 16 of the Iraqi Civil Service Law No. 24 of 1960, which states that (the employee is deserve a salary of his job upon appointment as of the date of his commencement, and if he does not start within 7 days if he is inside Iraq and 30 days if he is outside Iraq, his appointment order will be canceled) .

Article 169 of the Jordanian Civil Service System No. 82 of 2013 stipulates that (the employee is considered to be losing his job in any of the following cases: If a decision is made to transfer him or assign him to another department or a decision has been issued to transfer him to another job and the transfer or assignment decision has not been implemented and he has not started the work In the position or department to which he was transferred or seconded for a period of 10 consecutive working days from the date specified in the decision without legal vacation or without legitimate excuse).

C- The decision to leave or to neglect is not applied:

Leaving within the scope of the private law means the individual's right to refrain from using this right for one reason or another with the expiry of the period of time that was specified to claim it, which discloses the intention of the right holder to waive it, while negligence in the same domain means neglecting the right holder intentionally and lacking insight to demand In

his right, which arose in accordance with the law or the contract, the meaning of negligence within the scope of the administrative law is that the administration tolerates the implementation of the decision for specific considerations so that it is believed that it has waived its implementation and application⁽⁵¹⁾.

Administrative decisions may be issued, whether organizational or individual with accompanying their emergence by abandoning or neglecting the administration in their application, especially organizational decisions or negligence from the individual with regard to individual decisions that require specific rights that entail them, does that mean dropping them?

Dr. Suleiman Al-Tamawi went regarding the regulatory decisions to (that the negligence of the administration in the application of a specific regulation can not in any way lead to its downfall, but the administration will have at all times to apply it, and that the interest is to ask the administration to apply it if it has an interest So⁽⁵²⁾, Consequently, the organizational decision continues to maintain its executive power as long as it remains not canceled according to a law or the law according to which it was issued is canceled. In their cases, if the administration refuses to apply the bylaw to the positions of individuals, then this is an unlawful act and exposes its explicit or implicit decisions to refuse to challenge the cancellation)⁽⁵³⁾.

The rule adopted by the French jurisprudence in this regard requires that the regulatory decisions not to fall out of use even if the period is prolonged but continues to remain unless they are explicitly or implicitly abolished. The French did not drop the list even if half a century had passed since its application⁽⁵⁴⁾.

If the right of persons lies to stand in the face of regulations due to changing circumstances, it is unreasonable to waste or give up their right to demand their application in appropriate circumstances, since these regulations have not been canceled by a legal text or the law that was established on it has not been canceled.

There is the opposite of this trend, some of them say (that the administration's negligence in applying a specific decision or refraining from its implementation for a long period of time leads to the disappearance of the administrative decision or its end provided that the refusal is with the knowledge of the authority concerned with the cancellation and that it is silent on the application for a long time and settled in its belief that it is binding Failure to apply so that it can be said that a customary rule arose in contravention of the decision, either if the refusal to apply with the intent to tolerate or because of the negligence of the authorities in charge of implementation without the knowledge or approval of the competent authority to issue and cancel the decision, then no rule against this decision is established⁽⁵⁵⁾.

This opinion holds a contradiction, because the reason for the lack of application and for a long period of time is due to the emergence of a customary rule against the decision.

In the opinion of the researcher, there is no compulsory element of the customary rule if the legal text on which decisions or regulations were issued has continued to apply, and even in the presence of customary rules, if they are contrary to the decision or the law on which the decision arose, then this description is not given, because it becomes counter to the law and is the highest Arranged from them.

As for the individual decision, neglecting the individual to enjoy the rights assigned to him for a long period of time gives the administration the right to object to its implementation, here only the administration must ensure that the required conditions adopted by the administration are met as a reason for issuing the decision, even though some consider the individual's failure to implement the decision to his advantage as an option as a choice. Evidence of his implicit acceptance of the administration's right to revoke Resolution⁽⁵⁶⁾.

We support the administration's right and support it in the event that the individual fails to implement the decision for a long period of time in verifying the conditions required in its implementation, and what requirements are required in the individual for its implementation in order to keep up with the administrative dealings with the required development, and this does not amount to underestimating the rights of the individual as long as There are ways to ensure that rights are generally protected.

In the foregoing, we indicated that the administration is driven by reasons beyond its control to interfere to refer the decision issued and make it more in line with the developments of circumstances, and this intervention is natural for the conduct of public facilities, and since the administration has absolute authority with regard to the regulatory regulations in this aspect because they are future rules that include all cases in the organization So it had to be in tune with changing circumstances. The administration is also limited in the process of interfering with individual decisions that arrange the rights of the individual element of the individual, and therefore it is in this scope that are exposed only to decisions that do not produce rights. Then we touched upon the end of the decision and its removal due to a waiver of those for whom rights were created under the decision, and we explained how the waiver and withdrawal are two aspects that complement each other, because the individual's waiver of his rights arising from the decision does not lead to its removal unless the administration on its part discloses this waiver by withdrawing it.

We also touched on the effect of abandonment or neglect on the disappearance and termination of the decision, as we explained and clarified the organizational strength of the executive decision despite the administration's negligence to implement it and this matter does not lead to its downfall unless there is a legal text contrary to that decision, just as leaving individual decisions by individuals and not enjoying their rights. The consequence of this is that the administration is granted the right to object to the enjoyment of the rights mentioned for the expiry of a long period, in order to keep pace with the development of the administrative dealings and its compatibility with it.

5-The end of the administrative decision to operate the administration according to its individual will:

It is evident, according to the context of administrative work, that the administration be unilaterally withdrawing and canceling its administrative decisions for reasons that avoid them, due to the failure of these decisions to serve the public interest or to achieve them. Cancellation is considered a means by which the administration can expose and address organizational decisions and strip them of their legal strength in the future only, and it has the same effect as individual decisions that do not produce rights (57), and we have already said that the authority of the administration is not specific in subjecting to and touching on decisions of this type. The type is unlike that which produces rights for individuals. Therefore, there are cases that allow the administration to withdraw individual decisions that it issues that are tainted by a defect and because it has achieved individual rights in terms of its effects. Judgment From this withdrawal in reconciling two opposing principles, they are (58):

- 1- That the administration be able to fix the errors involved in its decision.
- 2- The stability that must be achieved in rights-producing decisions.

The principle in the law is that the administration has the right to make its decisions issued in accordance with the legal rules, that is, free and devoid of any defect or impurity, and in many cases the contents of these decisions contain rights according to the principle of stability that should not be subjected to after the expiration of a certain period, and these. The period according to the opinion of some of the commentators of the law is the one that bestowed upon the decision the principle of stability and is not attributed only to the rights stipulated in it. The right, according to their opinion, does not result from a direct unlawful decision, but rather from the passage and expiration of the reasonable period after which the conditions should stabilize (59).

Despite the stability of the rights arising from incorrect individual decisions, there are exceptional cases in which the decision can be withdrawn without the need to adhere to the time period, but the withdrawal here ends the decision and removes it retroactively (60), so the administration has the right to withdraw decisions that are marked with a serious defect. As a result, it deprives it of the quality of administrative work as well as the decisions that the beneficiary possesses because of cheating or fraud, or because there is no good faith principle in urging the administration to issue a defective decision (61).

The wisdom in this approach is to make the beneficiary of the decision not worthy of the protection stipulated in the principle of stability that must be envisaged in the decisions that produce rights.

From the foregoing, it is evident that withdrawing the decision in the administrative law is similar to annulment in the civil law, because it results in the withdrawal of the decision the effect of the withdrawn decision disappearing from the time it was issued, and it is considered as if it was not issued at all, because the withdrawal does not result in the removal of the effect of the decision for the future only as it is the case in the abolition, but also returns its effect to the past.

V. CONCLUSION:

After the simple, brief explanation of the definition of the administrative decision, its elements, pillars and demise methods, which are natural in nature to the end of administrative decisions, the research reached a set of results as follows:

- 1- The public administration, according to the authority granted to it, has the right to terminate the administrative decisions that it issues, provided that this is within the framework of the balance between the public and private interest in which decisions relate to them.
- 2- The administrative decision may disappear and end for reasons that the administration has no income in, but its role lies only in disclosing it, whether it is related to changing real or legal conditions.
- 3- The waiver of the right contained in the decision has no effect in it except after the decision is withdrawn by the administration.
- 4- Waiver and withdrawal shall be inherent in the process of finalizing and removing the decision.
- 5- Leaving or neglecting has an impact on the end and demise of a decision left or neglected by individuals or management.
- 6- Resolving or abandoned decisions retain their executive power as long as they are not overturned by legal text, especially if they are regulatory decisions or regulations.
- 7- The administration can terminate decisions with its sole will, especially the wrong or incorrect decisions that it issued.

7- The administration can cancel the organizational or individual decisions that do not produce rights whenever they want.

VI. RECOMMENDATIONS:

- 1- We recommend the legislator to move towards a greater clarification of the rules for the disappearance and cancellation of administrative decisions so as not to be confused and overlapping between them.
- 2- Legislative research recommends the importance of intervention to regulate the cancellation of legitimate administrative decisions and surround them with safeguards to protect the rights of persons.
- 3- Avoiding the shortage in the absence of any provision for the reasoning of administrative decisions that terminate individual legitimate and sound decisions.
- 4- The administration avoids issuing decisions that are defective and in violation of the rule of legality and the achievement of justice.
- 5- To entrust the issuance of administrative decisions to competent and experienced authorities.

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