

Means of Knowledge of Administrative Decision: A Comparative Study between French, UAE and Egyptian Legal Systems

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Abstract

This paper, a comparative study between the French, UAE, and Egyptian Legal Systems, deals with an important topic, namely "Means of Knowledge of Administrative Decision", an issue that greatly affects the rights and freedoms of individuals, on the one hand, and affects the stability of legal centers, on the other. We deal with the research through three studies; in the first, we study the administrative Decision, and in the second, we present the factors which affect the knowledge of administrative Decision, and in the third section we present the methods used for achieving the knowledge of the administrative Decision. The paper concluded with several conclusions and recommendations.

Keywords: Administrative Decision, knowledge of administrative Decision, Certainty of Knowledge, Emirati, French & Egyptian laws.

1. Introduction

The Administrative Decision is a means of administration to serve the public interest and to meet the rights of individuals and protect their public freedoms, and almost all of the jurisdiction of the administrative judiciary is based on the idea of administrative Decision. An administrative Decision only applies to third parties, if it has been subject to sufficient publicity measures, which aligns with the concept of legal certainty. Once these formalities are completed, administrative decisions become binding on the affected individuals, and they can invoke them (evuegeneraledudroit.eu). Administrative Decisions are considered the most important and most effective means of management 'in achieving the objectives that will fulfill the necessary duties and complete the tasks entrusted to them (Al-Ajrama & Al-Salamat, 2013: p. 1024).

Each country seeks to achieve comprehensive economic development in various fields, whether economic, social or political. In aiming at this goal, the state has several bodies and institutions that seek to achieve this. The latter enjoys the privileges of the public authority, including issuing administrative Decisions intended as an instrument of activating the Administration (Kenza, 2016: p. 1).

The validity of the Administrative Decision, where this concerns the rights of the Administration, shall be from the date of issuance, on the assumption that they are aware of them because they are the source thereof; whereas, for the validity of Administrative Decisions against individuals, this shall be after the declaration of the Administrative Decision, i.e., their knowledge of the decision, but may be applied after or before the date of issuance. The date of issuance of the declaration of administrative Decisions has a great role in the field of public relations between Management and individuals. The Administration cannot invoke a decision issued to an individual 'until after the date on which the individual has been legally informed of it through the legally prescribed means. The Administration must adhere to these means for the decision to apply against the individual to whom it is directed.

The current rules are based on a straightforward idea: individuals affected by an administrative Decision must be informed of its existence, so that it can be applied to them and, if necessary, challenged before the administrative court. These rules are now coded in Articles L. 221-2, following the Code of Relations between the Public and the Administration.

This research will address the means of knowledge of administrative Decisions, in view of the great importance of this issue in the field of rights and freedoms and legal situations.

The problem of this research is reflected in the link between the knowledge of the administrative Decision, on the one hand, and the timing of the appeal and its effect on the legal centers, on the other hand.

We will address this research according to three topics, divided as follows.

The first topic. Informing Administrative Decision.

The second topic. Notification of the Administrative Decision.

The third topic. Certainty Knowledge of the Administrative Decision.

2. The first topic. Informing of the Administrative Decision

The legislator has specified the means of knowledge of the administrative Decision, provided that the concerned party should have a means to ensure the knowledge of the administrative Decision. The knowledge must include all the elements of the decision in such a way as to enable the concerned party to know the legal status resulting from this decision, as it is not permissible to equate the means of knowledge of decision in terms of its power, as the original is the declaration, and the exception is the publication. It is not sufficient to publish if the declaration is possible. Regulatory acts must generally be subject to general publicity, either through publication or display. Publication usually occurs in an official organ, such as the official journal, official bulletins from various ministries, or even a collection of acts from local authorities which sometimes are available in digital formats. In certain cases, publication or display must be accompanied by other measures. According to Article L. 2131-1 of the General Code of Local Authorities, acts of municipal authorities that must be transmitted to prefect, only take effect if they have not only been published or displayed, or notified, but also if this transmission has occurred. These solutions apply to both regulatory acts (CRPA, Article L 221-1) and acts that are neither regulatory nor individual (CRPA, Article L. 221-7).

The declaration is the appropriate means for decisions relating to individuals, in contrast to the general regulatory decisions, for which it is sufficient that they be published in the official newspaper, as it is not possible to limit the persons to whom it applies (Rady, 1999: p. 135).

At first, while unfavorable decisions are only applicable after being notified; individual decisions favorable to their recipients—especially those that create rights- take effect immediately upon their signature, without waiting for notification (French State Council, 1952, p 594) It has been held that a ‘Decree of Promotion in the Legion of Honor’ creates rights for the beneficiary, (French State Council, 1954, p 270). In practical terms, once the concerned person becomes aware of the act's existence, they can demand its execution in their favor. Considering the act as a creator of rights, also limits the authority's ability to withdraw or repeal it (French State Council, 1952).

The proceedings before the Administrative Court and the Administrative Courts, commencing from the date of filing the case before the Court, Article (24/1) of the Egyptian Council of State Law, states that "the date of filing a lawsuit before the Court in respect of applications for annulment shall be sixty days from the date of publication of the Administrative Decision contested in the Official Gazette or in the publications issued by the public interest or the declaration of the concerned party (The first paragraph of Article 24 of Law No. 47 of 1972 on the Council of State).

Similarly, the UAE legislator has set 60 days for the abrogation of the administrative Decision. Article (84) states, in its first paragraph, that "the lawsuit to cancel the Administrative Decisions shall not be accepted after sixty (60) days from the date of publication of the contested Administrative Decision or declaration by the concerned party or whoever is proven to be aware of it (The first paragraph of Article 84, Law No. 11 of 1992 on the issuance of the UAE Civil Procedure Code).

There is an implicit and explicit agreement between the UAE legislator and the Egyptian legislator on the date of the cancellation of the administrative Decision. Both legislators have agreed on the same period, sixty days after the start of the case.

The Administrative Decision shall enter into force against individuals on the day of their knowledge of it, by one of the legal means specified by law, namely, reporting for individual decisions and publication for organizational decisions. The administrative judiciary also adds what is known as the certainty of knowledge, where there is no doubt as to his knowledge of it (Kenza, 2016: p. 209). These are the means set by the administrative judiciary for the knowledge of the administrative Decision. To achieve knowledge of the administrative Decision by one of these means, the latter should focus on the final decision, not the preparatory work.

The announcement of the administrative Decision occurs through its publication, as it is considered one of the legal means prescribed by law and often follows the means of publication in relation to organizational decisions, unlike individual

decisions, which the law requires should be declared to the concerned party. The law defines the means of publishing regulatory decisions in official newspapers or bulletins issued by the departments (Shubaat, 1999: p. 182).

We will address the issue of publication through the following requirements.

First requirement. Definition of Publication.

The second requirement. Distinguishing between Publication and Issuing.

Third requirement. Publication Provisions.

2.1. *First requirement. Definition of Publication*

Jurisprudence has defined publishing as: "The way in which the stakeholders are concerned with administrative or regulatory decisions, and organizational decisions usually include abstract general rules that apply to an unlimited number of cases or individuals, requiring ergonomics through publication" (Rady, 1999: p. 135).

Moreover, it is defined as: the publishing of the administrative Decisions in the official newspapers or bulletins, and it is a valid procedure for the commencement of the revocation deadline, basically in the organizational administrative Decisions (Fadil, 2013: p. 213; Kenza, 2016: p. 210). It is also defined in terms of the administration being obliged to follow the prescribed formalities in order to inform the public of the decision (Al-Tamawi, 1984: p. 622). Whereas the Court of French Confrontation defines it as: A set of acts whereby the new provisions reach the public (Helmy, 1970: p. 235). If the administrative authority considers that the publication should be limited to a summary of the decision, the summary shall be sufficient to dispense with the publication of the whole decision and should be free of ambiguous phrases so that the concerned party can accurately determine his position on the resolution.

Publishing in this manner is the most appropriate means of publicizing and informing the concerned parties about the content of the administrative Decisions that contain general and abstract rules and address individuals who cannot be counted. But this rule is not constant, as sometimes the French Council of State requires the publication of some individual decisions, especially those concerning staff, such as recruitment and promotion decisions, to ensure that these decisions come to the knowledge of those concerned (Abdul-Karim, 2012: pp. 61-62). The rule is that if the law provides a particular means of publication, it should follow that method; for example, the law requires that the decision be made in certain places in the city, read in the public domain, published in an official newspaper, or published in a special interest publication, etc.

In such cases, the period shall be valid only from the date of such form (Al-Sharif, 2006: p. 491). If the legislator specifies the means of publication in the daily or weekly gazette - despite its being published - for the information of the decision, the decision to publish the decision in the Official Gazette is considered as a presumption that cannot be proven against the knowledge of those who are addressed in it and its provisions. From the date of this publication, the administrative Decision should be effective (Khalifa, 2007: p. 254).

The jurisprudence is based on the opinion that distinguishes between the validity of the administrative Decision and its legal existence, and that the publication or declaration is not one of its components - the theory of signing the decision - the general rule governing this subject is that the administrative Decisions should be implemented since its issuance by the authority whose decision it is. (Al-Zu'bi, 1993: p. 200; Al-Alwan, 2009: p. 293).

If the law does not specify a particular method of publication, the publication in the Official Gazette shall be deemed sufficient for the public by virtue of the decision, and no one shall be allowed to claim ignorance thereafter (Helmy, 1970: p. 240).

As for the validity of the decision on those who were outside the country when published for foreigners or nationalities residing abroad, where it is said that the law, once published in the normal way, it takes effect abroad and is known to all persons who have an interest therein. The French courts consider that if the French law is to be applied to a person in whose country of residence the law has not been published. Some jurists support the view of French courts, stressing the necessity of working according to it, and their justification is that the Egyptian texts on publishing and the law are in the same manner (Helmy, 1970: p. 238).

The Federal Supreme Court of the UAE ruled that the decision to cancel the administrative Decision can be filed 60 days after the date of publication of the decision or the certainty of knowledge, where the cancellation is not filed without the publication of the administrative Decision, stating that "the stability of the jurisprudence of the civil and administrative departments in the Supreme Court. The Administrative Decision of the long statute of limitations, fifteen days, pursuant to Article 473 of the Law of Civil Transactions replaced by a short time, sixty days, started on the date of publication of the decision or of the knowledge of the decision pursuant to what the comparative laws stipulate (Federal Supreme Court of the UAE Appeal No. 244 of 2009 Administrative, 29/3/2010 session).

The ruling of the Egyptian Supreme Administrative Court defined the publication as follows: "Follow the prescribed administration to inform the public of the decision" (Al-Tamawi, 1991: p. 562). This definition is the same definition as some of

the jurisprudence, where the publication is defined as: "Follow the administration formalities scheduled to inform the public of the decision" (Al-Attar, 1963: p. 621). Others have defined it as "the declaration of the people and the person concerned with the contents of the decision issued by the administration so that they are aware of it (Fouad, 1998: p. 96). Another view was that: "a formal means imposed by the legislator on the management of the source of the decision to inform the people and called the official knowledge of the decision."

The French Council of State, the Council of State of Egypt and the United Arab Emirates adopted the theory of signing the resolution even though it did not refer to it explicitly, but it is inferred from it by means of its expressions that use the phrase "issuing the decision from the owner or administrative authority." Its provisions are in regard to its ruling in case No. 161/96, saying that "... the lesson in the final decision is that the issuance of administrative authority has the right to issue without the need to ratify" (Supreme Court of Justice No. 161/96, 1997: p. 500).

In a decision concerning *Voies Navigables De France* on April 24, 2012 (petition number 339669: AJDA 2013, p. 998, Joubert's note), the Council of the State considered that, in the absence of specific textual provisions, 'deliberations with a regulatory character by a public establishment are binding on third parties from the date of their publication in the official bulletin of that establishment or from the date of their reliable online posting on the website of that public entity. However, given the nature of the deliberations and the individuals they may concern, other methods may ensure sufficient publicity.'

The ratification of the administrative Decision by the competent authority is tantamount to issuing it. Consequently, the decision is essentially present and effective against the administration from the date of issue, unless it is dependent on a standing condition such as the existence of the necessary financial support as well as the assessment and legitimacy of the resolution in its various elements (Abdel-Basset, 2012: p. 200).

The general rule that governs the effectiveness of administrative Decisions -individual and organizational - has been in force since its issuance by the authority which own it but does not apply to individuals who address them except by publishing them or declaring them by one of the means prescribed by law (Ali, 1987: p. 7; Al-Alwan, 2009: p. 293).

The researchers believe that the business organizations are managed by the administrative Decisions taken by the authorities with the authority, but some of these decisions are taken without being published and published disclosure and transparency facilitates the implementation of these decisions, but some do not publish them, which results in the opposite of the implementation of these decisions.

2.2. *The second requirement. Distinguish between Publication and Issuance*

The publication is characterized by a procedure by the Head of State to certify that a law has been completed in accordance with the procedures laid down in the Constitution, and the task of the executive authority is to publish and implement it into a law of the State (Jawhari, 1991: p. 41). The publication is a legal act. Publishing means that the administration follows certain forms to bring the law or decision to the knowledge of individuals. Publishing is a material procedure. The version is only compatible with the laws and does not relate to administrative Decisions. The publication will be for each decision individually, and the law must be issued and published, and only the administrative Decision should be published (Fikri, 1996: p. 89). The UAE Constitution does not provide for any legal form that defines a comprehensive definition of the administrative Decision.

2.3. *Third requirement. Publishing Provisions*

Publication can inevitably reduce the conflict with similar judgments and similar issues. The publication of the allegations raised from time to time due to conflicting judgments from one judicial body can be answered as a result of the differentiation in the members of the Court and their submission to their views, ideas and convictions. The dissemination of judicial rulings issued by the courts played a major role in raising the legal environment of any modern civil society. The positive impact of the dissemination of judgments in general is seen at the legislative, jurisprudential, professional and academic levels. Publication has the result of influencing the so-called stability and transparency of judicial principles (Al-Sarhan, 2008: p. 318).

The Supreme Federal Court ruled that an administrative Decision was annulled to cause a fault for the termination of the appellant's service, despite the fact that the contestants against it were not authorized to take the decision on an assignment issued to it by a higher administrative authority. This indicates that the decision was misplaced (Supreme Federal Court of the UAE Appeal No. 31 of 2013 Administrative, 24/4/2013 session).

It is worth mentioning that administrative Decisions of all types, whether individual or organizational, are not subject to any special forms. They may be written, oral, causative, or imprecise, and be either express or implicit, as they express the administrative power of their will. An exception to this rule is the administrative Decisions of certain forms, if the legislator requires causing the decision or publishing it or going through specific steps before issuing it, such as the procedure, investigation

or the opinion of a certain party. The failure to follow the administrative authority of these procedures injures the decision by defect of form. This is one of the pillars of the administrative Decision which is the basis of the form (Mahmoud, 2000).

Based on the above, we find that the origin of the validity of Administrative Decisions in the face of individuals after their publication, is the principle that the individuals know the legal status created by the resolution, and therefore are not invoked in the face of them only after they have been informed by one of the means specified by the legislator or means (certainty of knowledge) created by the administrative judiciary, as it is not enough to enforce the Administrative Decision in the face of the speakers to issue a true decision full of all its pillars, but must be available to the knowledge of individuals with this decision (Al-Ajrama and Al-Salamat, 2013: p. 1025).

3. The second topic. Notification of the Administrative Decision

Reporting is one of the topics dealt with by the legislator with great interest, and it is of great importance that reporting is the basis of the litigation process. It is the way prescribed by the legislator to enable the other party to know a certain fact (Al-Qudah, 2008: p. 32). The notification refers to: "formality by which the other party is notified of the judicial proceedings against him," and the importance of the consequences of the dates of the appeal and the presence of sittings and other effects, the notification is the key without which the judicial disputes cannot be decided, so remain files on Court shelves pending the completion of notification procedures (Shoshari, 2005: p. 14).

Reporting, also, the way in which the other party is notified of the judicial proceedings against him and the importance of which is reflected in the consequences of the appeals and the attendance of sittings and other procedural dates, so notification is the key without which the judicial disputes cannot be decided, so many files remain on the courts shelves pending the completion of notification procedures (Al-Zu'bi, 2010: p. 271).

It is also intended as: "the method to be followed in individual decisions and is a fundamental administrative measure to which the administration is committed to ensure the legitimacy of its decisions and thus to ensure that its provisions are implemented and given legal effects (Boudjemaa, 1999: p. 198). The decision is communicated to the stakeholders as a means of legally recognized advertising, such as the delivery of a copy of the decision to the person personally, with the receipt of his signature receipt, or sending the decision to him in a recommended letter with knowledge receive. The declaration of the decision must be comprehensive of all the contents of the Administrative Decision as long as the latter may not be invoked except within the limits of what has been notified or declared in the manner that is often performed or declared by a public official or by any other public official, and receipt of the original should be signed, either in the form of the resolution, or in a special record, and there is no objection to the declaration form, whether telegraphic, or telephone call or telephone, or e-mail, whichever is possible (Abdul-Karim, 2012: p. 65).

Administration has the discretion to select the means of advertising it deems appropriate, but if the law expressly requires that advertising be made by a particular means for a particular type of Administrative Decision, the administration is obliged to respect the provisions of the law, including, but not limited to, recruiting and promoting employees who shall be notified to their owners and published in the Official Gazette. In any case, in principle, the entry into force of administrative or individual administrative Decisions shall not apply to the rights of the complainants except from the date of informing them by all legal means deemed appropriate by the administration. This is what compels us to say that there is no validity of administrative Decisions for the past, in accordance with the principle of non-retroactivity (Al-Shakra, 2005: p. 100).

Reporting has basic elements that must be available, and without which elements its purpose its purpose is not achieved, and these can be summarized below (Abu Al-Otham, 2005: p. 267).

1. The advertisement should include the name of the administrative body who issued the decision.
2. The advertisement should be directed by a staff member who is personally concerned. (Here, a distinction should be made between two cases, if they are fully legally qualified, or if they are ineligible, the declaration will be forwarded to their representative).
3. The declaration must include all elements of the decision.

If the administrative judiciary hesitates between the written or verbal communication, but the contents clearly show the name of the issuer, whether the state or a public person, and it is issued by the competent employee, and to be directed to those concerned personally or to their representatives if it is incomplete eligibility. As for the means of reporting, in the event that the law does not provide for a specific method of notification, the administrative Decision may be communicated in any manner. It may be by means of a judicial record, or by any administrative officer, or by ordinary mail and can be a copy of the decision (Abu Al-Otham, 2005: p. 267). Although the notification is communicated to the person concerned, some of the arbitrators have authorized the person's legal agent to inform the person or to inform the spouse or guardian of the concerned

person or the guardian or a child, if his or her age allows him to assess the matter (Abdullah, 1996: p. 530). Therefore, in order for the notification to attain its legal effect, it must be done correctly and properly, and it should be done by the means that allow the concerned party to know the decision, and the declaration, on the other hand, prevents individuals from evading the knowledge of the decision sometimes, because individuals must be aware of its causes (Al-Shawabkeh, 2013: pp. 301-302), and thus be considered correct reporting (Al-Zu'bi and Al-Mansoor, 2012: p. 123).

Therefore, the general rule in communicating knowledge to administrative Decisions is to report. If this is not possible, it is necessary to publish, because the knowledge resulting from the notification is a real knowledge other than the knowledge that comes through publishing. The Supreme Federal Court of the UAE ruled that notice must be given to the employee, in writing, before termination of his service, indicating the reason (UAE Federal Supreme Court Appeal No. 638 of 2016 Administrative). Article (10) of the UAE Civil Procedure Code stipulates that "the advertisement shall be considered as a product of its effects from the time of the notification of the image in accordance with the preceding provisions." (Article (10) of the Federal Law No. (11) for the year 1992 issuing the Civil Procedure Code, as amended by Federal Law No. (30) of 2005, and the final text of the article dated 30-11-2014) These effects are highlighted below:

1. From the time of receipt of a copy thereof in accordance with the preceding provisions.
2. From the date of receipt of the letter of the Ministry of Foreign Affairs or the diplomatic mission to the effect that the advertiser receives the image of the advertisement or refrains from receiving it.
3. From the date of notification of the arrival of registered mail with receipt, fax or e-mail.
4. From the date of completion of the paste or publication in accordance with the provisions of this section.

The authors believe that the time for appeal of individual decisions starts from the date of notification of the concerned party. The communication in the secured mail is valid only if accompanied by the certificate of notice, by delivery signed by the consignee, otherwise the notification shall be deemed null and void.

4. The third topic. Certainty of Knowledge

The realization of the knowledge of the individual with administrative Decision is what is called "certainty of knowledge", a judicial theory created by the French State Council, which set the conditions, and the surrounding guarantees to balance the rights of individuals and the interest of Management, which represents the public interest (Debbasch, 1970: pp. 345-346).

The knowledge of individuals with administrative Decisions is achieved by publication and notification which were established by the law and governed by their provisions and their effects on the effectiveness of administrative Decisions against individuals and the duration of appeal against such decisions, but that does not necessarily mean that this science cannot be achieved by other means. The knowledge of the individual may be given to the administrative Decision even if the Administration does not publish or inform its decisions. This is done either at the initiative of the concerned party, and by his diligence, or based on the work of the Department (Al-Zubaidi, 2007: p. 151).

The Supreme Federal Court of the United Arab Emirates stated that "... if it fails thereafter or from the date of the day following the declaration of the judgment, if it constitutes an attended event" (Supreme Court of the United Arab Emirates Appeal number 791 sessions, 30/5/2004)

For individual acts, as well as, non-regulatory and non-individual acts, the situation is more complex. The theory of acquired knowledge applies when it is established that the petitioner was aware of the existence of the decision against which they are appealing. It allows the defense of forfeiture against petitioners who, due to their circumstances, could not have been unaware of the act's existence, despite the absence of official advertisements.

Examples.

1. **Case CE, April 11, 2008 (Request No. 307085, Défi France Company):**
 - The applicants contested an authorization granted by municipal order to a company for installing an illuminated advertising device on a building roof.
 - In this case, the required publicity formalities were not fulfilled, but the applicant had indeed received individual communication of the disputed decision, which triggered the deadline for legal recourse.
2. **Case CE, August 4, 1905 (Martin):**
 - The petitioner, a member of the collegial body that adopted the contested decision, is deemed to know about that decision from the day of the meeting during which it was adopted.

- This principle applies when the petitioner was duly summoned and received the meeting agenda, even if they did not attend.
3. **Definition:**
- “Unless there is a provision for implicit rejection or tacit agreement, any individual decision made on behalf of the state, a territorial authority, a public establishment, or any organization (even if private) responsible for managing a public service is only binding on the person affected if it has been previously notified to them.”
 - To give an individual decision legal and specific effects for the recipient, it must be formally communicated.
4. **Content of Notification:**
- The notified act must be clear, complete, and comprehensive.
 - When notifying individual decisions (such as; an administrative order), the entire act should be reproduced, including details like its nature, author, date, and purpose, to inform the recipient.
 - Motivation must be in writing, stating the factual and legal conditions underlying the decision, allowing the recipient to understand the measure taken against them (Article 3 of Law No. 79-587 of July 11, 1979). Motivation is mandatory, especially for acts causing harm.
5. **Methods of Notification:**
- Notification can occur through various means:
 - Registered mail with acknowledgment of receipt.
 - Hand delivery by the territorial authority or its representatives (with a signed receipt).
 - By a bailiff.
 - Simple mail or verbal notifications are allowed but strongly discouraged due to difficulties in proving receipt during legal disputes. Fax or email notifications remain controversial without consistent jurisprudence.
6. **Opposability of Time Limits for Appeals:**
- Time limits for appeals are enforceable only if they have been explicitly mentioned, along with available recourse options, in the notification of the decision (Article R 421-5 of the Administrative Justice Code); These details should be included within the body of the act itself.

4.1. **First: The Theory of Certainty of Knowledge**

The realization of the individual's knowledge of the Administrative Decision in this way is the so-called "Certainty of Knowledge," a judicial theory created by the French State Council, which set its conditions, and took it to ensure the balance between the rights of individuals and the interest of the administration that represents the public interest (Debbasch, 1970: pp. 345-346; Vedel, 1976: pp. 512-513).

According to this theory, if it is proven that the concerned person is aware of the content of the administrative Decision and its contents; it is a clear knowledge that denies all ignorance, which allows him to determine his status and his attitude towards him. This knowledge serves as publication or reporting in achieving the purpose of the legislator and its purpose of existence. These decisions shall be effective against the stakeholders as of the date of proving this certainty of knowledge (Aubey et Drago, 1984: p. 917; Gabolde, 1981: p. 116).

The Administrative Decision shall be deemed to be effective immediately upon its issuance, unless it is suspended on condition or time is added to it. The basis for this is the knowledge or presumption of Management's knowledge of its decision since its issuance. It is based on reliable knowledge in all its provisions, if it is available to the interested party. The State Council, which still hesitates between the introduction of this theory and its rejection, which caused the jurisprudence to be split between the claim to abandon this theory, while it is supported by others, that is to say, between its retention and cancellation (Tuwaijri, 2006: p. 86).

The Supreme Court of has emphasized that the inadmissibility of proceedings to cancel administrative Decisions after 60 days of declaration or certainty of knowledge, noting that this period is interrupted by grievance. The law specifies the interruption of the validity of this time of grievance to the administrative authority that issued the decision or to the presidential body. The complaint must be decided within sixty days from the date of its submission. The decision of refusal must be reasoned. If, sixty days after the filing of a complaint, the complaint is not answered by the competent authorities, it shall be regarded as a rejection. The date of filing the case shall be calculated from the date of the express or implied refusal based on conditions.

The Court explained that, since Federal Law No. 10 of 2014 amending certain provisions of the Code of Civil Procedure issued by Federal Law No. 11 of 1992, which came into force on 3-3-2015, the fifth of which is to "repeal any provision that contravenes or contradicts the provisions of this law." The result of this, and on the basis of the jurisprudence of the pleadings and the proceedings of this court, is that from the date of the Civil Procedure Act and the amendments thereto, for

this law, its provisions shall be applicable, and everything that conflicts with it shall be canceled and shall occur to cancel the effect from the date of entry into force of the Law. Article 84 of the Federal Law No. 10 of 2014, referred to above, states: "The application for annulment of Administrative Decisions shall not be accepted after sixty (60) days from the date of publication of the contested Administrative Decision or the declaration of the concerned party or proven knowledge thereof Informative note. The appeal shall be suspended within the period of sixty days from the date of its submission. The decision of refusal must be made, and sixty days shall be considered for the filing of the appeal without the parties having responded to it. The competent authority shall act as its rejection, and the date of the claim shall be calculated from the date of the express or implied refusal based on conditions (UAE Federal Supreme Court, Appeal No. 314 of 2016 (Administrative), Session: 11-5-2015).

Article (24/1) of the Egyptian State Council Law provides that: "The date of filing a claim before the Court in respect of applications for annulment shall be sixty days from the date of publication of the Administrative Decision contested in the Official Gazette or in the publications issued by public interest or the declaration of the concerned party (Egyptian State Council Law No. 47 of 1972). The Administrative Decision also applies to individuals from the day of their knowledge by one of the legal means defined by the law: publishing and reporting individual decisions. The administrative judiciary also adds what is known as the "certainty of knowledge," which is the means determined by the Administrative Court for the knowledge of the administrative Decision (Fadil, 2013: p. 8), and to achieve knowledge of the administrative Decision by one of these means must focus on the final decision and not the preparatory work.

4.2. *Second: The conditions of the theory of the certainty of knowledge*

1. **The knowledge occurs by a means other than the means of publishing or reporting:** Knowledge occurs by a means other than the means of publication or notification when the administration waives the publication or notification of the decision or when it does not publish or report it at all. In such a case, the knowledge shall be obtained by way of Management, by chance or by another person, or the Administration shall take action to implement the decision before informing the concerned party. In such cases the knowledge of the concerned person shall be realized or a presumption indicating his knowledge of the decision, such as when the applicant has filed an administrative appeal against the decision or that the employee joins the new work center to which he was transferred or receives a deducted salary (Ali, 1995: p. 328) after the decision to deduct his salary. Thus, the Supreme Administrative Court of Egypt ruled that: "A thorough certainty of knowledge of the Administrative Decision shall be established from any incident or presumption that it has been obtained without being bound by a certain means of proof and for the administrative judiciary in its legal control to ascertain whether or not such presumption or incident has occurred, in accordance with the requirements of the law and the circumstances of the case (Supreme Administrative Court of Egypt, Appeal No. 1113, 7/2/1965).

2. **That the knowledge should be accurate, neither assumed nor hypothetical.** The provisions of the Administrative Judiciary have been based on the introduction of the theory of certainty, and the conditions for its introduction, such as the fact that knowledge is neither assumed nor hypothetical. It must be true knowledge. If these conditions are met, the certainty of knowledge will replace the publication and declaration in the running of the time of appeal and the provisions of administrative judiciary abundant and frequent.

The Supreme Administrative Court of Egypt has also determined that: "... when the categorical evidence according to the circumstances of the conflict and the nature thereof informs the concerned party of the decision in a clear and impartial manner, so that this knowledge is comprehensive for all the contents of the resolution, the legal status of the decision shall be determined. Once the evidence has been established, the time of the appeal shall commence from the date on which the knowledge was established without the need to publish or declare the decision." (Supreme Administrative Court of Egypt Appeal No. 11225, session 8/5/2003).

The ruling of the Supreme Court of Egypt also states that "... individual decisions affecting independent legal centers" shall apply "the date of appeal from the date of their declaration to the concerned party, and this will replace the publication and declaration, as it shall achieve the accurate certainty of knowledge of the concerned party" (The Supreme Administrative Court of Egypt appealed the number 314 hearing 12/10/2015).

The means of reporting the Administrative Decision are considered as the legal knowledge, and it begins to submit the claims of cancellation after the certainty of knowledge and the duration of this media is interrupted after 60 days, and this is confirmed by the Federal Supreme Court not to accept claims to cancel the Administrative Decisions after sixty days of declaration or certainty of knowledge, noting that this period is interrupted by the grievance (Federal Supreme Court of the UAE, Appeal No. 314 of 2016 Administrative, hearing 12/10/2016).

3. The certainty of knowledge should include all elements of the administrative Decision:

The knowledge should include all elements of the administrative Decision, the Administration, the place and the reason for the decision. In terms of management, the source of the decision, the essential form of the decision, the date of the decision should be clear, for the place; i.e. the transfer of the individual from his old position to his new position; must be indicated and in terms of reason must indicate the occasion for which the decision was issued, if the decision should be questioned, the reason for the decision (Wasfi, 1987: p. 208). In this regard, the Federal Supreme Court of the UAE said: "The Administrative Decision is not required to be issued in a specific form or position, but it is sufficient to issue the competent authority to issue it within the limits and powers prescribed by law" (Federal Supreme Court of the UAE Appeal No. 146 for the year 6 judicial - session 13/11/1985).

The Supreme Federal Court indicated to basic forms: issuing of decision, reasoning of decision and procedures before the issuance of the decision. In many of its judgments, the Court concluded that, although the administrative Decision was to be written and signed with the signature of its author, it could be invoked from correspondence or administrative correspondence. In an incident, the Court concluded that an administrative Decision had been made to renew the lending of a female teacher as a result of correspondence between the Minister and the Under-Secretary (Federal Supreme Court of the UAE Appeal No. 146 for the year 6 Supreme judicial - session 13/11/1985).

The Federal Supreme Court of the UAE stated in the matter of causing the administrative Decision, saying: "... The original is that it is not obliged to state the reasons for its decision, unless the law requires it, and then the cause of the decision becomes a basic form of procedure resulting in negligence nullification, Comparative administrative law: If the law requires Administrative Decisions to be made, these reasons must be included in the decision, so that the decision will come out with all its causes, and referral to other papers or documents is not enough to be regarded as cause (Supreme Federal Court of the UAE Appeal No. 96 of 2008 administrative veto, 27/4/2008 session).

It is noted that the jurisprudence of the Supreme Federal Court of the UAE in the area of defect target is rare. This defect, even if found, is often overlapping with a defect cause or defect lack of jurisdiction or place defect. In its Judgment, the Court said: "... the Court of the subject has the authority to control the issuance of Administrative Decision - free from the defect of arbitrariness or deviation, and not censored by the Court of Cassation, as long as it is drawn and based on sufficient grounds to bear" (Supreme Court of the United Arab Emirates Appeal No. 89 for the year 21 judicial session 21/2/2001).

4. Knowledge shall be inclusive of all elements of the new legal status:

The knowledge must be comprehensive of all the elements set forth in the legal status and put the holder in a position to know all that he needs to know so that he can show the truth about the decision. The legal center is established by the administration in accordance with a particular regulation with certain facilities, costs and benefits, to inform the individual of the decision issued in the right that affects him. The decision establishing the legal center must have been issued in accordance with the rule to which the individual is subject in his or her old position, as an employee who is promoted from one degree to other degree if the decision leads to a certain hierarchy between the spouses as the priority of the applications for authorization or the seniority of the staff. The knowledge requires that the decision bears an indication of its order as the number for the priorities, or a statement that the movement was based on seniority (Wasfi, 1987: p. 210).

5. Knowledge shall allow for the determination of the method of appeal:

Certainty of knowledge should indicate the nature of the Administration's conduct as to whether such an act is an administrative Decision that may be challenged by revocation or merely an internal procedure. The mere designation of the Administration for its work by decision does not mean that it is an administrative Decision but must affect the legal status of those concerned. In this ruling, the Supreme Federal Court of the UAE ruled that "the approval is no less than an administrative Decision required by the Constitution to ensure the issuance of the decree of assignment to retirement for those who are in the class of the appellant, which does not have a legal effect in changing the job status of the appellant and does not amount to the Administrative Decision as one expressing the administration's disclosure of its binding will" (Supreme Federal Court of the UAE Appeal No. 300 for the year 2010 administrative veto 26/1/2011).

4.3. *Third: The means of proving the certainty of knowledge*

Certainty of knowledge shall establish from any fact or presumption that it has been obtained without being bound by a certain means of proof (Decision of the Administrative Court of Egypt in case No. 116 of 1st, 10/5/1953). This knowledge may be drawn with the situation that supports its availability and ensures its occurrence. Once the conclusive evidence according to the circumstances and nature of the dispute has proved the certainty of knowledge of the concerned party by the decision in a clear and factual manner, so that it is comprehensive of all its contents, the date of appeal has begun from the date of establishing

this knowledge (Decision of the Administrative Court of Egypt in Appeal no. 743 for the year 34 BC, 7/1/1989). The Supreme Administrative Court of Egypt states in this regard: "The administrative judiciary in its legal control shall verify whether or not this presumption or incident has been made and assess the effect that can be arranged on it in terms of the adequacy of the knowledge or its limitations, as the court shall determine from the case papers and the circumstances of the case" (Decision of the Administrative Court of Egypt in Appeal No. 659, for the year 18, 23/11/1976). Knowledge of certainty may be used in a conclusive manner, such as the submitting of a complaint by the concerned party to the competent administrative authority, this complaint cannot be made without the knowledge of the decision.

These are some means of proof of the certainty of knowledge:

1. Appellant ratification:

The ratification by the concerned party of his knowledge of the decision being challenged and his recognition of it on a particular date is an argument against and proof against him, which rarely occurs because of the legal consequences of the case, and the acknowledgment may be frank and probably rare, such as sending the plaintiff's employee a letter to the administration that contains sufficient notice of what the penalty was signed and that it (the penalty) the warning, the reasons for signing it and identify the reasons of opposition in the decision in terms of form and subject matter, all of which, then, would not be accepted to say that he did not know the decision enough knowledge of ignorance (Al-Zubaidi, 2007: p. 156).

In the opinion of the jurisprudence that the recognition of the appellant is the easiest means to prove certainty of knowledge, and the acknowledgment may be explicit if the employee admits the plaintiff, in writing, knowledge of the content of the decision, and may be implicit recognition, the correspondence provided by stakeholders to the Administration can be attributed to prove certainty of knowledge (Al-Shawabkeh, 2013: p. 304).

2. Publishing:

Publication is an important means of informing individuals about administrative Decisions, and then the validity of their rights. The publication is done legally by informing the public of the decision by publishing it in the Official Gazette (Marghani, 1984: p. 439; Al-Shawabkeh, 2013: p. 306). However, the legislator may sometimes require the publication of some individual administrative Decisions in the Official Gazette as expropriation decisions. Thus, the date of appeal of these decisions will come into force on the date of publication. It follows that if the legislator specifies a specific means of informing the concerned parties, it should be followed. If the text states that the person concerned must be informed, for example, the publication of the decision in the Official Gazette does not preclude notification (Al-Shawabkeh, 2013: p. 306).

3. Testimony:

The administrative judiciary has established the proof of certainty of knowledge of any incident or presumption that it has been obtained without being bound by a certain means of proof. The testimony may sometimes be contrary to the conditions in certainty of knowledge, which must be true knowledge, not fiction, not hypothetical, the condition. The element of presumption and suspicion remains, even though it is small. Furthermore, the adoption of a certificate as a means of proof by the administrative judge is, based on exception, as seen in some jurisprudence, and I consider that an exceptional method of proof may not be used in order to prove an exceptional method of administrative Decision (Al-Zubaidi, 2007: p. 160).

Despite the differences of jurisprudence, we find that the legislator of the UAE and the Egyptian takes the idea of the need to distinguish between the validity of the administrative Decision and not to protest, which is evident clearly through the application of the theory of certainty of knowledge and considered as a means of knowledge administrative Decisions. The researchers do not support the expansion of the theory of certainty of knowledge so that the Administration does not rely on the knowledge of individuals administrative Decisions, which leads to prejudice to the rights and freedoms of individuals.

4. Conclusion

This round of research shows us that the administrative Decision comes into force only through the means and that in turn it is modified through publication, reporting and certainty of knowledge.

The study found some important results:

1. The issue of the effectiveness of administrative Decisions came to preserve the public benefits which the department seeks to achieve through most of its activities entrusted to it.
2. The enforcement of the administrative Decision is of particular importance in influencing the legal centers and the administrative work to take any action or to carry out a legal act. This decision is effective when informed by the publication or the declaration and certainty of knowledge; these decisions are not invoked except after knowledge of them.
3. The Administrative Decision shall be effective when it enters into force.
4. Regarding the right of individuals, the administrative Decision shall be effective from the date of its issuance.

The study presented some important suggestions, those are:

1. The two researchers recommend that the administrative judiciary should arrange the decisive effect of the time of the cancellation lawsuit on both types of grievances - permissive and mandatory- without exception, to achieve the very legislative that the legislator created administrative grievance for.
2. The necessity of informing the decisions of the Administration to the concerned party by the means of knowledge (publication and notification) and the time specified until it is granted the opportunity to appeal at the time approved by the law.
3. We recommend that the Administration not adopt the declaration of an oral nature, since it must be a traditional declaration under the supervision of an official body, so as not to claim anyone not informed of the decision.
4. We recommend the administrative judiciary in both the UAE and Egypt not to expand the introduction of the theory of certainty of knowledge and stricter in proving it, to the protection of the rights and freedoms of individuals.

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Author contribution statement

Faisal Al-Shawabkeh: Performed the experiments, discussion, and conclusion.

Mohammad Alahbabi: Collected and analyzed the data, formatting, and writing.

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