

University Of Abdelhafid Boussouf- Mila

Faculty of law & political sciences

Department of Law

Lecture One: Administrative contracts & Decisions



Addressed to Third Year Public Law Students-Semester 1

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Introduction to Administrative Decisions and Contracts.

Administrative decisions and contracts are fundamental aspects of public administration and governance. They involve the legal relationships between public authorities (government entities) and individuals or businesses. These decisions and contracts serve as the framework for regulating the provision of public services, infrastructure projects, and other government activities.

1. Administrative Decisions (القرارات الإدارية):

An administrative decision is a decision made by a public authority or an administrative body in the exercise of its powers. These decisions are typically directed at individuals or organizations, and they serve to regulate public services, grant permissions, or impose penalties.

Key Features of Administrative Decisions:

Legality (القانونية): Must conform to the law and regulations.

Public Interest (المصلحة العامة): Made with consideration of the public's best interest.

Reasoning (التعليل): Must be justified with clear reasoning.

Right to Appeal (حق الطعن): Affected individuals have the right to challenge such decisions.

Examples:

- Granting licenses or permits.
- Imposing fines or penalties.
- Approving or denying applications.

2. Administrative Contracts (العقود الإدارية):

An administrative contract is a contract entered into by a public authority and an individual or company to carry out public tasks or services. Unlike private contracts, administrative contracts are governed by public law and involve special provisions to serve the public interest.

Key Features of Administrative Contracts:

Public Authority (السلطة العامة): One party is a government entity.

Public Interest (المصلحة العامة): The contract serves a public service or purpose.

Immunity (التحصين): Public authorities enjoy certain immunities from standard legal proceedings in these contracts.

Changeability (قابلية التغيير): The contract can be modified by the government due to changing public needs or interests.

Examples:

Public procurement contracts for infrastructure projects.

Contracts with service providers for public utilities.

Important Terminology in Administrative Decisions and Contracts:

- Administrative Decision-القرار الإداري
- Administrative Contract-العقد الإداري
- Public Authority-السلطة العامة
- Public Interest-المصلحة العامة
- Legality-القانونية
- Reasoning-التعليل
- Appeal Right-حق الطعن
- Tendering Process-عملية المناقصة
- Contractual Obligation-الالتزام التعاقدية
- Termination of Contract-إنهاء العقد
- Breach of Contract-خرق العقد

- Performance Bond-سند الأداء
- Force Majeure-القوة القاهرة
- Public Procurement-المشتريات العامة
- Default Clause-بند التعويضات
- Negotiation-التفاوض
- Arbitration-التحكيم
- Dispute Resolution-تسوية النزاعات
- Contract Amendment-تعديل العقد
- Administrative Court-المحكمة الإدارية
- Liability-المسؤولية
- Contractual Penalties-غرامات تعاقدية
- Delivery of Services-تقديم الخدمات
- Project Financing-تمويل المشاريع
- Risk Management-إدارة المخاطر
- Contract Enforcement-تنفيذ العقد