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Master Thesis Defense

Entitled

The Validity of the Administrative Decision according to the UAE Judicial Judgments

By

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Abstract

This research examines the validity of the administrative decisions according to immediate impact principle and non-retroactivity principle. Before explaining these two principles and their provisions, there is a brief introduction to clarify some differences between the subject of this research and other similar topics, in addition to the importance of determining the timing of the administrative decisions validity according to the UAE administrative judicial judgments which adopts the principles that protects the acquired rights, to realise the law goals in achieving stability in transactions and to reassure the society members through implementing the mentioned above principles the subject of this research. So there is an emphasis on the immediate validity of the administrative decisions since its issuance, for this purpose the timing of the issuance of the administrative decisions and disclosing mechanism were determined in the following three key methods; the publication, announcement and absolute knowledge. As a result, the decision comes into force against the individuals and the administrative entity. The research examines also the exemption on the immediate impact principle through postponing the influence of the administrative decision after its issuance or through suspending its validity upon a condition. The research examines the decisions non-retroactivity principle – the non-retroactivity of the effect of these decisions to the past -. Furthermore, the research explores the exemptions on the non-retroactivity principle, which allow issuance of retroactive decisions through; the provisions of the law, according to the nature of the decisions which require the retroactivity, or according to judicial judgements which cancel the decisions and considers their effects null. As a result, the administrative entity shall respect the judicial judgements and implement these decisions through considering the scholars opinions and UAE, federal and local, judicial judgements and principles. As well as, the research will clarifies the importance of this subject in relation to the constitution.

Key words: validity of the administrative decision, immediate effect principle, and non-retroactivity principle.