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Master Thesis Defense

Entitled

Arbitration as a means of resolving disputes arising from administrative contracts

by

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Abstract

This research shed light on the subject (arbitration in administrative contracts) due to its importance and the effects it has on the administration and its obligations, the consequent effects on the national economy and to clarify the meaning of the concept of arbitration in administrative contracts. The concept of the administrative contract from the legal point of view, and then the researcher deals with the subject of research related to arbitration in the administrative contracts in terms of legitimacy and suitability with the laws and the status of the country. Whereas the administration has included in its contracts a condition for resorting to arbitration in the event of disputes arising in relation to the rights and obligations contained in the contracts concluded by the administration with the contracting parties, the arbitration shall be a means of resolving such disputes and waiving by the state its authority and part of its sovereignty when dealing with others and subjecting it to an equal status to the contracting parties before the arbitrator, is considered contrary to the idea of administrative contracts and the special privileges or conditions that such contracts may entail in some cases may be arbitrary with the contracting party with the administration to ensure the public interest. The idea of arbitration in administrative contracts is an innovative idea that may give rise to some of the practical and operational problems that will be addressed in that research. In order to clarify the meaning of this idea, and to examine it properly, the research dealt with the nature of the administrative contract, in terms of definition and characteristics, then, he addressed the definition of arbitration in terms of its definition and its form to reach to the intention of arbitration in the administrative contracts and the opinion of jurisprudence and the law thereof in each of the countries subject to comparison in research. The study also reviewed several judicial rulings, some of them supporting and some of them rejecting the idea of resorting of the administration to the arbitration clause in its contracts with third parties, in comparison with the countries subject of research.

Keywords: Administrative contract, definition, characteristics.