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United Arab Emirates University

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Entitled

Administrative body's liability upon administrative decisions

by

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Abstract

As for the administrative body's liability for an unlawful decisions, both the judiciary and the jurisprudence have unanimously accepted the principle of responsibility based on error, which requires the elements of responsibility, which are namely error, damage and causal relations between the two elements occurs jointly since the origin of accountability upon the administrative body compensation varies according to the defect reflected in the administrative decision since there is no accountability on the defects of formality, unless defect is effective, while in the cases of substantive defects, both termination of decisions and compensation are in order whatever the magnitude of error, which happens to be is the direction of the UAE's judiciary in this regard, as for the accountability of the administrative body on legitimate decisions, based on risks, or responsibility to the public burdens both UAE's legislator and judiciary went in the same direction that Egypt and France took in this regard, where the administration is accountable in these cases based on risks or equality in front of public burdens in accordance with the principle of justice. The aim of this study is to clarify the liability of the administrative body for the legitimate and illegal administrative decisions in the light of comparative jurisprudence in Egypt, France and the applications in the UAE in this regard, especially since the origin of accountability occurs upon an illegal act, however in some cases the administrative body may be questioned while performing it's duties even though the judiciary had declared the legality of its decision therefor a person may claim compensation for it.

Keywords: administrative body's liability for lawful and unlawful decisions, liability terms general and specific, cases of liability.