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Entitled

*THE LEGAL REGULATION OF STATE-OWNED COMPANIES
IN THE LIGHT OF UAE LEGISLATIONS - COMPARATIVE STUDY -*

By

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Abstract

This study seeks to investigate the legal regulation of the state-owned companies in the United Arab Emirates by delving into federal and local regulations related to these companies to identify the legal concept of such companies and put an all-compassing definition of them, detailing their types and what distinguishes them from similar companies, as well as the rise and development of state-owned companies. The study also addresses the issue of the legal nature of state-owned companies jurisprudentially and legally, touching on conflicting judicial rules and opinions on whether to consider these companies as public law or private law corporate bodies.

One of the key findings of this study is that state-owned companies are now entering all areas that the state wants to develop, and that the judiciary's tendency to apply the provisions of the labor relations law on the employees of these companies has become a fact necessitated by the regulatory gap and the absence of a standard regulatory framework for these companies. The study has also concluded that due to the wide scope of public projects, including government companies, and their growing importance, legislators and judiciary thinkers have grown an interest in studying the legal status of these companies. Their views were different, between those who considered these companies public law bodies and those who considered them private law bodies and that the difference in identifying the legal nature of state-owned companies is attributed to the ambiguity of the legislation in acknowledging the public legal personality of such companies.

A key recommendation at the conclusion of the study is the recommendation to enact a federal law to regulate state-owned companies, defining their legal point of reference and the legal rules that govern them and regulating their internal affairs and their dealings with third parties as well as identifying their legal position and form. This prerequisite is necessary to bridge the legislative gap in terms of the legal regulation of this kind of companies. At least a human resources law should be enacted to regulate the relationship between these companies and their employees. It was also recommended to acknowledge the public corporate personality of these companies, just as the origin (the administrative bodies to whom these companies report), which is enjoys the public legal personality.

Keywords: State-Owned Companies, Government Companies, Public Law Persons. Private Law Persons, Public Legal Personality.