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Master Thesis Defense

Entitled

*THE ADMINISTRATION'S POWERS IN THE ADMINISTRATIVE CONTRACT IN LIGHT OF THE
REQUIREMENTS OF THE PUBLIC INTEREST AND THE FINANCIAL BALANCE*

by

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Abstract

This study deals with the concept of financial balance of the administrative contract as a right of the contracting party against the exceptional and unusual powers the Administration enjoys in this type of contracts in the light of the legislation and judicial rulings in the United Arab Emirates at the federal and local levels of the Emirate of Abu Dhabi. The study clarifies the concept of the financial balance of the contract, the legal nature of such concept and the circumstances of establishment of this concept. As well as this study deals with the powers vested in the contracting Administration, which would disturb the financial balance of the administrative contract, the controls and restrictions on the exercise of those powers by the administration, and how to restore the financial balance of the administrative contract based on the Prince Act Theory, explaining the concept of this theory and the conditions to be met for implementation of this theory and the consequences arising from its application. One of the most important results arrived at in this study by the researcher is that the concept of financial balance of the administrative contract is based on the rules of justice that stipulate that no party shall be enriched at the other's expense, ensuring the continuity of the public utility, achieving the public interest, and overcoming any unexpected difficulties that would impede the continuation of implementation of the contract on the part of the contracting party. One of the most important recommendations presented at the conclusion of this study is that the judiciary in the United Arab Emirates should adopt the dual judiciary system in a manner in which the administrative judiciary would have its independence due to the special characteristics of administrative contracts, and that the wording of new procurement standards regulations in the Emirate of Abu Dhabi shall be reconsidered to be more clear in explaining its governing provisions with regard to contracts concluded by government entities and administrations in the Emirate of Abu Dhabi with contractors.

Keywords: Contracting Party, Administration, Administrative Contract, Financial Balance of the Contract, Prince Act