

# Legal Problems of Article VI of The Jordanian Administrative Justice Law Concerning Formal Conditions for Suspending the Execution of Administrative Decisions: Comparative Study

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## Abstract

This study aimed to achieve a balance between the rights of individuals that may be wasted by the implementation of the decision and the objective of activating the administrative work, for which the principle of non-stance effect of the appeal against annulment is determined, it has been decided to suspend implementation as an exception to this principle with special controls and conditions to achieve the desired balance, pending the adjudication of the decision in question. In this study, we will use the descriptive approach by describing the subject in a way, and the analytical approach by studying the legal texts regulating the system of suspension of administrative decisions. Moreover, this study found that the legislative texts regulating the system of suspension of administrative decisions are not integrated and do not cover all of the aspects of the system in Jordan. Jordan's legislature has increased a new formal requirement of providing a financial guarantee by the applicant for suspension of execution, which is unnecessary. As a result, this study made several recommendations, the most important conjunction in Jordan clarified, and the text of article VI of the current Jordanian Administrative Justice Act of 2014 was amended, to avoid denying individuals of the wisdom for which the suspension of execution was found. In some cases, the grounds for suspension arose only after the proceedings had been instituted or their inability to provide financial bail.

**Keywords:** Administrative Decision, Annulment Action, Execution of Administrative Decision, Suspension of Execution of Administrative Decision.

## Introduction

Originally in administrative decisions, they are valid and legally valid and enjoy the presumption of integrity. In the same vein, the initiation of an action to annul an administrative decision does not affect the implementation of this contested decision. The administrative decision implements the right of individuals as soon as it is made unless it is suspended on a condition or added to the term, and then applies in the face of the administration itself, and produces its effects since its adoption. The administration can invoke the decision after learning of the addressees (1). To achieve a balance between the rights of individuals that may be wasted by the implementation of the decision and the objective of activating the administrative work, for which the principle of non-stance effect of the appeal against annulment is determined, it has been decided to suspend implementation as an exception to this principle with special controls and conditions to achieve the desired balance,

pending the adjudication of the decision in question. For this purpose, the Jordanian legislature grants individuals the right to request a stay of execution of the administrative decision under certain conditions, so that the moratorium is known by the judiciary and is an effective safeguard against the administration's abuse of its right to implement its decisions. The application for a stay of execution of the administrative decision may be regarded by the judge with doubt, believing that the applicant's interest is to obstruct the execution of the administrative decision to save the time that may be in his favor. Therefore, the legislation of States in France, Egypt, and Jordan has made the suspension of execution permissible to the judge, in the light of the conditions he deems appropriate for formal and objective suspension of execution. Our study will be limited to examining the question of the formal conditions for requesting a stay of execution of the administrative decision (2). The

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importance of the study stems from the reconciliation of the principle of uninterrupted effect of an appeal, which requires that an appeal against an administrative decision is not suspended. If the execution of the administrative decision results in irreparable results and is subsequently annulled, here the abolition provision becomes futile, so it is necessary to establish controls that reconcile the interest of the administration that regularly regulates the functioning of its public utilities. The interests of individuals sometimes lie in the failure to implement the administrative decision if it leads to irreparable results. The problem with the study is that the legislative texts regulating the system of suspension of administrative decisions are not integrated and do not cover all its aspects in Jordan. Jordan's legislature has increased a new formal requirement of providing a financial guarantee by the applicant for suspension of execution, which is unnecessary. Moreover, the judicial applications of Jordanian administrative jurisprudence are characterized by ambiguity, scarcity, and instability in this area, as well as Jordanian jurisprudence. This subject has not been examined and analyzed, unlike in the case of French and Egyptian jurisprudence, which has endeavored to analyze and examine this subject and has established principles governing the operation of the suspension regime for administrative decisions of its legal and practical importance.

## **Methodology**

In dealing with this subject, we will follow the legal problems of Article VI of the Jordanian Administrative Judicial Law relating to the formal conditions for suspending the execution of administrative decisions, the comparative analytical descriptive approach in the comparable countries France, Egypt, and Jordan, which is commensurate with the nature of this study.

## **Results and Discussion**

### **Connect the Request for Suspension of Execution for Cancellation**

Ensuring that justice is done and preventing the arbitrariness of the administration by implementing its flawed decisions, gives stakeholders the right to request that they be sentenced to a moratorium on the impugned decision as well as to an annulment, in accordance

with certain conditions and regulations. The purpose of the suspension regime is to protect individuals from the harm of the administration's direct implementation of its decisions (3). The application for suspension of the execution of the administrative decision, such as any application before the administrative court, must meet the general conditions for admissibility of the case, including a police officer of capacity and interest. The formal requirement is the basis of the moratorium regime agreed upon by the comparable States' regulations. Should be explicitly requested in the same regulation of annulment proceedings, which is called the conjunction clause, The Jordanian legislature added another formal requirement for the suspension of execution to provide a financial guarantee (4). Apart from these formal requirements, the application for suspension of administrative decisions must be accepted, namely, the requirement of urgency and injury, so that the results of the execution of the administrative decision are irreversible in the future, and the requirement of seriousness or legitimacy that the application for suspension be based on serious reasons. Our study will be limited to addressing formal requirements and we will devote a subsequent study, God willing, to examining substantive requirements (5). In order to deal with this discussion, the application for suspension of execution is to be divided into two requests. The first request is to be combined with the application for suspension of execution in Jordan. The second requirement is to be considered in conjunction with the request for suspension of execution in comparative countries France and Egypt (6).

### **Pairing the Application for Suspension of Execution in Jordan**

As a result of the application for a stay of execution of the administrative decision for annulment as a branch of origin, the application for suspension of execution must be accepted in conjunction with the claim for annulment of the requested suspension of execution, to address the desires of procrastination and procrastination. It is not envisaged that there would be a request to suspend the execution of an administrative decision without a claim originally instituted for annulment (7). The wisdom of the suspension pairing the cancellation is that the suspension

request is a challenge to the administrative decision. The appeal is subject to certain duration, it may not be filed after it is overdue, and the administrative decision is enforceable from the date of its issuance (8). The claim for annulment is the possible legal means of execution, which destabilizes its existence in the judicially established legal sense, necessitating their association with each other. This combination and interdependence are the branch's interrelationship with the original. This is the so-called requirement of conjunction. However, the French and Jordanian legislature departed therefrom and authorized the request for a stay of execution of the administrative decision in a petition separate or separate from the request for annulment. Therefore, the application for a stay of execution may be submitted as an application for annulment or an application for independence (9). At the outset, Jordan's legislator did not expressly authorize the appellant to apply for a stay of execution of the administrative decision in conjunction with the rules of procedure for an independent application. The law of the Supreme Court of Justice stipulates the 1992 and article 20 The court may issue any interlocutory decision it deems appropriate in the proceedings, whether at the time of their submission or immediately after their examination, at the request of the parties stakeholder, including the provisional suspension of the impugned decision if it considers the results of its execution irreparable. In analyzing this, Jordanian jurisprudence considers that, during this period, the legislator did not require the formal restriction that the application must be coupled with the language used by the legislator in the drafting of the aforementioned article 20, namely, either at the time of its submission or immediately after its consideration. According to another side, the request for a stay of execution must be independent of the original rules of procedure, because the legislator required the application for a stay of execution to be granted. This can only be done if the request for a stay is made independently, and nothing prevents the applicant's requests in the original rules of procedure from including the request for a stay of execution (10). Another view was that this could not be requested under a subsequent summons to bring the case, since the application for a stay of execution was subsidiary to the original request

for annulment, which amounted to an appeal against the decision to be rescinded. This was a standardization of the date of appeal against the administrative decision and the suspension and prevented the uneven calculation of the dates beginning and ending (11). Through the extrapolation of the judgments of the Jordanian Supreme Court of Justice from that period, its judgments in this regard varied. In its judgment in case No. 209/2010, dated 23 September 2010, the President of the Supreme Court of Justice is competent to rule on applications for suspension of execution made after the proceedings have been filed, and before the hearing is scheduled for consideration. The tribunal hearing the proceedings shall have jurisdiction over the applications submitted immediately. Issues are distributed to subsidiary bodies after an exchange of regulations. Another judgment in case No. 527/2006 dated 17 January 2007, dismissed the plaintiffs' action in the form that they had requested a stay of execution of the decisions in question, after having initiated proceedings before them for annulment. With the promulgation of the current Jordanian Administrative Justice Law No. 27 of 2014, the legislator expressly stipulates in article 6 (b) that the application for a stay of execution of the administrative decision may be accompanied by an action for annulment. Or submit a request for a stay of execution after the original proceedings, He agrees with the French legislature ' This is commended by the Jordanian legislature for the importance of non-conjunction, which we have already shown. This article states that a summary application may be filed at the time of the filing of the case or after the proceeding. The summary application shall be examined by the Administrative Court only if it considers it otherwise. However, according to article 9/b of the same Act, a summary of the facts of the case, the contents of the contested decision, the grounds of appeal and the applicant's specific requests must be called before the Administrative Court. This is one of the requests that the applicant wants from his case to request a stay of execution of the administrative decision pending the adjudication of the case by the Court. In my view, this is contrary to Article 6/B, which we have previously set out, as far as the Administrative Court is concerned. Similarly,

article 30 (b) of the same Act affirms that the Supreme Administrative Court applies the same conditions and procedures provided for in this Act and followed by the Administrative Court in this regard. The Jordanian legislature has made no mention of the possibility of applying for a stay of execution outside the statutory period prescribed for the annulment of administrative decisions. There have been no judicial applications addressing this issue. We believe that there is nothing to prevent an application for a stay of execution even after the expiration of the appeal period as long as the application for annulment was originally filed within the legal period of the appeal. By extrapolating the judgments of the Administrative Court and the Supreme Administrative Court in this regard, we find them to require that the application for suspension of execution be accompanied by an alleged annulment (12). In judgment No. 401 of 2016, dated 13 March 201, the Administrative Court affirms the requirement that the petitioner's applications be included in the summons, stating that the summons before the court must include a summary of the facts of the case and the content of the contested decision, the grounds of appeal and the petitions specifically desired by the petitioner. In a judgment of the Supreme Administrative Court No. 47 of 2017, dated 22/2/2017, it is stated that the list of appeals contained an account of the facts of the appeal, the content of the contested decision, the grounds of the appeal and the petitions that the petitioner specifically desires from his appeal, which are consistent with the provisions of the law. There is a clear indication that the request for a stay should be accompanied by the case sheet. In a judgment of the Supreme Administrative Court, No. 254 of 2015, dated 1 December 2015, it is stated that if the appellant does not include a summary of the facts of the case, the contents of the contested decision, and the grounds of appeal, and the requests that the petitioner specifically wants from his case, his claim requires restitution. (We note here that the Court expressly contravened the text of article 6/b, which authorized the latter to submit the summary application at the time the case was filed or immediately after its consideration. One of the rulings of the Administrative Court is also its famous decision to suspend the execution of the

teachers' strike in 2019 after appealing the decision to strike before it and requesting a stay of its execution. Since this application was submitted to our Court under the administrative case, our Court is competent in its view and has decided to suspend the execution of the decision to declare the strike pending adjudication of the case.

### **In France**

Initially, the French legislature required the application for a stay of execution to be submitted independently of the original application. Article 119 of the Regulations on the Legalization of Administrative Courts and Appeals Administrative Courts stipulates that the application for a stay of execution shall be submitted in a newspaper independent of the newspaper for annulment. The 31 July 1954 order did not contain a provision on how to apply for a stay of execution before the Conseil d'Etat. The applications were filed in the same original appeal or an attached application. This was the role of French jurisprudence and it was argued that the submission of requests for annulment and suspension of execution in one petition would save the time necessary to adjudicate the application for suspension of execution. The judge quickly examines the papers to appreciate the seriousness of the reasons likely to be canceled and thus justifies the temporary suspension of its implementation of those reasons in the same newspaper (13). The general rules defining the scope and authority of the judge also require the judge to rule solely on the request of the litigants, and therefore he is not entitled to rule on his own suspension of execution. The independence of these two advocacy newspapers is useful in drawing the judge's attention to the existence of a request for a stay of execution, and it is easy to prepare a call for it (14). On the contrary, they argued that a separate petition was in the appellant's interest, namely to inform the Court of the request for a stay with some focus and interest. After the promulgation of the February 8, 1955 Law on Administrative Courts and Appeals Administrative Courts, article X affirmed that the application for a stay of execution must be accompanied by the original case sheet. The application is secondary in the sense that it cannot be filed separately on its own but must be accompanied by the original appeal and the

acceptance of the request for a stay of execution requires the admission of the fundamental appeal. This is in response to the request of part of French jurisprudence, and since the French judiciary does not consider the subject of the independence of these two applications to be substantial formalities, which means that the application for a stay can be filed independently of the request for annulment or of the same newspaper. Under article 1-522 of the Decree of 22 November 2000, the French legislature settled the independence of the application for a stay of execution before the Conseil d'Etat. When the case was required to be filed by an independent newspaper accompanied by a copy of the annulment newspaper. Under this decree, Article X of the aforementioned Decree of 8 February was repealed through the establishment of a system of suspension of administrative decisions under the legalization of the new administrative judiciary. Consideration of the suspension application became the prerogative of the summary administrative judge as a public order and not the trial judge. As previously shown, there is no room for the option of filing a suspension application with a newspaper independent of the annulment appeal newspaper and the same newspaper. Because the previous situation was a consequence of the separation judge's unity, as a public asset in the substantive request for annulment, and the urgent request for a stay. In the new regulation of the moratorium on the implementation of administrative decisions, the independence of both sides must consider the urgent, objective, and logical aspects of the conflict. He makes the urgent request for a stay of execution with a newspaper independent of the annulment appeal newspaper, otherwise, as expressly stipulated in article 1/1-522 of the Regulations of the New Administrative Court, it is also required by the penalty of invalidity to attach a copy of the substantive request to the urgent request. By searching French judicial applications in this regard, when an application for annulment is submitted on time, a stay can then be requested at any time after that even after it is overdue, until before the original proceedings are decided, because no special deadline is provided for the application for suspension. In the absence of a specific provision for the time of submission of the suspension application, the French judiciary

did not limit itself to filing the suspension application only during the period of the original proceedings before the Court of First Instance but allowed it to be filed for the first time before the Court of Appeal on the occasion of its hearing of an appeal against the Court of First Instance for dismissal, meaning that the contested decision continued to produce its effects.

### **In Egypt**

Initially, in Article 9 of the previous Egyptian State Council Act of 1946, the Egyptian legislator did not require that the application for a stay of execution of the administrative decision be accompanied by the original case. There is nothing to prevent the suspension of execution from being presented independently on the case sheet. However, the President of the Conseil d'Etat may order a stay of execution if he considers the results of the execution irreparable. However, following the amendment to Act No. 6 of 1952, amending Act No. 9 of the State Council of 1949, the application for a stay of execution was expressly accompanied by the application for a stay of execution in the case sheet. The Egyptian legislature expressly affirmed this requirement in the recent amendment to Act No. 47 of 1972. Article 49 of the current Act No. 47 of 1972 stipulates that the application to the Court shall not have the effect of suspending the execution of the requested decision. The Court may, however, order that its execution be suspended if requested in the case sheet. The Court considered that the results of the execution may not be remedied. In this connection, the Egyptian Supreme Administrative Court states, in appeal No. 2483 of 34 BC, session 24/6/, that to accept the suspension of the execution of the administrative decision, the application shall be made in the newspaper of appeal that the two applications shall be accompanied by a single newspaper. This requirement imposes on the appellant to explicitly request a stay of execution, at the same time as the request for annulment of the decision requesting a stay of execution in the same newspaper, because, according to the Egyptian Supreme Administrative Court, the application for a stay of execution is no more than an appeal against the decision to be revoked. The Court further determines that, if such a union is not achieved by requesting the annulment of the decision on independence and then requesting a

stay thereafter, the substantive formal requirement of acceptance of the suspension of execution is lagging, and is therefore inadmissible in form. The request for a stay is inadmissible explicitly under Article 49 of the Conseil d'Etat Act unless it is linked to an objective claim requesting a stay of execution in its newspaper. The Egyptian Supreme Administrative Court justified appeal No. 3094 of 29 BC. 14/4/Pairing clause that the legislator wanted to inform him of the guarantee of the availability of both formal and substantive clauses, the request for suspension of execution is no more than an appeal against the requested decision. The urgency of this request is that the implementation of the administrative decision will have irreparable consequences. The probability of this risk is that its validity coincides in time with the same decision from the day of its adoption. Depending on the direct enforceability of this decision as an administrative decision, this, on the other hand, illustrates the wisdom that the request for a stay of execution should be coupled with the request for cancellation in one newspaper. At the same time, the Union for the Commencement of the Appeal against the Decision also achieves both annulment and suspension, preventing differences and disparities in the date's calculation from beginning and ending. According to these provisions, they justify the unity of the appeal newspaper, that the power to suspend administrative decisions is derived from the power to annul and a branch thereof. The logic of the grounds for the suspension or the fear that the results of the execution could not be possible is necessarily present from the moment the decision is issued and is accompanied by it. The rulings of the Egyptian Supreme Administrative Court have consistently settled on the application of the formal requirement, which is an essential requirement to be adhered to. The Egyptian Administrative Court has not derogated from the legislator's position in this regard (15). As for the opinion of Egyptian administrative jurisprudence in this regard, Dr. Suleiman Al-Tamawi considers that the request for annulment of the decision does not affect all the effects of the decision if ruled upon. Implicit in the suspension of the effects of the decision until the judgment is rendered, and the interest of the appellant in this request only arises if the reasons for the suspension of execution, then he has to explicitly

ask for this effect and not be considered to bear the effects of slow litigation. We therefore do not doubt that this literal interpretation of the texts adopted by the Court goes beyond the intention of the legislator. Individuals are deprived of the right to protect the administrative judiciary, and the State carries financial burdens that it is concerned about. The rights of individuals will become compensation if the decision is implemented (16). Some of the jurisprudence argues that it is arbitrary to deny individuals the application for a stay of execution when the grounds for suspension of execution have not yet been brought, and since the decision has not exhausted all its effects, otherwise the plaintiff has all the consequences of slow litigation. In addition, the obligation to interpret the text strictly leads to an anomaly. Another aspect was the inconsistency between the requests to suspend the execution of the administrative decision and its annulment in a single newspaper of appeal, for the integrity of its noble logic and purposes in safeguarding individuals' rights (1). Another advocated that this requirement should be relaxed to minimize its implications, including denying individuals a request for a moratorium on the implementation of the resolution, which misjudged the gravity of the consequences of its implementation (10). In the researchers' view, these criticisms of the unity requirement of the appeal newspaper, That the submission of the suspension of execution in the same newspaper as the revocation should be taken into account; We call on the Egyptian legislature to intervene to allow those concerned to apply for a moratorium on the execution of administrative decisions challenged by annulment. Either in the same newspaper as the annulment action or in a subsequent application for annulment action, it is optional for the stakeholder, to safeguard the rights of individuals, and in support of the suspension function in the course of the annulment proceedings. Because there are cases where the grounds for suspension of execution arise only after the filing of the annulment action. We also call on the administrative courts to reverse or mitigate its course, which I consider to be incompatible with the nature of the administrative judiciary (13).

### **Financial Sponsorships**

The Jordanian legislature is isolated on the condition that financial guarantees are provided

in addition to the requirement of conjunction to accept the application for a stay of the execution of the administrative decision. No such requirement has come in French legislation, either in the laws or provisions of the French Conseil d'Etat. Likewise, Egyptian legislation does not come from the laws of the Egyptian State Council or its judicial applications. To address this financial sponsorship study, it will be divided into two requirements. The first requirement deals with what is a financial guaranty. The second requirement will consider the problem of providing a financial guarantee (4).

### **Concept of Financial Sponsorship**

Article 20 of the former Jordanian Supreme Court of Justice Act of 1992 stipulates that a suspension of execution may be required to provide financial bail. The current Jordanian Administrative Justice Act of 2014, echoing the same meaning, also stated that the Court should require the applicant to suspend execution to provide a financial guarantee by its determination in terms of its amount and conditions. For the benefit of the other party and others whom the Court considers to be unemployed and damaging, it appears that the applicant was not correct in his case either in whole or in part. In our view, the Jordanian legislature has made this requirement permissible and not binding on the Court, in words, and the Court may require the applicant to stay. If the Court decides on this requirement, it shall assess the bail, its conditions, and its amount without any control, and, if so, without any penalty. We note that Jordan's legislature has failed to regulate this guarantee, as reflected in the judgments of the administrative courts in Jordan (3). One of the judicial rulings of the Supreme Court of Justice in this regard, in case No. 209/2000, dated 2 May 2000, defined this guarantee as a financial guarantee and suspended the implementation of the decision of the Governor of the Capital City to remove women summons from the country if they provide a financial guarantee in the number of dinars for each of them. In another judgment, No. 241/2000, issued on the date of 1 June 2000, outlined in the bail, when it suspended the execution of the decision to detain and detain the detainee at the Juweidah Rehabilitation Centre, pending the submission of a fair guarantee from a deemed guarantor for 6,000 dinars. It also ruled in 65 appeals/1999, issued on 28 February 1999,

that the application for suspension of execution had been dismissed for failure to provide financial guarantee by stating that: The lawyer who appeals the decision of the Bar Council prohibiting him from pursuing the profession for a year, The author's appeal against the request for a stay of execution of the said decision is pending the determination of the case. Provide a fair financial guarantee by the due process guaranteeing any failure and damage that may be caused to the applicant if he is found not to be correct in his claim.

### **Financial Sponsorship Problems**

The requirement to provide a financial guarantee is excessive, and the substantive conditions for suspending the execution of the administrative decision are sufficient to govern the suspension of execution, namely seriousness and urgency. If there is a rush to stop the execution of the decision, or there are serious reasons to weigh the cancellation of the administrative decision, The judge decides to accept the application without the need to provide a financial guarantee, because the judge's work when applying for a stay of execution is to examine it in that there is urgent harm that may be caused to the holder of the stay. Or there are serious reasons for this moratorium, and hence the irrelevance and necessity of bail (5). This requirement is not known by the comparative legal systems that have preceded us for years in this regard, such as France, which is the source of the administrative judiciary, as well as Egypt, which has reached an advanced stage in the system of suspending the implementation of administrative decisions (12). Following the 2014 Administrative Justice Act, the Administrative Court and the Supreme Administrative Court followed the same approach as the Supreme Court of Justice in this regard by requiring a financial guarantee by the applicant for suspension of execution. One of the judgments of the Administrative Court in this regard is Appeal No. 40 of 2014, according to Article VI of the Administrative Justice Act of 2014. The Court's decision to suspend execution was issued. In another judgment, 2017/427, the Administrative Court decided in the request submitted by the cosmetic physician concerned to suspend the implementation of the decision of the Council of Doctors' Union, which included suspending him for the death of a woman, by obliging him to

provide a judicial or bank guarantee of 20 thousand dinars, in the interest of the appellant, the Council of the Jordan Doctors' Union and its Disciple. In the opinion of the jurisprudence side, the provision of the guarantee requirement to accept the request for a stay of execution of the administrative decision is an unjustified restriction. In doing so, it limits individual guarantees of the Administration's implementation of its administrative decisions. By extrapolating all judgments of the Supreme Court of Justice in this regard, it was required that bail be provided for the admissibility of this application. It appears that the court considered bail a necessary condition, although the provision did not limit it thereto. Because the weakest side of the equation is the challenger, and the most general is in the category of low-income employees, and the challenger party's decision is usually the public administration, and it is not concealed from every discretion that management with its privileges is the strongest party, and it does not need such a guarantee. This requirement deprives individuals of the wisdom for which the suspension of execution was granted as a result of their sometimes inability to provide the required bail (9). In the researchers' view, the requirement of financial sponsorship entails a restriction of the right of individuals to have judicial recourse to the decisions they have suffered. Because most appellants have recourse to the courts only when they are affected by these unjust decisions against them by the administration, the requirement to provide financial sponsorship strains them, resulting in the reluctance of much recourse to the judiciary to stop the execution of administrative decisions. This results in the loss of their rights guaranteed by the Constitution, and I consider amending the legislation and abolishing this burdensome requirement for the applicant to suspend, and satisfy the requirement of conjunction in addition to the substantive requirements (7).

## Conclusion

Having concluded our examination of this with the gratitude of God and his concurrence with the legal problems of article VI of the Jordanian Administrative Judicial Law concerning the formal conditions for suspending the implementation of administrative decisions and their judicial applications in the comparative countries of

France, Egypt and Jordan, It seemed obvious to us that the problems this subject raises, In that the suspension regime is a guarantee decided to protect the rights of individuals and not to restrict them, In the face of one of the most important prerogatives of management is the direct implementation of administrative decisions. We have addressed this through research into legislative texts, extrapolation of the administrative judiciary's position, and analysis of the jurisprudence of comparable States. Researchers have reached several important findings. The Jordanian legislature expressly stipulates that the application for a stay of execution of the administrative decision may be accompanied by an action for annulment, or submitted after the proceedings. In addition, the French legislator authorized the application to be suspended at any time, either with the action for annulment or after its stay. In contrast, the Egyptian legislator has requested a suspension of execution in the annulment newspaper. The Egyptian judiciary has established that this is a fundamental requirement. The Jordanian legislature has not referred to the possibility of applying for a suspension of execution outside the statutory period specified for an application for annulment of administrative decisions. The Jordanian legislature, based on a special formal clause derogating from French and Egyptian legislation and requiring a stay of execution to provide a financial guarantee by the Court's determination, in terms of its amount and conditions in the interest of the other party, to ensure any harm that may be caused if the applicant is found to be unfounded in his claim, French and Egyptian jurisprudence has established many important norms and principles regarding the system of suspension to protect individuals' rights. However, Jordanian jurisprudence in this regard has been characterized by generality, totality, and instability, in addition to the remarkable scarcity of judgments in this regard. The study has reached several important recommendations - we recommend mitigating the consequences of the suspension-of-action application for repeal in Egyptian legislation. We see this as overwhelming in the inclusion of the requests for suspension and cancellation in one newspaper, in our view, to amend the legislation in this regard to allow the



author to apply for a stay of execution either in the newspaper of appeal or in a subsequent independent application for action, we recommend that the text of article (9/b) be amended. Jordanian legislation requires the summons to be included in the requests specifically wanted by the applicant because one of these requests is a request for a stay of execution of the administrative decision, which is provided for in Article 6 (c). By submitting it with the case papers or an independent application after the filing of the case

Finally, we recommend that the text of article 6 (c), on the requirement to provide financial security to the applicant for the suspension, to which the Jordanian legislator has singled out, should be deleted and that the requirement of formal conjunction should be satisfied in addition to the substantive requirements.

### Abbreviations

AJ: Administrative Justice, AD: Administrative Decision, AA: Annulment Action.

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### Authors Contribution

Saleem asouli, Ziad Al Wahshat, Talal Aleissa, Mohammad Al-Freihat and Ahmad Al-Sarayrah · Emad Alfreihat ·were instrumental in identifying the research topic and designing the study, as well as in drafting the manuscript and overseeing data collection. Together, they collaborated closely throughout the research process, ensuring the study was thorough and effectively communicated their findings. This partnership exemplifies their shared commitment to advancing knowledge in their field.

### Conflict of Interest

The authors of this work state that they have no conflicts of interest about its publication.

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