

مدى التزام الأفراد باحترام القرارات الإدارية

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□ ملخص □

تتخذ القرارات الإدارية الباطلة والمعدومة أشكالاً متنوعة - سواء كانت تنظيمية كاللوائح، أو فردية المخاطبة لأشخاص محددين- ويختلف رد فعل الأفراد تجاهها تبعاً لطبيعة الموضوع وظروف كل حالة. فقد يفرض القرار على الأفراد تكليفاً إيجابياً كالقيام بعمل معين أو سلبياً كالكف عن نشاط ما، أو يُخوّل السلطات صلاحية التعدي على حقوق الأفراد المادية، كأن تأمر بهدم ملكية خاصة أو مصادرة أموال دون سند قانوني صحيح. هذه التعديتات المباشرة تثير إشكالية جواز مخالفة الأفراد لهذه القرارات غير المشروعة، خاصة عندما تتطوي على اعتداء مادي فعلي (كالتعدي على الأبدان أو الممتلكات). كما يتفرع عن ذلك سؤال جوهرى حول مشروعية مقاومة الإجراءات التنفيذية التي يقوم بها موظفو السلطة العامة استناداً إلى قرارات باطلة أو معدومة. وفي حين يُجمع الفقه والقضاء على حظر مقاومة القرارات الإدارية السليمة المستوفية لشروط المشروعية، فإن الموقف يتشعب تجاه القرارات المعيبة، حيث تتباين الآراء بين مُجيزٍ للمقاومة في حالات الضرورة القصوى، ورافضٍ لها حفاظاً على هيبة الدولة. هذا الاختلاف يستدعي تحليلاً متعمقاً لموقف المشرع من خلال النصوص القانونية، والقضاء عبر الاجتهادات القضائية، والفقه القانوني في سورية وما يقابلها في الأنظمة المقارنة (كالفرنسية والمصرية)، لتحديد الضوابط التي تجيز المقاومة دون تفويض للفوضى. وسيركز هذا البحث على نطاق الاعتداء المادي المباشر كمدخل لدراسة حق المقاومة، مع تحليل شروط ممارسته وحدود مشروعيته، دون التوسع في صور البطلان الأخرى المجردة. **الكلمات المفتاحية:** مقاومة - انعدام القرار - اعتداء مادي - لوائح إدارية.

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The Extent of Individual Commitment to Respecting Administrative Decisions

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□ABSTRACT □

Invalid and void administrative decisions take various forms—whether regulatory, such as bylaws, or individual decisions addressed to specific individuals—and individuals' reactions to them vary depending on the nature of the matter and the circumstances of each case. The decision may impose a positive obligation on individuals, such as performing a specific action, or a negative obligation, such as refraining from engaging in an activity. It may also authorize authorities to infringe on individuals' material rights, such as ordering the demolition of private property or the confiscation of funds without a valid legal basis.

These direct infringements raise the question of whether individuals may violate these illegal decisions, especially when they involve actual physical assault (such as assault on bodies or property). This also raises a fundamental question about the legitimacy of resisting executive actions taken by public officials based on valid or invalid decisions.

While Islamic jurisprudence and the judiciary agree that resisting sound administrative decisions that meet the conditions of legitimacy is prohibited, the position regarding flawed decisions is divergent. Opinions vary between those who permit resistance in cases of extreme necessity and those who reject it to preserve the state's prestige. This divergence calls for an in-depth analysis of the legislature's position through legal texts, the judiciary through judicial interpretations, and legal jurisprudence in Syria and its counterparts in comparative systems (such as French and Egyptian) to determine the parameters that permit resistance without authorizing chaos.

This research will focus on the scope of direct physical aggression as an introduction to studying the right to resistance, analyzing the conditions for its exercise and the limits of its legitimacy, without expanding on other abstract forms of invalidity.

Keywords: Resistance – Lack of decision – Physical assault – Administrative regulations.

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Introduction:

The various forms of individual attitudes toward administrative decisions require determining the extent of individuals' commitment to respecting invalid or null administrative decisions in these various forms. Regarding invalid or null administrative regulations, these regulations, as is well known, are general rules and usually include an explicit text specifying the penalty for violating their provisions. There is no doubt that individuals cannot resist the implementation of sound decisions. They must implement them and not resist the measures taken by the authorities in this regard. Otherwise, they will be held responsible for their refusal and resistance. This may even lead to resistance and refusal being considered a criminal offense punishable under the Penal Code.

Significance of the Research:

The importance of this research lies in the significant impact that may result from certain administrative decisions and in determining the extent to which the administration has the right to compel individuals to respect them. This is especially true since the legislature typically grants the administration the right to make administrative decisions, provided they do not deviate from the principle of legality.

This research also sheds light on the legislature's position regarding individuals' resistance to administrative decisions in light of the Syrian Penal Code, particularly given the widespread and recognized right to this right in a number of countries around the world. It also identifies the positions of French and Egyptian legislators on this matter.

Research Problem:

The administration engages in two types of actions: legal and material. These actions may be legitimate or may contain a serious flaw, creating a motive for individuals to resist them. The problem of this research is as follows:

1. The necessity of amending or establishing legislative texts that are appropriate to the circumstances of each stage the state is going through.
2. Determining when individuals have the right to resist administrative decisions, which sometimes involve material actions that do not rise to the level of an administrative decision.
3. Is this resistance considered legitimate and not punishable by law, or is it a criminal offense? What is the view of French and Egyptian legislators on this matter?

Research objective:

The objectives of this research are to shed light on a vital and essential topic at the present time: the right of individuals to resist unlawful administrative decisions in Syria, given the measures these decisions entail that restrict the freedom and rights of individuals. The research also aims to demonstrate the extent of the interest shown by legislators in Syria, France, and Egypt in respecting administrative decisions issued by the administration and the position of jurisprudence and the judiciary in each country on this matter.

Research Methodology:

The analytical and comparative approaches were adopted. The analytical approach is demonstrated by analyzing the texts of laws issued by the legislature that address the regulation of the right to resistance and by analyzing the opinions of jurists and judicial rulings issued in this regard. The comparative approach is demonstrated by comparing laws, judicial rulings, and jurisprudential opinions related to the subject in Syria, France, and Egypt.

Research Outline:

First requirement: The Legislative Position on the Issue of Resistance

First Section: The Case of Administrative Grievance

Second Section: Resistance in Comparative Legislation

The second requirement: The Position of Jurisprudence and the Judiciary on the Issue of Resistance

First Section: The Position of Jurisprudence on the Right to Resistance

Second Section: The Position of the Judiciary on the Right to Resistance

Conclusion**First Requirement- The Legislator's Position on the Issue of Resistance:**

The default is for administrative decisions to be sound and consistent with the laws and regulations in force in the state. However, the administration's actions may violate the law, ranging from minor to serious. If the administration's decisions are tainted by serious illegality¹, its decision is void, and its implementation is considered a material assault. Material assault is sometimes represented by the void decision itself, without the need to implement it, according to the jurisprudence of the French Council of State.

Sometimes, the administration may attempt to implement its unlawful decisions, but individuals prevent them. This prevention may take a negative stance, represented by a mere refusal to implement the decision, or it may take a positive stance, represented by the use of physical means to prevent its implementation, i.e., the use of force. This resistance falls within the provisions of criminal law, as such resistance may constitute the elements of disobedience².

First Section – The Case of Administrative Grievance:

Administrative grievance is an administrative procedure used to challenge decisions issued against them. It is directed to the authority issuing the decision, urging it to settle the dispute amicably³.

A grievance refers to a defective administrative decision (or, at least, inappropriate, in the view of the interested party). An individual affected by a grievance submits a request to the issuing authority or a supervisory authority requesting its withdrawal or amendment. For a grievance to interrupt the period, it must meet the following conditions⁴:

1. The grievance must be submitted after the decision is actually issued, not before it is issued. This allows the issuing authority or supervisory authorities to reconsider an already issued decision, the details of which have been clarified and the circumstances of which have been determined, by withdrawing or amending it.

2. The grievance must be conclusive in its meaning, clearly stating the complainant's intentions; otherwise, it is ineffective.

3. The grievance must be submitted within the sixty-day period, as the expiration of this period renders the decision stable despite its flaws, such that the administration cannot be forced to reconsider it.

¹Dr. Suleiman Al-Tamawi, *The General Theory of Administrative Decisions*, 1st ed., Dar Al-Fikr Al-Arabi, Cairo, 1957, p. 448.

²Dr. Burhan Zurayq, *The Theory of the Act of Usurpation - Physical Assault in Administrative Law*, 1st ed., Legal Library, Damascus, 2004, pp. 203-204.

³Mohammed Obaidi, *Administrative Physical Aggression against Real Estate / Postgraduate Diploma Thesis / Mohammed V University Publications*, Rabat, 2015-2016, p. 40.

⁴Dr. Suleiman al-Tamawi, *Administrative Judiciary and its Oversight of Administrative Actions*, 3rd ed., Dar al-Fikr al-Arabi, Cairo, 1961, p. 478-479.

4. The grievance must be submitted to the administrative bodies that issued the decision or to the main bodies. The grievance must be effective, meaning that the administrative body that issued it or its presiding authority has the power to amend or withdraw the decision.

This procedure is based on the Egyptian and Syrian State Council Law, which stipulates that: "The time limit for filing a lawsuit before the court regarding annulment requests is sixty days, starting from the day following the date of publication of the contested administrative decision or its notification to the concerned party. This time limit is interrupted by filing a grievance with the public body that issued the decision, or with the body it presides over. The grievance must be decided within sixty days from the day following the date of its submission. If the decision is to reject the grievance, it must be reasoned. The expiry of sixty days from the date of filing the grievance without a response from the competent authorities is considered a rejection. The time limit for filing an appeal against the grievance decision is sixty days from the day following the date of notification of the outcome of the grievance¹.

Accordingly, administrative grievances take several forms:

1. The Compassionate Grievance: This is submitted based on a request from the interested party to the decision-maker, informing them of the error they have committed and requesting that they reconsider their decision, either by withdrawing, annulling, replacing, or amending it in accordance with the rules of legality.

2. The Presidential Grievance: Here, the concerned party directs their grievance to the superior of the administrative official who made the flawed decision. The superior, using his/her presidential authority, if he determines the validity of the complainant's request, will withdraw or amend the contested decision².

The filing of an administrative grievance requires that the decision issued against the complainant has become final and has, in one way or another, changed the complainant's legal status. Grievances against draft decisions that constitute preparatory work, oral or written comments, or mere internal measures are not considered valid. If the individual has pursued an administrative grievance and a decision is issued by the higher administrative authority regarding this grievance, the lower administrative authority is prohibited from challenging the decision, as it would thus be beyond the scope of its authority and attributed to the higher authority. A lower authority may not comment on decisions issued by higher authorities³.

Resorting to administrative grievances, as legally stipulated, in the case of physical assault may in fact be rare for several reasons. These include the fact that this procedure is optional and not mandatory, as well as the ignorance and lack of familiarity with it among many citizens. Furthermore, they may be uneasy about this procedure, as it is unfair to leave the dispute between individuals and the administration to the latter to resolve it itself. This does not instill confidence in individuals, as the requirements of justice require that the arbitrator not be a party to the dispute⁴.

¹ Refer to Article 24 of the Egyptian State Council Law No. 47 of 1972 and its amendments. Also see Article 21 of the Syrian State Council Law No. 32 of 2019.

² Appealing Administrative Decisions - Types of Voluntary and Compulsory Administrative Grievances, an article published on the website: <http://www.khayma.com> on April 23, 2025, 19:15.

³ Dr. Suleiman Al-Tamawi, The General Theory of Administrative Decisions, previously cited reference, p. 631.

⁴ Muhammad Ubaidi, previously cited reference, p. 43.

The legislator believed that if individuals had resorted to the administration before resorting to the State Council, many problems could have been resolved amicably, in a shorter time, and without incurring the costs entailed by the judicial process. This is because the issuance of a defective administrative decision does not necessarily mean that the administration intended this to happen. Even if the decision-maker intended this outcome, the law, in most cases, establishes a presidential authority with the power to amend or revoke subordinate decisions. Furthermore, filing a complaint with the administration leads to results that cannot be achieved through judicial complaint¹.

It is clear that the legislator stipulated that filing a complaint should be time-barred to encourage individuals to file a complaint with the administration before resorting to the judiciary. If the complaint is filed within the legally specified period, we are faced with two hypotheses:

First: The administration must explicitly reject the complaint². Here, the administration must decide on the complaint within sixty days from the date of its submission, and the reasons for the rejection must be provided.

Second: The administration must remain silent. This is to prevent the administration from having to respond to the grievance. The expiration of sixty days from the date of filing the grievance without a response from the competent authorities constitutes a rejection of the grievance. The goal behind this is to force the administration to respond to every grievance submitted to it.

In any case, the time limit for filing a lawsuit varies. The Egyptian legislator has set the time limit for filing an appeal against the grievance decision at sixty days from the expiry of the sixty-day period for filing the grievance, while the Syrian legislator has set the time limit at sixty days from the day following the date on which the grievance is notified. This means that if the administrative body remains silent, the complainant benefits from a sixty-day period to file a judicial appeal, which runs from the expiry of the sixty-day period referred to above. If the administrative body responds within the given period, the sixty-day period begins to run from the date of notification of the rejection.

Regarding filing an annulment lawsuit against an administrative decision, the general rule requires that it be filed before or simultaneously with filing a lawsuit to suspend implementation. However, the Egyptian legislature has created an exception, requiring the aggrieved party (employee) in some administrative decisions to file a grievance before the administrative body that issued the decision, without the right to request a stay of implementation. If a ruling is made in favor of this request and the grievance is rejected, the employee must file an annulment lawsuit within the legally specified time limit.

¹ Dr. Suleiman Al-Tamawi, Administrative Judiciary and its Oversight of Administrative Actions, previously cited reference, pp. 472-473.

² The Egyptian State Council defined an explicit decision to reject a grievance in its ruling issued on November 4, 1947, as: "...the competent administrative authority to which the grievance is submitted shall express its opinion in an indisputable manner, in a manner that clearly conveys this meaning. If the action taken against the grievant was issued by an incompetent authority or is not conclusive in this sense, it may not be considered an explicit decision to reject, ending the suspension." The mere filing of a report for the plaintiff who filed a grievance against the request to close his public establishment does not indicate that the grievance was rejected. This is indicated by Dr. Suleiman al-Tamawi, Administrative Judiciary and its Oversight of Administrative Actions, reference cited above, p. 473.

The Egyptian State Council Law stipulates that: "...with regard to decisions for which annulment cannot be filed before an administrative grievance, a stay of implementation may not be requested. However, the court may, at the request of the complainant, temporarily rule to continue receiving all or part of the complainant's salary if the decision was for dismissal. If the employee is granted this request and the grievance is rejected and the annulment lawsuit is not filed within the time limit, the ruling shall be deemed null and void, and the employee shall recover what he received¹.

As for requests for which annulment is not acceptable before an administrative appeal is filed, these are requests submitted directly to appeal the final administrative decisions stipulated in clauses three, four, and nine of Article 10 of the Egyptian State Council Law. These requests are not acceptable before an appeal is filed with the administrative body that issued the decision or with the governing bodies².

Procedures before the Administrative Court and the Administrative Courts in Egypt also require that, in order to file an annulment lawsuit regarding these requests, the interested party submit their request in a petition signed by a lawyer registered on the roll of lawyers to the court clerk's office. The petition must include, in addition to general information, the date of the appeal against the decision, if it warrants an appeal, and the outcome of the appeal³.

The Egyptian legislature has only imposed a mandatory appeal before filing an annulment lawsuit for employees, as if this mandatory appeal had replaced the suspension of execution system⁴.

Here, we note that this exception, stipulated in the Egyptian State Council Law, was also stipulated under Syrian State Council Law No. 55 of 1959⁵. However, the Syrian legislator abolished this exception under the current State Council Law, making the filing of a grievance optional and permissible. It also exempted some lawsuits from the need to file any prior administrative grievance⁶.

It appears from the above that the legislature has granted individuals a simple administrative remedy, free from violence and force, and has regulated it in accordance with applicable law: the administrative grievance. This remedy is considered a means of resisting the implementation of administrative decisions in the area of physical aggression. In essence, it constitutes a grievance against the administration's actions, such as resisting and rejecting this aggression. Whenever the administration is proven to have violated the principle of legality and committed a serious error, it must seek to correct this as much as possible and work to resolve the dispute amicably, without the need for individuals to resort to judicial resolution. Furthermore, the wisdom of filing an administrative grievance is to reduce the number of cases filed against the administration before the courts and resolve administrative disputes amicably. However, the administration is liable for not retracting its decision. If the grievance is mandatory, the plaintiff is obligated to prove his grievance to the administration, otherwise his claim will be formally rejected. The Egyptian legislature would have been more appropriate to follow the example of the Syrian legislator by making the filing of a grievance request to halt the implementation of an

¹ Refer to Article 49 of the Egyptian State Council Law No. 47 of 1972 and its amendments.

² Refer to the text of Article 12, Paragraph (b) of Egyptian State Council Law No. 47 of 1972 and its amendments.

³ Refer to Articles 24-25 of the Egyptian State Council Law No. 47 of 1972 and its amendments.

⁴ Dr. Suleiman Al-Tamawi, The General Theory of Administrative Decisions, previously cited reference, 373.

⁵ Refer to the text of Article 12 of the repealed Syrian State Council Law No. 55 of 1959.

⁶ Refer to the texts of Articles 12, 21, and 124 of Syrian State Council Law No. 32 of 2019.

administrative decision optional, as the administration often rejects or ignores the grievance request and proceeds with its decision. This prevents the aggrieved party from resorting to urgent justice to halt the implementation of the decision, especially if the consequences of implementing the decision are difficult to remedy and restore the situation to its previous state.

Second Section- Resistance in Comparative Legislation:

The French Penal Code, issued in 1791, stipulates: "Punishment for an individual's resistance to a representative of public authority¹ who acts in accordance with the law and within the scope of his duties." The effect of this provision is to permit the use of force to resist the implementation of an action issued by the administration in violation of the law. There is no difference in this regard between a void decision and a null decision. In each case, the individual to whom the administrative decision is directed may resist its implementation, without his action constituting the elements of the crime of disobedience².

The Napoleonic Code then came to define the crime of disobedience. Article 209 stipulated: "Any attack or resistance accompanied by violence and coercion against administrative officials, or judicial or administrative officers and officers enforcing the laws, or executing the orders of public authorities, or judicial memoranda and judgments... all constitutes the crime of rebellion"³. Consequently, the French Penal Code prohibited individuals from resisting the implementation of public authority decisions, without distinguishing between what is lawful and what is unlawful. In interpreting this text and seeking to clarify it, the judiciary and jurisprudence differed, and their positions diverged, as we will see later. Each was divided, with one side permitting resistance against the implementation by an administrative representative of unlawful decisions issued by public authorities⁴.

In Egypt, the Egyptian Penal Code appears to have distinguished, through its provisions, between valid decisions and unlawful decisions. It states: "The provisions of the Penal Code shall not apply to any act committed in good faith pursuant to a right established by Sharia law." Sharia law here does not refer solely to Islamic law⁵, but rather to law in general. This provision implies that valid decisions and actions taken by public officials against citizens are permissible and do not entail liability, provided they have good intentions.

It is generally agreed that the right that makes an act permissible, according to this latter provision, may be established by a legislative text or an administrative decision. What is meant by good intentions is that the perpetrator exercises his right within the limits prescribed for it. According to this provision, actions and procedures taken by public officials against individuals or their property, in accordance with the authority granted to them by law and within the limits prescribed by law, are considered legitimate. Accordingly, individuals must carry out the orders issued to them in this regard and not resist the actions taken by competent officials

¹ Refer to the text of Article 1 of Title Two of the French Penal Code issued in 1791.

² Dr. Ramzi Al-Shaer, *The Graduation of Invalidity in Administrative Decisions*, 2nd ed., Dar Al-Nahda Al-Arabiya, Cairo, 1968, p. 277.

³ Refer to Article 209 of the French Penal Code of 1791.

⁴ Dr. Muhammad Kamil Laila, *The Theory of Direct Implementation in Administrative Law/PhD Thesis/*, Cairo University, 1962, pp. 554 f.

⁵ Refer to Article 60 of the Egyptian Penal Code No. 58, issued on May 8, 1937, and its amendments.

by virtue of their duties. Otherwise, they will be held liable for their refusal or resistance, which may entail criminal liability¹.

Regarding resisting invalid decisions, it is certainly prohibited by law. This is clearly evident in several articles of the Egyptian Penal Code, including: "The right of legitimate defense does not permit resistance to a law enforcement officer while carrying out an order based on the duties of their position in good faith, even if the officer exceeds the limits of their duties, unless there is fear that their actions may result in death or serious injury, and there is a reasonable basis for such fear." This provision clearly prohibits resistance even if the limits of their duties are exceeded. This excess can only be interpreted within the limits of invalid decisions².

The same law also punishes anyone who insults, by gesture, word, or threat, or anyone who assaults, forcibly or violently resists, a public employee, law enforcement officer, or any person entrusted with a public service, during or as a result of performing their duties³.

While the interpretation of penal provisions does not permit resistance to the implementation of invalid decisions, the situation is different with regard to null and void decisions. It can be argued that the application and interpretation of these provisions confirm that they permit resistance to their implementation. Referring to Article 248 of the Egyptian Penal Code, we find that the legislator has imposed several restrictions, namely good faith, on the one hand, and fear of death or serious injury, provided that this fear is reasonably grounded. It is clear from this that the absence of good faith, or if these acts threaten death or serious injury, renders this gross error a flagrant violation of the law, granting individuals the right to resist its implementation. Furthermore, the protection afforded to employees in Articles 133-136 lapses if the conduct is completely unrelated to the performance of their duties.

In Syria, the Syrian Penal Code contains a set of provisions prohibiting individuals from engaging in any resistance (active or passive) to the actions of public authorities. However, the legislator made this threat contingent on the legality of these actions or behaviors, stating that: "An act committed in the exercise of a right without abusing it is not considered a crime⁴. The content of this provision is similar to that stipulated in Article 60 of the Egyptian Penal Code, and perhaps this provision relates most often to actions taken by the administrative authority to maintain the country's security. Elsewhere, it states: "An act committed in implementation of a legal provision or a legitimate order issued by an authority is not considered a crime. If the issued order is illegal, the perpetrator may be justified if the law does not permit him to verify the legitimacy of the order⁵.

It is clear from this that the legislator has stipulated two conditions for the implementation of an illegal order to be considered justified:

1. The person implementing the decision is not exempt from liability unless he proves that his commission of the illegal act was in implementation of a written order issued to him by his superior, and that his implementation occurred despite a written warning to his superior of the existence of the violation.

¹ Refer to Articles 133-136 of the Egyptian Penal Code No. 58, issued on May 8, 1937, and its amendments.

² Dr. Burhan Zurayk, previously cited reference, p. 221.

³ Refer to Articles 133-136 of the Egyptian Penal Code No. 58, issued on May 8, 1937, and its amendments.

⁴ Refer to Article 182 of the Syrian Penal Code No. 148, issued on June 22, 1949, and its amendments.

⁵ Refer to Article 184 of the Syrian Penal Code No. 148, issued on June 22, 1949, and its amendments.

2. The illegal order must have been issued by a competent authority. However, if the order was issued by an incompetent authority, its implementation is not justified.

The Syrian Penal Code also states: "Whoever attacks or violently resists an employee working to implement laws or regulations, collect fees and taxes, implement a judicial decision, judicial warrant, or any order issued by the competent authority shall be punished by imprisonment for at least two years if the employee is armed..."¹.

Here, the following question comes to mind: Is a public employee always responsible for implementing the administrative decisions issued to him by his superiors, whether they are invalid or void?

In France, French employment law stipulates that: "...every employee, regardless of their position in the hierarchy, is responsible for carrying out the tasks assigned to them and must comply with the instructions issued by their superior, except in the case of an order tainted with gross illegality that would cause serious harm to the public interest"².

In Egypt, the Civil Service Law stipulates that: "...an employee shall not be exempted from punishment based on an order issued to them by their superior unless it is proven that the violation was committed in implementation of a written order issued to them by that superior, despite having been notified in writing of the violation. In this case, liability shall fall solely on the issuer of the order"³.

If the action or procedure taken by the employee is against the persons or property of individuals, It is illegal because it was issued tainted by any of the known legal defects (a defect related to jurisdiction, form, cause, subject matter, or purpose). It might be thought that individuals are absolved in this case from not implementing it, or that they may resist its implementation if necessary without any liability. However, the ruling stipulated by the provisions of the Penal Code contradicts this, as it states: "...there is no crime if the act is committed by an Emirati official in the following cases:

First: If the act is committed in execution of an order issued to him by a superior whom he is obligated to obey or believes it is his duty.

Second: If his intentions are good and he commits an act in execution of what the laws require, or what he believes is within his jurisdiction. In any case, the official must prove that he did not commit the act except after verification and investigation, and that he believed it was legal, and that his belief was based on reasonable grounds⁴.

For example, if an administrative official is tasked with arresting a person posing a threat to security, but he errs in executing the order and arrests someone other than the person to be arrested, but shares the same name, then the arrested person is not permitted to He must resist the administrative officer or get rid of the invalid procedure⁵, given that the aforementioned administrative officer did so out of self-interest and in good faith, and carried out an act that was essential to his job. At the same time, based on the aforementioned text, the legislator has permitted

¹ Refer to Article 369 of the Syrian Penal Code No. 148, issued on June 22, 1949, and its amendments.

² Refer to Article 28 of French Employment Law No. 634 issued on 6/13/1983.

³ See the text of Article 78 of the Egyptian Civil Service Law No. 47 issued on 3/8/2000 and its amendments.

⁴ See the text of Article 63 of the Egyptian Penal Code No. 58 issued on 5/8/1937 and its amendments.

⁵ D. Burhan Zureiq, previously mentioned reference, p. 222.

public employees not to respect invalid administrative decisions, even if they were issued by superiors whose obedience is required. Indeed, it can be said that the legislator has obligated them not to respect those decisions, otherwise implementing them would subject them to punishment¹.

In Syria, the Basic Labor Law requires employees to carry out the orders of their superiors accurately and faithfully. However, it restricts this obligation to compliance within the limits of applicable laws and regulations, and requires each superior to bear responsibility for the orders issued by him².

At the same time, the aforementioned law stipulates that: "An employee shall not be exempted from disciplinary responsibility for his actions unless it is proven that the violation was committed in implementation of a written order issued to him by his superior." According to the above, an employee may not disobey a superior's order in the workplace unless the implementation of that order entails the commission of a criminal offense. However, if the violation involved in the implementation of that order constitutes only a disciplinary offense, the employee cannot escape punishment based on his superior's order unless he proves that the violation was committed in implementation of a written order issued to him by that superior, despite being warned in writing of the violation. In this case, responsibility lies solely with the issuer of the order. There is a single exception here, provided for by the Syrian Penal Code, which states: "A public employee, worker, or government employee who orders or commits an act punishable by law shall not be punished if he believes, for a material error, that he is obeying the legitimate orders of his superiors in matters within their jurisdiction and in which he is obligated to obey them³."

From the above, it appears that, according to French, Egyptian, and Syrian legislation, individuals are prohibited from resisting the implementation of invalid administrative decisions. This is in contrast to decisions issued by the administration being void. In such cases, legislators in each of the comparable countries have granted individuals the right to resist and reject their implementation, since the void decision has no effect and does not enjoy any of the characteristics of an administrative decision, because it is non-existent. Stripping it of this administrative characterization renders it as if it were issued by an ordinary individual, and it is natural for the individuals subject to the assault to resist it.

The second requirement- The Position of Jurisprudence and the Judiciary on the Issue of Resistance:

Public law jurists generally distinguish between the types of defects affecting an administrative decision. They state that some of these defects merely invalidate the decision, while others nullify it and strip it of its nature. If a decision contains a defect of the first type, it is considered void, in their view. However, if it contains a defect of the second type, it is considered void. They attribute general legal effects to the nullity of a decision that differ from the effects resulting from its being considered void only⁴.

Some jurists in France favored the view that individual resistance to unlawful orders from public authorities does not constitute a crime of disobedience. Others argued that no distinction should be made between legitimate and unlawful decisions. Accordingly, any resistance to public authorities implementing administrative decisions always entails punishment. A third view sought to mitigate the severity of the two previous views and

¹ Dr. Ramzi Al-Shaer, previously cited reference, p. 292.

² See the text of Article 66 of the Syrian Basic Workers Law No. 50 issued on 12/6/2004.

³ See the text of Article 225 of the Syrian Penal Code No. 148 issued on 6/22/1949 and its amendments.

⁴ Dr. Muhammad Fuad Mahna, previously mentioned reference, p. 649 and following.

adopt a middle ground. It distinguished between two types of violations of the law and held that resistance against actions that constitute a blatant violation of the law is permissible¹.

It was therefore necessary to address the views of jurists on the issue of individual resistance to the implementation of unlawful administrative decisions and to clarify the judiciary's position on this matter through the judicial rulings issued in this regard.

First Section- The Position of Jurisprudence on the Right to Resistance:

Jurists in France have differed on the legitimacy of individuals resisting the implementation of administrative decisions. The paths to interpreting Article 209 of the French Penal Code in this regard have diverged. Jurisprudence has been divided into two extreme opinions, with a middle ground between them, as follows:

1. Some jurists, such as De La Cour, Sanson, and Chenot, have held that it is permissible for individuals to resist unlawful actions taken by public authorities. As long as the purpose of resistance is to prevent the implementation of an unlawful action, it cannot result in a criminal offense. In Article 209, the legislator intends to prohibit resistance to valid, legal actions. It is inconceivable that he intended to protect unlawful actions taken by public authorities, otherwise it would undermine individual freedom and undermine all guarantees granted to individuals².

This demonstrates that this trend of jurisprudence exaggerates its view of administrative decisions as being in the interest of individuals, and the potentially serious consequences this can have on societal security and diminish the prestige of public authority in its decision-making. This is especially true since administrative decisions are presumed to be of public safety when issued by the administrative authority.

2. Conversely, there is a branch of French jurisprudence that prohibits individuals from resisting the implementation of public authority actions, regardless of their invalidity or violation of the law. This is because this poses a threat to public security, leads to chaos, and leads to the substitution of force for law. Of course, this view protects public authority, even in its gross infringement on individual freedom or private property, and paves the way for it to abuse its power under the pretext of protecting public order³.

3. In the face of the extremism of the two previous opinions, and the view of each of them as protecting one side of the problem, without regard for the other side, a third group of jurists emerged who saw the idea of resistance as nothing more than a struggle between two sides: protecting the social order represented by public authority, and protecting individuals from the tyranny of that authority. They endeavored to reconcile these two sides and mitigate the extremism of the two previous opinions. They adopted a middle position, distinguishing between the types of behavior that violate the law. They permitted individuals to resist null and void decisions tainted by a serious violation of the law, without incurring any liability. Conversely, an individual's resistance to the implementation of a decision tainted by

¹ Dr. Ramzi Al-Shaer, previously cited reference, p. 284.

² Dr. Ramzi Al-Shaer, previously cited reference, pp. 284-285.

³ Sernier, his book on public law, Part One, Paris, 1846, p. 465, cited in: Dr. Burhan Zurayk, previously cited reference, 214.

a simple defect of illegality constitutes an act that constitutes the crime of disobedience¹.

The French jurist Deperro differentiates between different instances of unlawfulness, holding that an individual who resists the implementation of a decision tainted by a minor flaw of unlawfulness constitutes the crime of disobedience. However, if the individual is faced with a decision tainted by a serious, unquestionable violation of the law—such as an employee's complete deviance from the requirements of his or her job—they may resist a public authority representative when they implement that decision, without their actions entailing criminal liability. Deperro thus permitted resistance against decisions that constitute a usurpation of authority, those involving personal error on the part of the employee, and finally, against the actions of a public authority representative that constitute a physical assault².

The French jurist Garson also differentiates between two types of unlawful decisions:

The first type: Issued by an authority within its jurisdiction, even if it is tainted by an objective defect that violates the law. Individuals are not permitted to resist a public authority representative when they implement it.

The second type: Issued by an employee not authorized to issue such decisions. Individuals are permitted to resist the implementation of this type of decision if its issuance is not within the employee's jurisdiction at all, and it is not within the nature of their job to issue such decisions. However, if issuing such decisions occasionally falls within the employee's jurisdiction, it is impermissible to resist their implementation, and individuals must comply with them, given the presumption of health and safety³.

As for a null decision, failure to implement it by individuals does not carry any liability. It is clear from this that the effect of French jurisprudence on the theory of distinguishing between invalid and void decisions is consistent with the third trend of jurisprudence. It can be said that it is the most just and most correct, because it achieves harmony between the rights and freedoms of individuals, on the one hand, and the protection of the public interest, on the other. This is achieved by not allowing individuals to resist the implementation of administrative decisions, even if they are illegal, unless they are reduced to the level of nullity by the administrative decision. In that case, individuals are permitted to resist its implementation and not comply with it. However, leaving the option open to individuals to resist the implementation of any administrative decision, regardless of the degree of its illegality, could lead to a disruption of public order and cause serious harm to public authority.

In Egypt, Dr. Kamel Laila moved towards prohibiting an individual's resistance to the actions of public authority. He considered resistance a crime, even if the order of the public authority was contrary to the law. The individual must obey the order and submit to its implementation, then file a complaint with the competent authority and demand compensation for any damages that occur. This is in order to preserve the prestige of the public authority and to work to respect its orders so that it can perform its dangerous and multifaceted function to achieve the interests and goals of society⁴.

Dr. Ramzi Al-Shaer adopted the middle approach of French jurists, saying: Although the principle is that the actions of public authority are accompanied by a presumption of

¹ Dr. Mustafa Kira, *The Theory of Physical Assault in Administrative Law /PhD Thesis/, Dar Al Nahda Al Arabiya, Cairo, 1964, pp. 336.*

² Deperro, *Public Law Lessons at the University of Toulouse, 1941, cited by: Dr. Ramzi Al-Shaer, previously cited reference, p. 288.*

³ Garson, *Commentaries on the Penal Code, Vol. 1, pp. 488 ff., cited in Dr. Burhan Zureiq, op. cit., p. 215.*

⁴ Dr. Kamil Laila, *op. cit., p. 64.*

legitimacy, which requires individuals to respect and obey them and not resist their representatives when they implement them, this principle must stop when the administration goes too far in its actions and goes beyond being a representative of social authority. Here, individuals cannot be obligated to obey its orders, and they must be allowed the right to resist it when it attempts to implement these orders, as long as it has lost its public character and has become like an ordinary individual. Thus, we can decide that individuals' resistance to the implementation of invalid administrative decisions by representatives of public authority does not lead - according to the provisions of our criminal legislation - to their criminal liability, but rather their work is considered permissible and not a crime¹.

There are some jurists who forbid individuals from resisting the administration in implementing its decisions, whether they are invalid or void, based on different foundations, although they agree in terms of the outcome. Some of them believe that a void decision must not be obeyed at all, and that individuals can refrain from implementing it. However, this right cannot reach the point of individuals - under the penal code - resisting its implementation by force, as acts of resistance are considered a crime punishable by law without dispute².

It appears from the above that there is a great similarity from the point of view of jurisprudence in both France and Egypt on the subject of resistance, and the difference in opinions between those who support it and those who deny it was clear. Since it is agreed upon in jurisprudence and the judiciary that a decision is void when the violation thereof reaches a degree of seriousness that demolishes one of the pillars of the decision and makes it an arbitrary act, and its violation of the law is a blatant violation in all its aspects, text and spirit, then the decision has no effect and is not subject to immunity, and is cut off from the administrative function, and thus there is no doubt about the right of individuals to resist it and be freed from the duty of obedience, just like those actions issued by an ordinary individual.

Second Section- The Position of the Judiciary on the Right to Resistance:

A review of French judicial rulings reveals that there has been hesitation in interpreting Article 209 of the French Penal Code, issued in 1810. For a time, the courts of appeal and lower courts were careful to follow the distinction established by the 1791 Code between lawful and unlawful actions. However, they soon followed the Court of Cassation's approach in prohibiting resistance, whether directed against lawful or unlawful actions, taking into account the generality of the text³.

However, later, given that the above article prohibited resistance to the implementation of public authority actions, without distinguishing between legitimate and illegitimate actions, and in application of it, the French Court of Cassation ruled in one of its cases that the implementation of an arrest warrant issued by a police officer in a case other than *flagrante delicto* - even if it was illegitimate - does not entitle individuals to the right to resist. The court based its ruling on the fact

¹ Dr. Ramzi Al-Shaer, op. cit., p. 289-293. Dr. Ramzi concludes by saying: "The rule in Egyptian legislation—as in French legislation—prohibits an individual from resisting the implementation of invalid decisions by the administrative body, in contrast to the rule regarding null and void decisions. Both legislations allow individuals the right to resist their implementation and to be freed from them."

² Dr. Ta'ima Al-Jarf, *The Theory of the Absence of Legal Actions and Its Applications to Administrative Decisions*, Journal of Administrative Sciences, Cairo, third year, issue 1, 1961, p. 79.

³ Dr. Ramzi Al-Shaer, op. cit., p. 278.

that the text of Article 209 is a general text that does not differentiate between the types of decisions issued by the administration. Thus, the crime of disobedience is considered to exist even if the resistance is against actions that violate the law, so as not to open the door for individuals to appoint themselves as judges to examine the legitimacy of decisions issued by the public authority, which leads to a disruption of public order¹.

However, in other rulings, the Court of Cassation has tended to distinguish between decisions tainted by minor defects and those tainted by serious defects. It prohibited resistance to the implementation of the former, while permitting resistance to the implementation of the latter. This is evidenced by one of its rulings, which ruled: "...the legitimacy of resistance against some forest rangers for their clear transgression of the limits of their mandate. They arrested an individual on charges of cutting wood from the forests. Instead of taking him to the mayor or the conciliation judge, as their duties permit, they attempted to take him to the site where the crime was committed².

Here, it is important to note that French administrative judiciary generally recognizes the principle of differentiating between invalid and null decisions. This distinction has several implications, albeit within a limited scope compared to French jurisprudence. This distinction is embodied in the following three points:

1. The jurisdiction of the ordinary judiciary to consider the legality of null decisions.
2. The right of the administrative authority to withdraw a null decision without being bound by the time limit, on the grounds that it is not an administrative decision subject to the time limit.
3. No liability is incurred for failure to implement a null administrative decision³.

This clearly demonstrates that Article 209 of the French Penal Code, which has sparked clear disagreement among both French jurisprudence and judiciary regarding its content, is explicit and clear regarding the criminalization of individuals' resistance to the implementation of public authority decisions, without distinguishing between legitimate and illegitimate decisions. However, it is most likely intended to distinguish between valid decisions and null decisions, without extending this distinction to null decisions. This is evidenced by the lack of stability in the rulings issued by the French Court of Cassation on this matter. The privacy as previously stated, in addition to the fact that the void decision according to what was settled by the French Court of Conflict and the French Council of State is represented by a blatant violation of the law, whereby the decision is not considered an application of a law or regulation, as it is devoid of legal status and is merely a material obstacle for individuals. As for the results of the distinction between a void decision and a void decision, it is clear that the judiciary is moving towards permitting resistance to the implementation of void administrative decisions because they have no effect and treat the administration as individuals.

¹ Judgment of the Criminal Chamber on August 11, 1905, Dalloz Collection, cited by Dr. Ramzi Al-Shaer, op. cit., p. 280.

² Judgment issued by the Criminal Chamber of the French Court of Cassation on April 7, 1837, Seri Collection, 1838, Section 1, p. 641, cited by Dr. Burhan Zureiq, op. cit., p. 212.

³ A void decision was issued to annex a plot of land owned by an individual to public property. However, the owner of this land did not respect this decision and continued to assert his ownership. He erected a barrier around his property, defying the invalid decision. The district court sentenced him to a fine of 50 francs and to remove the barrier, on the grounds that he had violated the planning regulations. However, the Council of State overturned the ruling on the grounds that the administrative decision to annex the land to public property was void and had never existed. Therefore, there was no violation of the planning regulations. A ruling referred to by: Dr. Muhammad Fuad Mahna, op. cit., p. 653.

In its interpretation of Article 248, the Egyptian Court of Cassation held that the application of this article is limited to the type of work performed by the law enforcement officer that falls within the scope of his job. However, if it falls outside his scope, individuals may resist him, basing its ruling on the phrase "based on the duties of his job" contained in the text¹.

A section of jurisprudence criticized the court's interpretation of Article 248, believing that the court had overstepped the bounds of interpretation and overlooked the subsequent provision regarding the impermissibility of legitimate defense (even if the law enforcement officer exceeds the scope of his job). Exceeding the scope of his job necessarily entails the employee's exceeding the scope of his jurisdiction. Therefore, the application of Article 248 and the correct interpretation of its text contradict the view that it is inapplicable if the work performed by the law enforcement officer falls outside his scope of jurisdiction. An employee's violation of certain legal requirements or simple departure from the scope of his jurisdiction does not constitute an act outside the scope of his job and outside the scope of its performance².

It is clear from this that, as it appears, this aspect of Egyptian jurisprudence was closer to the truth, because Article 248 of the Egyptian Penal Code prohibits resisting an officer while performing their duties, based on their job duties, because their conduct is legitimate. If they exceed their duties and act in good faith, we are faced with a minor violation that invalidates the decision, and individuals may not resist it. However, if the violation is serious, as is the case with usurpation of authority, then this constitutes an assault on the rights and freedoms of individuals, and its consequences may be difficult to remedy. It is not logical to prohibit resistance to the implementation of such decisions, as the Egyptian Court of Cassation has held. It was necessary to distinguish between serious violations and minor violations, and to permit resistance to implementation if the administrative decision issued by the public authority is void, and to prohibit it if it is void.

In Syria, the Penal Code, as previously mentioned, stipulates several legal articles criminalizing the resistance of individuals to an employee if they exercise their duties within the limits of their jurisdiction and adhere to the implementation of the laws³. This, by definition, allows individuals to resist an employee if they exceed the limits of their jurisdiction and if their actions are unlawful.

In this regard, Dr. Abdul-Ilah Al-Khani says: We must not forget that what justifies the investigation of resistance to an administrative decision is the existence of a decision that is originally called an administrative decision, and the administration and the employee fully believe that it is a valid administrative decision⁴. In this regard, a decision was issued by the Syrian Court of Cassation in a case whose facts can be summarized as follows: The complainant, an engineer in the Irrigation Office of the Public Works Department in Lattakia, had gone on an official mission to plan the disputed irrigation canal that was the subject of the lawsuit. After

¹ Judgment issued by the Egyptian Court of Cassation on October 27, 1945, Collection of Legal Rules of the Egyptian Court of Cassation, Part Six, Principle No. 576, p. 868.

² Dr. Ramzi Al-Shaer, op. cit., p. 290-291.

³ See the texts of Articles 369, 370, 373, and 378 of the Syrian Penal Code No. 148, issued on June 22, 1949, and its amendments.

⁴ Dr. Abdul-Ilah Al-Khani, Administrative Law: Theory, Practice, and Comparative Law, Volume 2, Damascus, 1968, p. 500.

completing his mission, the two parties agreed to resolve the dispute. The complainant wrote a pledge and asked both parties to sign it. Some of them signed it, while the other party did not. He argued with the engineer and directed obscene language at him. The contested decision ended with the appellants being punished for committing the crime of contempt of an employee. Since the provisions of the law have imposed strict protection for the employee while performing his work and surrounded him with a lot of care and support so that he can perform his duty to the fullest extent, reassured of himself from the tampering of tamperers and the assault of aggressors, and this protection was imposed on him as long as he was performing a job that is considered part of his job, but if he was not performing a job that is considered part of his job, he does not enjoy this immunity and is not subject to care, and the Court of Cassation concluded in its decision that: "If the contempt arose from an incident not related to the employee's job, it is not considered contempt for an employee in the course of performing the job¹."

The Court of Cassation ruled in another case that the law afforded employees strict protection while performing their duties, providing them with special care. In return, the law required them to maintain the proper etiquette of their duties, adhere to their duties, and refrain from using their influence over others, or using their duties as a means of abuse or provocation. The Court stipulated that they must be performing legitimate work supported by the law. If the employee fails to respect the sanctity of their duties and exceeds their prescribed limits, this will deprive them of the respect due to their duties and prevent them from benefiting from their privileges.

It is clear from previous judicial rulings, and the corresponding texts contained in the Syrian Penal Code, especially the text of Article 369 mentioned above, that the judiciary is moving towards criminalizing resistance to the implementation of administrative decisions and granting greater protection to the employee while performing his job duties. However, this is conditional upon the legality of the action, on the one hand, and that the action is within the job and not disconnected from it. It is understood from the breach of this legality and going beyond the scope of the job that it justifies individuals' resistance to the administration's decisions, and is freed from the duty to obey it and does not arrange any legal consequences against them.

Conclusion

The study emphasizes that resistance to unlawful administrative decisions is not merely a rebellion against authority, but rather an expression of a natural right to defend acquired rights, especially when the decisions escalate into blatant physical attacks that violate the sanctity of property or personal freedom. However, the permissibility of this right remains governed by precise legal controls that prevent it from degenerating into chaos or undermining the foundations of the state and its institutions. In this context, the legal distinction between "null and void" decisions is important as a governing criterion for determining the legitimacy of resistance. The nullity of a decision strips it of its administrative character and subjects it to the rules of ordinary civil and criminal liability. At the level of comparative legislation, differences persist in the extent to which it recognizes this right, with some expanding it within the bounds of necessity and others restricting it to preserve the prestige of the administration.

In conclusion, the research topic remains a vital arena for legal and philosophical dialogue, where the philosophy of authority meets the philosophy of freedom, and where

¹ See the decision issued by the Syrian Court of Cassation - Criminal Chambers No. 2154/1970, dated August 26, 1970, basis No. 1292 of 1970, Lawyers' Magazine 1970, Issue No. 12, Rule 654, Hammurabi Reference No. 52519.

the flexibility of legal systems is tested in reconciling the requirements of the public interest with the necessities of individual justice.

The study on the subject of individual resistance to administrative decisions yields several findings and observations, which are evident in the following:

First- Results:

1. The legitimacy of resistance is restricted by nullity, not invalidity. Individual resistance is only legitimate when implementing "null" decisions (a flagrant violation of the law), not "null" decisions (formal or substantive defects subject to reversal).

2. The discrepancy between legislation is clear. French and Egyptian law allow resistance in cases of blatant physical assault, while Syrian law explicitly lacks a legal text, despite the judiciary's implicit recognition of it.

3. We note that the judiciary plays a central role in this matter, as judicial precedent (especially in Egypt and France) serves as a basis for determining the "seriousness" criteria that justify resistance, such as an employee's exceeding their authority or a direct threat to freedoms.

4. There is a problem with implementation, as it is difficult for individuals to distinguish between a void decision and one that is void in reality, which exposes them to criminal liability for unjustified resistance.

5. Regarding the effectiveness of alternatives, the study demonstrated the weakness of the "administrative grievance" mechanism as an amicable alternative to resistance, due to the non-binding nature of its results and the administration's slow response.

Second- Recommendations:

The study concluded with several recommendations. These recommendations seek to achieve a balance between protecting individuals from administrative arbitrariness, preserving the legitimacy and authority of administrative decisions, and enhancing confidence in the legal system through practical solutions. These recommendations can be summarized as follows:

1. The necessity of amending Syrian legislation by including explicit provisions in the Penal Code and the State Council Law regulating the right to resist invalid decisions, while clearly defining their conditions (such as attacks on property or personal freedom).

2. The necessity of unifying judicial standards by calling on Syrian courts to issue guidelines to distinguish "nullity" from "invalidity" and document them in judicial precedents.

3. Work to strengthen preventive oversight by activating the role of competent administrative oversight bodies to pre-examine sensitive administrative decisions and prevent invalid ones.

4. Disseminating legal culture in this field by publishing a simplified guide, in cooperation with civil society organizations, that clarifies individual rights and legal means of grievance, rather than resorting to direct resistance.

5. Implementing a change to the administrative grievance mechanism in the Syrian State Council Law, by making "administrative grievance" in Syria a mandatory procedure subject to prompt judicial appeal, while shortening the legal deadlines for responding to it to ensure its effectiveness.

References:

First- Legal Books:

- 1- Dr. Burhan Zurayk, *The Theory of the Act of Usurpation - Physical Assault in Administrative Law*, 1st ed., Legal Library, Damascus, 2004.
- 2- Dr. Ramzi Al-Shaer, *The Graduation of Nullity in Administrative Decisions*, 2nd ed., Dar Al-Nahda Al-Arabiya, Cairo, 1968.
- 3- Dr. Suleiman Al-Tamawi, *The General Theory of Administrative Decisions*, 1st ed., Dar Al-Fikr Al-Arabi, Cairo, 1957.
- 4- Dr. Suleiman Al-Tamawi, *The Administrative Judiciary and Its Oversight of Administrative Actions*, 3rd ed., Dar Al-Fikr Al-Arabi, Cairo, 1961.
- 5- Dr. Ta'ima Al-Jarf, *The Theory of the Lack of Legal Actions and Its Applications to Administrative Decisions*, Journal of Administrative Sciences, Cairo, Third Year, Issue No. 1, 1961.
- 6- Dr. Abdul-Ilah Al-Khani, *Administrative Law: Theory, Practice, and Comparison*, Volume 2, Damascus, 1968.
- 7- Muhammad Ubaidi, *Administrative Physical Aggression against Real Property / Postgraduate Diploma Thesis / Mohammed V University Publications*, Rabat, 2015-2016.
- 8- Dr. Muhammad Kamil Laila, *The Theory of Direct Implementation in Administrative Law / PhD Thesis / Cairo University*, 1962.
- 9- Dr. Muhammad Fuad Mahna, *Arab Administrative Law under the Socialist Democratic Cooperative System*, Volume 1, Dar Al-Maaref, Cairo, 1967.

Second- Theses and Scientific Research:

Dr. Mustafa Kira, *The Theory of Physical Aggression in Administrative Law / PhD Thesis / Dar Al-Nahda Al-Arabiya*, Cairo, 1964, pp. 336.

Third- Websites:

Article published on the website: <http://www.khayma.com>

Fourth: Laws and Judicial Rulings:

- 1- Syrian Basic Labor Law No. 50, issued on December 6, 2004.
- 2- Syrian Penal Code No. 148, issued on June 22, 1949, and its amendments.
- 3- Syrian State Council Law No. 32 of 2019.
- 4- Syrian State Council Law No. 55 of 1959 (repealed).
- 5- Collection of Legal Rules of the Syrian Court of Cassation of 1970.
- 6- Egyptian Penal Code No. 58, issued on May 8, 1937, and its amendments.
- 7- Egyptian Civil Service Law No. 47, issued on March 8, 2000, and its amendments.
- 8- Collection of Legal Rules of the Egyptian Court of Cassation, Part Six, of 1945.
- 9- Egyptian State Council Law No. 47 of 1972, and its amendments.
- 10- The French Penal Code issued in 1791.
- 11- French Employment Law No. 634 issued on June 13, 1983.