

Fifth lecture

- **The administrative judiciary:** It consists of a number of judicial bodies, which are as follows:
 - **The State Council:** It has judicial powers as the first and last level to decide disputes against decisions issued by the central administration, and also as a body of appeal and cassation.
 - **The Administrative Councils of Appeal:** They are competent to consider appeals filed against administrative court rulings. They were created in accordance with the Law of 12/31/1987 relating to the reform of administrative disputes.
 - **The Administrative courts:** consider appeals filed against decisions issued by local administrative authorities.

- **The Accounting Council:** It is responsible for monitoring the spending of public funds. There are also regional and regional chambers of accounting that specialize in the same issues at the regional and regional levels. They also notify public opinion of the results of their oversight in the form of reports published for this purpose.
- **The Financial Disciplinary Council:** decides on lawsuits filed against managers of public funds.

In addition to this general organization of courts, there is in some countries an organization that includes other courts independent of this organization, and this is due to certain factors and considerations. In Switzerland, there are special federal courts, as well as constitutional supreme courts.

In terms of judicial rulings, there are two methods:

- ✓ **The French method:** where the ruling is issued consisting of justifications and a very brief pronouncement, which is the method applied in many countries such as Belgium and France.
- ✓ **The German style:** It is characterized by a long, semi-structural abstraction that includes the ruling, containing references and previous rulings, and the judge explains in detail the foundation of the decision he made. This is the method applied in Italy, Switzerland, and Japan.

The second topic: The Anglo-Saxon legal system “Common Law”

It is called the “Common Law Collection,” as it is called the “English Common Law Collection,” and the translation of “Common Law” into Arabic means “ordinary law” or “common law.” As a result of this translation being subjected to some criticism because it does not express the content of this family, researchers and scholars They prefer to use the term "Common Law" because it is more precise, as it expresses the content of this legal system as a common law for all of England drawn from the body of local customs.

The rules of this system differ radically from the rules of the Latin-Germanic legal system, although they agree with it in terms of ideological principles based on individual doctrine and influence by ecclesiastical doctrine, especially with the spread of Christianity throughout the European continent.

It is a law that was settled in England by the courts and was later transferred to many regions of the world due to colonialism, such as the United States of America, Canada, Australia, and many English-speaking countries and the Commonwealth

region, where the origin of the family of this law is closely linked to the history of justice, whether in England or in its independent colonies. Such as Australia, the United States of America and New Zealand, which are still culturally unified.

Since the origins and development of English law are closely linked to the history of England, the focus will be on the history of this law and then its sources will be studied successively.

The history of this law and then study its sources in turn.

The first requirement: The history of English law

The history of English law can be divided into three main stages, which are summarized as follows:

The first section: The Anglo-Saxon period

This stage precedes the Norman invasion, starting in the fifth century AD, after England was invaded by the Germanic “Angles and Saxons” tribes. As a result of this invasion, the rule of the Romans, which had prevailed for more than four centuries, was removed. However, this stage did not affect English law. It was not changed because of the continued adherence of these tribes to the customs and traditions of their country of origin, where William the Conqueror later worked.

I must count them all, and accordingly I acknowledge the application and respect of all customs that do not conflict with the requirements of the feudal system and the interests of the Normans, while some customs have been subjected to distortion and modification in a way that is consistent with Norman law.

The Angles and Saxons tribes, as soon as they settled in England, embraced the Christian religion at the hands of Saint Augustine. They also issued some laws regulating aspects of their social life in addition to local customs, and the resulting disputes were considered by what is known as “Country Courts.” “Courts”, and other courts were established, some of an ecclesiastical nature due to the great spread of Christianity in these areas, which specialize in adjudicating disputes of marriage, lineage, wills, and physical separation, and others that consider commercial disputes of a commercial nature using the prevailing customs in the commercial field at that time.

As for the criminal field, they did not the courts that were developed during that period knew the methods of investigation such as those approved by Roman law, such as investigation and comprehensive interrogation by a panel of judges, Rather, they used primitive means of proof characterized by a lot of cruelty and brutality, including the method of ordeal by which the ruling was considered divine, in addition to the methods of swearing an oath, dueling, and other methods chosen by the tribe to

determine whether the accused was innocent or guilty.

During this stage, the Anglo-Saxons paid great attention and special attention to both the administrative and judicial organizations, and as a result, the judicial bodies whose existence was linked to the administrative division diversified and multiplied, as the country was divided administratively and judicially at the same time into provinces and regions, and each region was divided into cities (decanies). The Civil Court “The Flocc emote” forms the base of the pyramid of judicial organization and is like the popular council of the city, specializing in adjudicating some neighbor disputes.

The second section: The stage of the emergence of the English legal system

The Common Law constitutes the basic part of this system, in addition to the rules of justice that emanated from the conscience of the king and adopted procedures different from what prevailed under the Common Law.

First/The stage of formation of the Common Law: The Norman conquest and the royal courts played an important role during this stage as follows:

The Norman Invasion: The Normans invaded England in 1066, led by Prince William, who was able to eliminate the rule of the Anglo-Saxon tribes, declaring the establishment of the feudal system in England. The Norman Invasion is considered a major event in the history of English law.

- 1- This is because “William the Conqueror”:** established a strong central government in England that summarizes the experiences of governance and administration that he brought from Normandy, considering himself the original owner of the land of England that he conquered, allocating a special area for him, and dividing the remaining areas into small areas estimated at about 15,000 plots, which he distributed among The Norman chiefs were subject to a military system directly linked to them, so that they would not have influence that would enable them to compete with him in the future. The central rule of “William the Conqueror” met with great success and welcome from the feudal lords, due to their feeling of alienation in a country whose people did not speak the language and despised their customs and traditions.
- 2- Royal courts:** The king paid great attention to both the political and judicial fields. For the first, he wrote the “Domesday Book,” in which he explained the foundations of ruling and running the kingdom based on political, administrative, and financial oversight. For the second, he established a special council, the “Curia Regis.” "It includes the most important figures close to him.

It specializes in adjudicating matters related to the security and safety of the country from both the political and security standpoints, such as disobedience, rebellion, and

blocking of roads, in addition to the disputes that occurred between feudal princes. In order to achieve this, the king would travel within the kingdom accompanied by members of his private council and hold his sessions to decide.

In some disputes and disputes whenever necessary, this private council that was established during this period is considered the nucleus upon which the House of Lords was later founded.