

The Problem of Separating Administrative Decisions Linked to the Administrative Contract Establishing Them



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Abstract

For an administrative judge to be able to rule on the review presented to him, it is necessary to determine whether the subject matter of the dispute is connected (RATTACHALLEZ) to one of the administrative processes within his jurisdiction first. Ensuring the existence of connection (RATTACHEMENT) is essential for him. Hence, the administrative judge had to devise the theory of connected acts to solve the problem of determining the legal system and competent jurisdiction, as well as identifying the components of the administrative process that require specialized adjudication of disputes that may arise therein.

Keywords

Mixed acts;
administrative process;
separate administrative;
decision;
annulment appeal;
cancellation appeal;

الكلمات المفتاحية

اعمال مختلطة؛
عملية إدارية؛
قرار إداري منفصل ؛
طعن بالبطلان ؛
طعن بالإلغاء.

إشكالية فصل القرارات الإدارية المرتبطة بالعقد الإداري المنشئ لها

ملخص

لكي يتمكن القاضي الإداري في البحث في المراجعة المعروضة عليه يجب معرفة ما إذا كانت الأعمال موضوع النزاع متصلة RATTACHALLEZ بإحدى العمليات الإدارية التي تدخل ضمن دائرة اختصاصه أولاً. فالتأكد من وجود الوصل RATTACHEMENT يعتبر أساسياً بالنسبة إليه، من هنا كان لابد للقاضي الإداري من ابتداء نظرية الأعمال المتصلة بالعملية الإدارية من أجل حل مسألة تحديد النظام القانوني والقضاء المختص، وكذلك تحديد العناصر المكونة للعملية الإدارية التي تتطلب قضاء مختصاً في النظر في النزاعات التي قد تحصل خلالها.

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I- Introduction :

Administrative decisions are considered one of the most important legal means used by the administration to carry out its activities and achieve its goals. The importance of decisions, theoretically, is manifested in the fact that they are the focal point around which most theories and principles of administrative law revolve. Almost every topic in administrative law raises the idea of administrative decisions. These decisions represent aspects of the authorities and privileges enjoyed by the administrative authority and serve as effective tools for its administrative activities, whether in the field of administrative control or in the domain of public facilities.

The practical importance of administrative decisions lies in the fact that they are among the most important legal means through which the administration governs in order to regulate individuals' lives in society. They also represent a primary area for judicial oversight of administrative actions. Most of the judicial disputes brought before the judiciary revolve around challenging administrative decisions for annulment, which has led to the French administrative judiciary creating many theories and rules related to administrative decisions.

However, the continuous development of administrative activity, the expansion and diversification of tasks and functions assigned to public administration, has led to complications in the issues surrounding it and difficulty in finding appropriate solutions. Previously, the actions of public administration relied on simple measures, especially decisions or administrative contracts. A new category of legal actions emerged, called "mixed acts" (Les Acts Mixtes).

The conclusion of administrative contracts, which involves specific procedures culminating in the issuance of a decision within the same administrative process, may involve decisions issued before or contemporaneously with the conclusion of the contract. These decisions may also be issued during the execution of the administrative contract. This is known as separable decisions, which are associated with complex operations and often give rise to operational problems, such as the challenge for annulment's independence in separable decisions during complex administrative operations, which requires shedding light on them, especially since we are dealing with two completely different legal systems. The administrative decision constitutes a legal act issued by the administration through its own will, while the administrative contract represents a convergence of the will of the administration with that of the contracting party.

However, it must be acknowledged that the separable decision remains directly related to the administrative contract, and its annulment does not affect the contract itself. This does not mean that such decisions do not raise many problems because the connection or separation from the administrative process is difficult to comprehend and is fraught with doubt and suspicion. For example, in the field of administrative contracts, it is not easy to conceive the preliminary decision to conclude the administrative contract as independent of the contract and acquired as a separate entity. Similarly, in the electoral process, it is not easy for one to accept the idea of administrative decisions taken as a prelude to elections being separate from the elections themselves and subject to annulment if they constitute a violation of the laws.

I.1. Origin and Development of Connected and Separable Acts

To provide an overview of the evolution of this theory, it is necessary to go back to the circumstances that paved the way for the emergence and development of this theory, which accompanied its emergence and development in France, considered the cradle of administrative law

I.1.1. The Idea of the Emergence of Administrative Jurisdiction in France:

In 1799, the new French Constitution established the Council of State (Conseild'État), entrusted with an advisory role limited to supervising administrative actions, without granting it the authority to adjudicate administrative lawsuits or issue judgments regarding them. Its role was restricted to studying the lawsuits referred to it, conducting investigations, and making recommendations. However, it did not issue judgments unless approved by the Head of State. With the enactment of the law on May 24, 1872, the Council of State was granted the authority to adjudicate administrative lawsuits and requests for annulment brought against acts exceeding the authority before it. Thus, the French administrative judiciary became completely independent from the administrative authority, with the aim of adjudicating disputes arising between the state and judicial courts.

In the mid-nineteenth century, with the spread of democratic systems in Europe, the concept of state sovereignty evolved, gradually subjecting it to the principle of legality (la légalité), which allowed for holding the state accountable for mistakes committed by its public facilities and claiming compensation for damages. This was evident in the Rothschild ruling issued on December 6, 1855 (ROTHSCHILD, 2016, p. 125), when the French Council decided that it was within the scope of the law to regulate the working conditions of public facilities and determine the nature of the relationships between the state and the beneficiaries of its services.

Regarding lawsuits seeking the annulment of administrative contracts concluded by the state with individuals, the French Council of State initially did not accept such lawsuits unless they were directed against simple administrative procedures not connected to the administrative contract. However, for procedures connected to or integrated into the contractual formation process, the contractual process had to be completed for individuals to challenge the entire contractual process before the contract judge. But in 1872, a development occurred in France with the issuance of a law allowing individuals to file lawsuits against public officials without the need for a decision from the Council of State granting individuals the right to initiate such lawsuits directly.

This led to the famous Blancq ruling, in which it was decided to impose civil liability on the state based on the provisions of Articles 1884, 1883, and 1882 of the French Civil Code. It was stated that the liability that could be incurred by the state due to acts committed by individuals under the authority of public facility employees could not be subject to the principles of civil law and would not change according to the needs of the facility and the requirements of reconciling individual rights with state rights.

I.1.2. Emergence of the Theory of Connected and Separable Acts in Administrative Law:

Judges did not differentiate between lawsuits brought before them, such as annulment lawsuits or what is known as jurisdiction exceeding the authority and comprehensive jurisdiction, until the issuance of Decree 1864, which allowed challenging actions taken by the administration if they were tainted by exceeding the authority. This led to the emergence of the invention of the comprehensive jurisdiction and annulment jurisdiction as a parallel judicial review mechanism. However, gradually, jurisprudence began to view individual actions subject to appeal as separable from administrative action. This transformation was evident through significant rulings issued by the French Council of State, marking a new phase in administrative jurisprudence by eliminating the dominance of the parallel review concept. One of the most important rulings in this regard was the 1904 ruling in the case of **COMMUNE DE MESSÉ** concerning a lawsuit against a leasing process of a public facility. In this ruling, the Council of State annulled the decisions of the municipal heads that exceeded their authority, considering these decisions as separable from the leasing contract concluded with the municipality (**municipality, 1904**). Similarly, the famous Martin ruling issued by the French Council of State in 1905 established a new principle in administrative jurisprudence. In this ruling, the Council accepted the review of annulment for exceeding authority directed by non-contracting parties against administrative actions issued by the state regarding granting a company an exclusive right to operate an electric train line. The concept of separable acts became apparent with this ruling. Before this date, all administrative actions that prepared and preceded the formation of administrative contracts were considered inseparable from the contract itself (**DALLOZ & BRUBANT, 2003, p. 93**), making it impossible to challenge them independently of the contract once the contract was finalized. The scope of jurisprudence around the idea of separation gradually expanded to facilitate the review of exceeding authority.

The French law considered expropriation for public benefit as a dual administrative and judicial process. Expropriation consists of two main stages: the administrative stage (**Muhammad , 2013, p. 17**), where administrative decisions are made, and the second stage, where two judicial decisions are issued: one regarding property transfer and the other assessing compensation. Following the completion of the first stage, which involves inventorying properties, preparing lists, and transferring ownership, several minor procedures follow, such as preparing the lists themselves, their publication, eviction notices, and opening the door for objections (**Shafik**). The cancellation of the public benefit decision is done by filing a lawsuit for exceeding authority, which is open to any concerned party.

This decision may also be based on the challenge of the illegitimacy of previous decisions, such as the decision to initiate an investigation. The annulment lawsuit moves within two months following the official investigation into the existence and content of the public benefit declaration, either by posting or publication, which must be sufficient. Moreover, the decision determining compensation can be appealed and cassated. Regarding the damages that must be compensated, they must be material, direct, confirmed, and the harmed party must be in a position protected by law. (**Muhammad Juma'a, 2013, p. 26**)

I.1.3. Classification of French Administrative Judiciary for Separable Acts Related to Administrative Contracts

Separable acts, even if directly related to administrative contracts, constitute individual acts that can be contested through a lawsuit for exceeding authority, provided that they meet the criteria of administrative decisions. They do not constitute parallel lawsuits because nullifying these acts does not affect the existence of these administrative contracts. The French administrative judiciary classified separable acts into two main branches:

I.1.3.1. Acts related to the conclusion of administrative contracts:

The French administrative judiciary considered all acts preceding the approval stage of an administrative contract, which are directly related to it, as separable acts. These acts may acquire the nature of administrative decisions if they meet the essential elements of administrative decisions. These acts fall within the framework of separable acts and are subject to challenge before the administrative judiciary through a lawsuit for exceeding authority by one of the contracting parties of the administrative contract or a third party with an interest in doing so. (Rabhi, 2013, pp. 112-113)

I.1.3.2. Acts related to the implementation of administrative contracts:

The issue of separable acts related to the implementation of administrative contracts has been subject to different interpretations. Some, like Dean Dufour and Dean Depas, believed that not all acts related to the implementation of administrative contracts are administrative decisions subject to a lawsuit for exceeding authority. They argued for a distinction between them. However, Professor Dalloz considered all such acts to be subject to a lawsuit for exceeding authority as long as they represent individual administrative acts directly related to the administrative contract. The French administrative judiciary adopted this solution, with the condition that the elements of administrative decisions be present in these acts.

I.1.3.3. Position of the Algerian Administrative Judiciary:

The content of the decision of the Administrative Chamber of the Supreme Court sheds light on the stance of the Algerian administrative judiciary (**Decision of the Supreme Court issued, 1996**). In a case where Mr. B.M. benefited from leasing an apartment from the municipality based on an administrative decision issued on 15-05-1990, followed by the conclusion of a lease contract on 05-06-1990, the municipality subsequently filed a lawsuit before the Administrative Chamber of the Blida Court of Appeals to annul the aforementioned decision, retracting the lease grant. The administrative judiciary ruled on the matter, stating that both the decision issued on 15-05-1990 and the lease contract constituted administrative acts subject to the jurisdiction of the administrative judge. This decision emphasized the regulatory aspect over the contractual aspect. However, it does not provide a definitive solution to the issue, as mixed or composite acts still pose challenges for the administrative judiciary. The difficulties encountered in dissecting the constituent elements of these acts highlight the ongoing nature of this issue for the administrative judiciary.

I.2. The Concept of Separable Decisions:

Separable decisions are considered an important subject in the fields of administration and economics. This concept refers to decisions that can be made independently of other decisions and are not influenced by previous or subsequent decisions. Understanding these decisions is best achieved through studying a set of criteria

I.2.1. Definition of Separable Decisions:

Separable decisions can be defined as administrative decisions that are part of the legal process, entering the jurisdiction of either the ordinary or administrative courts based on their respective competencies, or departing from the jurisdiction of any judicial authority. However, the judiciary distinguishes these decisions from others in the process and accepts appeals against them for annulment individually (AbdelHamidl, p. 490).

These decisions are also defined as legal actions issued by the administration or public authorities in general, within the framework of a complex process. These actions can be separated to represent individual decisions, each with its own legal effect, as a complete and final legal action in itself. This is done without affecting the other components of the process or hindering the arrangement of the legal consequences desired behind them, i.e., the legal results for which the administration completed the process.

From the above definitions, it is evident that separable decisions are always associated with complex processes. They are made within these processes, and the complex process implies that the final decision in an action depends on the adoption of several other necessary and essential decisions to issue the final decision. The complex process is essentially a series of interconnected links, where the links represent preliminary, assisting, or ancillary decisions leading to the final decision. (Georgi, p. 43)

I.2.2. Accepted Standards for Determining Separable Acts:

The aim of establishing criteria for identifying separable administrative acts is to subject these acts to the jurisdiction of annulment judiciary, which is characterized by seriousness and strictness. Separable acts must meet the conditions of administrative acts based on both substantive and procedural standards. It is noteworthy that the substantive criterion plays a fundamental role, while the procedural criterion complements the former. To fully understand the concept of separable acts and define it accurately, we must use the mentioned criteria:

I.2.2.1. Substantive Criterion:

- The act must be administrative, meaning it relates to a public facility or interest.
- The subject matter of the act must be within the jurisdiction of the annulment judiciary and not subject to another judiciary's jurisdiction.
- The act must result in changing legal statuses, creating rights, or imposing obligations.
- The act must cause significant harm to the plaintiff.

I.2.2.1.1. Substantive Criterion for Administrative Acts:

Legal scholars in French administrative law, such as AUBY and DRAGO, previously viewed the issue of accepting review of exceeding authority from a personal perspective, or rather, the issue was characterized by a personal standard. They argue that this concept was previously universally accepted but has become doubtful when considering accepting reviews of exceeding authority against separable acts due to disputes returned to another judicial body or disputes different from those of exceeding authority.

I.2.2.1.1.1. The Personal Standard of the Plaintiff to Determine Separable Administrative Acts:

Previously, separable acts were determined based on the personal situation of the plaintiff, considering them as acts that the plaintiff cannot review regarding exceeding authority. However, sometimes the judiciary, when determining separable acts, relies on their subject matter regardless of the plaintiff's **(For example, in the early stages of detailed business theory)** personal situation. The judiciary has shown that the substantive criterion for separable acts prevails over the personal criterion. For instance, in contractual disputes, especially those related to contract establishment, even if the plaintiff can pursue parallel review by a contract judge, this does not prevent the acceptance of annulment review. The judiciary interprets these acts as separate from the contract.

Thus, the traditional concept of separable acts started with a personal criterion based on the idea of parallel review, but it ended with a substantive criterion unrelated to it. From the substantive criterion, the issue of not accepting reviews of exceeding authority when the reason for non-acceptance is the potential for another dispute arises. However, before the judiciary, the issue is not whether parallel review exists but whether the subject matter of the review is exceeding authority within the annulment judiciary's jurisdiction rather than the comprehensive judiciary. If exceeding authority review is not accepted by the annulment judge when its subject matter returns to the comprehensive judiciary, it is because the review submitted to this judge simply does not meet the conditions for exceeding authority review since the obstacle preventing annulment review lies in the authority given to the judge to exceed authority.

Therefore, exceeding authority review can only include acts with subjects not subject to comprehensive judiciary review or review by another administrative or judicial judge. Thus, the judge, in annulment review, confirms the subject matter of the dispute and its potential submission to comprehensive judiciary review. Then, the judge considers the authorities possessed to determine whether the dispute presented to them falls within their jurisdiction. Based on this, regulatory administrative acts are considered separable acts, while personal acts are considered connected to the administrative process

I.2.2.1.1.2. The Distinction Criterion between Regulatory Administrative Acts and Personal Administrative Acts:

Administrative and regulatory acts involve the establishment of general, non-personal rules affecting public rather than individual interests. These acts exhibit comprehensiveness and permanence, distinguishing them from other acts that may exist and thus are separable from them. Therefore, they may be subject to comprehensive judiciary review since they are fundamentally different from comprehensive judiciary review, which only aims to resolve personal disputes related to individual acts. Thus, comprehensive judiciary review is considered a personal claim aimed at resolving a

personal dispute related to administrative acts, whereas exceeding authority review is, on the contrary, an objective claim stemming from a case related to the legitimacy of the administrative act and directed against this act specifically, which is inherently separable from the administrative process.

The rule is that regulatory administrative acts can be considered separable from the administrative process and subject to annulment review for exceeding authority based on their subject matter. **(However, for the successful application of this principle)**

I.2.2.1.2. Applications of this Rule:

This rule can be applied in the following disputes:

I.2.2.1.2.1. In Tax Disputes:

Regulatory acts that establish direct or indirect taxes or determine their base, value, or rate are considered separable from the tax claim, which may be subject to the jurisdiction of either administrative or judicial courts depending on the identity of the individuals engaged in financial activities.

I.2.2.1.2.2. In Administrative Contract Disputes:

The annulment of decisions constituting administrative contracts has been accepted as separate from the rest of the process. Generally, administrative contracts involve various stages that require the issuance of separate administrative decisions, referred to as separable or separable administrative acts. **(accordance with the French decree issued, 1945)**

I.2.2.1.2.3. In Electoral Disputes:

Regulatory acts issued by the administration, such as those dividing electoral districts or setting out the procedures for voter invitation by governors, are considered separate from the electoral process. **(decree concerning the data of candidates)**

I.2.2.1.3. Personal Administrative Acts are Non-Separable:

Personal actions cannot be considered separate unless they are part of a specific administrative process and constitute the subject of this process, which must be subject to a jurisdiction other than that of exceeding authority. The subject of the easily identifiable administrative process may involve executing an administrative contract for public works, tax collection, a decree allowing the opening of a classified establishment, or a decision to demolish or renovate a building at risk of collapse. These administrative processes with a special nature do not suffice to determine whether an administrative act is personal or not, as it is the purpose, content, and position in the dispute that determine its reparability, as it inherently belongs to comprehensive jurisdiction. Based on this, we can adopt the following rule:

I.2.2.1.3.1. General Rule:

All acts that form the subject of comprehensive jurisdiction are personal acts. This applies to all personal acts undertaken by the public administration to implement administrative contracts, as well as to all disputes that fall outside the jurisdiction of a judge exceeding authority, such as disputes related to tax collection, compliance, classified establishments, or buildings at risk of collapse, etc.

I.2.2.1.3.2. Exception to the Rule:

If all non-separable acts are personal or self-related, the reverse is not true. Not all personal acts are non-separable. This exception arises from the purpose and position of the act in relation to the administrative process or, more precisely, to the main work within it, which is usually subject to comprehensive contract review. The specificity of the separation of each act materially, because the judge cannot extend the scope of this separability except based on the circumstances surrounding each act. Therefore, preliminary acts for contract execution often stand apart from the contract's jurisdiction.

I.2.2.2. Formal Standard for Separate Administrative Acts:

This standard in determining separate administrative acts is achieved by studying the reasons for annulling these acts, perhaps for exceeding authority. Reviewing exceeding authority cannot be based solely on the act being a violation of a legal rule, while the administration breaching contractual terms is insufficient for a review of exceeding authority.

Reviewing exceeding authority must be based on the separate act representing a clear violation of a rule.

I.2.2.2.1. Review Based on Contractual Breach:

Legal experts in administrative law, such as De Laubadère, believe in the principle that "a contractor with the public administration cannot invoke the administration's breach of its contractual obligations to seek a review of exceeding authority against it to nullify an act performed, and that this principle applies even if the contract provisions breached fall within the framework of a concession contract and relate to the establishment and management of the public facility, the subject of the contract, i.e., they are regulatory provisions." (André, p. 339).

I.2.2.2.2. Review Based on Violation of Special Law Rule:

Normally, exceeding authority review is not accepted if the claimant alleges a breach of special law rules. However, this review may be accepted against a decree that made a change in the name or legal system of a known private company with public utility services. This occurs when an interested party files a review of exceeding authority against the state, claiming that this change was made by the company under unusual circumstances and in violation of its own legal system, which it had been applying in its dealings with citizens.

I.2.2.2.3. Verification of Formal Legitimacy of Separate Administrative Acts:

is Easier for the Judge than Verifying their Substantive Legitimacy:

I.2.2.2.3.1. Formal Legitimacy in Cases of Formal Defect and Lack of Competence:

The judgment relies on the notion of a formal defect when examining the legality of an administrative act being challenged. Consequently, if there are evident formal defects in the act, the review of exceeding authority in terms of form is accepted.

Similarly, the judgment relies on the concept of "lack of competence" when examining the legality of a separate administrative act. Thus, the review of invalidation due to exceeding authority in terms of form is accepted if there is certainty regarding this competence. When an administrative authority uses powers it does not possess, it has exceeded the scope defined by law, and there is nothing to protect it from exceeding authority review because it has placed itself outside the framework set by the law.

I.2.2.2.3.2. Verification of Substantive Legitimacy of Administrative Action in Cases of Legal Breach and Deviation of Authority:

Here, the judgment does not rely on the capacity of the plaintiff but rather on the subject matter of the act and the means used. In contractual matters, there is little observation in this regard.

In reviewing the invalidation of exceeding authority to identify separate administrative acts constituting authority deviation, the French Council of State considers the plaintiff's status sufficient to accept exceeding authority review.

I.2.3. Some Jurists Reject the Usefulness of Criteria in Identifying Separate Administrative Acts:

Some jurists in France are unconvinced of the usefulness of both the objective and formal criteria in uncovering separate administrative acts, considering that these two criteria are insufficient to determine whether an administrative act is separate or not. They argue that it is up to the administrative judge to assess the extent to which an administrative

act can be separated. Richard Chevontuian believes that these two criteria are not entirely sufficient because they still face difficulty in application, leaving room for the belief that there is no justification for preliminary separate acts except for the judge's will. (Richard , 1994, p. 805)

On the same topic, Chapus argues that the appropriate considerations, whose assessment is left to the judge, are necessary to determine the possibility of the separation of the administrative act. He states that these considerations answer the question of whether the administrative act is separate from the administrative process or not (René , 2001, p. 635). This aligns with the opinion expressed by the government representative "Tête" in a ruling issued by the French Council of State in 1984, stating that there are no acts inherently separate or not separate but rather acts that the judge decides to separate or not, and this is not a bad thing. (Farouk , 2014, p. 186)

I.2.3.1. Applications of the Theory of Separable Decisions in the Field of Sovereign Acts:

Sovereign acts generally fall outside the jurisdiction of the judiciary, whether ordinary or administrative, whether the aim is to annul the process or delegate it. However, this theory can be limited by subdividing sovereign acts into several parts and challenging administrative decisions falling within its scope. Thus, the theory of separable administrative decisions has contributed to limiting this theory. The divisions within the field of sovereign acts include:

- Separable decisions in the area of government-parliament relations, such as decisions related to the dissolution of the National Assembly and the enactment of laws in France.
- Separable decisions related to warfare.
- Decisions and measures related to the organization of the armed forces.
- Separable decisions in the field of diplomatic facilities and foreign relations, such as treaty-making, negotiations, signing, and ratification.
- Separable decisions related to the state's safety and internal security, such as measures to combat diseases and epidemics, as well as measures to prevent disturbances that threaten security and stability and cause harm to citizens.

I.2.3.2. Conditions for the Jurisdiction of the Annulment Judge in Appeals against Separable Decisions:

Some argue that administrative justice has not set a clear standard for separable administrative decisions, preferring a flexible practical approach that benefits the litigants. The judiciary has refused to separate decisions from complex administrative processes or accept them according to what it deems just, despite this, there are fixed principles within the judicial framework for the application of the concept of separable administrative decisions as follows:

- Preliminary acts that do not have the character of administrative decisions, such as preparatory actions for a decision, instructions, periodic publications, and advisory opinions, are excluded from the scope of appeals for annulment.
- Also excluded from the scope of annulment appeals are non-final or non-binding decisions, such as procedures for announcing tenders and tender forms.
- Furthermore, for an annulment appeal to be accepted, the administrative decision must be tainted with any legal defects specified by the laws of the State, such as lack of competence, violation of laws and regulations, or issuance of the decision in a form not prescribed by law, or if it is tainted with abuse of power.

The separable administrative decision does not differ in its formation and legality from the administrative decisions issued by the administration in general. Therefore, the grounds for challenging the separable decision may stem from an inherent defect in the decision itself, disregarding the integrity of the complex process, which may be valid in all its aspects.

I.2.3.3. Jurisdiction to Adjudicate Disputes Related to Complex Processes:

The administrative judiciary has jurisdiction to adjudicate cancellation claims against administrative decisions. Therefore, only the cancellation judge is competent to adjudicate such appeals, regardless of whether the judiciary is competent to adjudicate disputes related to the same complex process that includes decisions subject to annulment. The jurisdiction may belong to the administrative judge himself, the ordinary judge, or both together or to another entity, or even in case of lack of jurisdiction of any entity altogether. Examples of such complex processes include:

- Complex processes that include disputes related to them within the jurisdiction of the administrative judiciary, such as administrative contracts, and also processes related to public service functions such as appointment, promotion, and discipline.
- Complex processes that include disputes related to them within the jurisdiction of the ordinary judiciary, such as private law contracts concluded by the administration and judicial acts such as the ordinary judiciary.
- Complex processes that include disputes related to them within the jurisdiction of both the administrative and ordinary judiciary, each within its jurisdiction. These include the process of expropriation for public benefit, especially in France, and this process goes through two stages:

I.2.3.3.1. The first stage: The administrative stage:

includes investigation and inquiry, then notification of the public benefit, and then the issuance of a determination or prohibition decision. The procedures and decisions of this stage are administrative in nature, and disputes and contracts related to them fall within the jurisdiction of the administrative judiciary.

I.2.3.3.2. The second stage: The judicial stage

This stage involves expropriation and determining compensation for expropriation, and challenges to the procedures of this stage fall within the jurisdiction of the ordinary judiciary.

- Complex operations that fall within the jurisdiction of another authority, such as elections for the People's Council. In this regard, the Administrative Judiciary Court confirmed its lack of jurisdiction to adjudicate appeals against decisions announcing the results of the People's Council elections, as the People's Council itself has the authority to decide on the validity of its members' membership.
- Complex operations that do not fall within the jurisdiction of any authority whatsoever, such as sovereign acts. Neither the administrative judiciary nor the ordinary judiciary nor any other authority has jurisdiction over disputes related to them.

As a result, the French State Council has made every effort to reduce these acts as much as possible and to expand its oversight over them because the only avenue for oversight of these acts is political oversight exercised by Parliament.

Conclusion:

After considering everything presented in this article, we conclude that separable decisions are administrative decisions in the full sense of the word. They fit the definition of administrative decisions as they are issued solely by the administration with binding authority according to laws and regulations to create a specific legal effect by establishing a new legal status or by affecting existing legal statuses or even by revoking them entirely.

Sometimes, the judiciary rejects separating decisions and adheres to the unity of the legal process in cases where justice needs to be safeguarded or rights need to be ensured. Using this approach is undoubtedly an idea that serves the interests of litigants and promotes justice.

The judiciary has applied the concept of separable decisions in various fields before separating decisions related to a process that does not fall within the jurisdiction of the annulment judiciary but falls within the jurisdiction of the administrative judiciary, such as local council elections and general administrative contracting processes. Examples of such processes include private law contracts, expropriation for public benefit, labor disputes, which may fall within the jurisdiction of the administrative judiciary.

Even entire processes may fall outside the jurisdiction of all judicial authorities, such as emergency procedures, diplomatic relations, and military operations. In these latter cases, the judiciary separates decisions from those processes and extends its jurisdiction over them as in the case of annulment judiciary, although the processes associated with them are considered sovereign acts.

Administrative decisions that are subject to separation fall under the jurisdiction of the annulment judge, and they become final administrative decisions when the basis for appeal is the language of laws and regulations.

Sovereign acts, as complex processes, are not subject to judicial oversight in their entirety. However, ordinary administrative decisions that have been separated and appealed against are exempted from this. This represents a limit to the broad scope of this external theory on the principle of legality and the rule of law, which is consistent with legal trends advocating for the abolition or limitation of this theory, or the separation of previous decisions and appealing against them, as done by the Egyptian administrative judiciary, which explicitly supports the concept of separable administrative decisions.

Thus, the theory of connected and separable acts has been successfully applied in all areas of administrative work requiring the convergence of several administrative actions. It has been applied equally in private disputes for comprehensive judiciary, such as disputes related to administrative contracts, taxes, public service, and public works, as well as in disputes falling within the scope of annulment judiciary, such as disputes related to elections, governmental acts, and the implementation of ordinary judicial facilities.

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10. *However, for the successful application of this principle.* (s.d.). be aware of all the elements of the dispute in order to be able to broadcast the review before him and to be able to take and annul the decision that occurs as a result of the act.
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