

The Legal Framework for Distinguishing Professional Civil Companies from Similar Ones

الإطار القانوني لتمييز الشركات المدنية المهنية عما يشابهها

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Abstract:

This study aims to address the various concepts related to the professional civil company in detail, and try to avoid confusion and ambiguity that can fall in the researcher, in terms of the similarity of some concepts such as the association, the union and the company, especially in the national law. The results indicated that the company rules in the Commercial Code were derived from the general provisions of the Algerian Civil Code, which suggests the similarity and overlap between civil professional companies and commercial companies, as the civil professional company aims to practice professional civil work jointly.

Keywords: Civil Companies; Non-profit Purpose; Services; Discrimination; Professionalism.

الملخص:

تهدف الدراسة إلى التطرق لمختلف المفاهيم المتعلقة بالشركة المدنية المهنية بشكل مفصل، ومحاولة تفادي اللبس والإبهام الذي يمكن أن يقع فيه الباحث، من حيث تشابه بعض المفاهيم كالجمعية، النقابة والشركة خاصة في القانون الوطني. بحيث أشارت النتائج إلى أن قواعد الشركات في القانون التجاري استنبطت من الأحكام العامة الواردة ضمن قواعد القانون المدني الجزائري، مما يوحي بالتشابه والتداخل بين الشركات المدنية المهنية والشركات التجارية، فالشركة المدنية المهنية تهدف إلى ممارسة عمل مدني مهني بصورة مشتركة، كما أنها تقوم لغرض غير الحصول على ربح مادي بل تسعى إلى تحقيق أهداف محقة.

الكلمات المفتاحية: الشركات المدنية؛ غرض غير ربحي؛ خدمات؛ تمييز؛ مهنية.

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Introduction:

Research in professional civil companies in general is one of the topics that play an important role in the economic development as well as the development of the legal system in the country, as it is one of the professional systems that contribute to the stability and legal security of transactions in any society. the Civil Code allows, within the framework of article 416, the possibility of establishing a professional civil company and considers it a strategic step based on a forward-looking vision and a desire to provide distinguished services in the field in which it operates.

The importance of studying this topic is reflected in the demonstration of the establishment and functioning of professional civil companies as an effective tool in stabilizing the transactions of individuals, since it aims to spread the culture of civil companies and to promote their provisions because the Algerian legislature has not ruled on them. in addition, it has a legal personality independent of the personality of the partners, which gives it a longer continuity than the life of the individual, while the individual can die and end its path and the company remains and continues to operate even after the death of its founders, thus ensuring the continuity of the business and the preservation of the efforts of individuals in the long term.

It is also the means used by individuals in case they are unable to carry out the project they wish to do and contribute to the national economy through the work they do and the activities they practice.

In the light of the above, our problem with this issue is the question of: How to organize a civil professional company in Algerian law and what it entails? In other words, does the Algerian law cover all the practical and legal aspects of how to establish and operate professional civil companies?

To answer this question, we decided to use the descriptive analytical approach through the analysis of the content of legal texts and the various jurisprudence opinions on the subject of the study, in order to reach the results in the end, so that the study was divided into two main points, namely the concept of the civil company professional, distinguish these types of companies from similar terms.

I. THE DEFINITION OF A PROFESSIONAL CIVIL COMPANY

The definition of the concept of a professional civil company requires reliance on the general provisions of the company, however, reliance has

been placed on Islamic jurisprudence to define it as a language and a term, in addition to positive laws, especially Algerian legislation¹.

1.1. Definition of a Professional Civil Company

When speaking of a professional civil company, the term reflects a concept that combines linguistic and idiomatic aspects; from a linguistic point of view, a professional civil company refers to a joint formation of a group of individuals specialized in a specific professional field, working together to provide relevant professional services. In terms of terminology, the term refers to an independent legal entity consisting of a group of professionals, such as doctors, lawyers, or engineers. who participate in the provision of professional services jointly in accordance with specific standards and recognized professional laws. Therefore, we will first address the definition of a professional civil company in terms of language and its definition in terms of terminology.

1.1. Linguistic Definition

The company is the language of its origin (SRK) and the company is intended to be in contact, and the partner is the participant and is the entrant with others in his work and the partner gathering partners or involvement. It is a thing between two or more to do a joint action.

We are not unique to one of them, we say the sharing of the matter: Mixed and confused and the company is called that because the money of the partners is mixed.

It is said that Vlana participated in the thing if she became his partner and we are said to share a sense of sharing it, and a civil company is also defined as a civil company with an independent legal personality, founded by a person (Or more) those who are legally licensed to engage in one (or more) free trade with others, the purpose of which is the exercise of those professions². "And share it with him,"he³ said. "And many of the people of the Mihilahlafah will turn against each other, except those who believe and do good deeds, and few are they⁴, ۞ David, but he turned him away, and he asked his Lord to forgive, and he was well-submissive and beheaded."

¹ Asmaa Hussein, *The Legal System of the Civil Company (A Comparative Study)*, PhD, Specialization in Basic Civil Law, Faculty of Law and Political Science, University of Mostaganem, 2021-2022, p. 16.

² Muhammad Ahmad Mahmoud Ammarah, *Professional Companies and the Organization of Their Work in the Palestinian Territories According to the Palestinian Companies Law*, *Al-Basair Journal for Legal and Economic Studies*, Faculty of Law, Al-Quds University, Vol. 3, No. 1, 2021, p. 85.

³ Holy Quran, Surah Taha, Verse (32).

⁴ Holy Quran, Surah S, Verse (24).

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"The mixers mean the partners as the company has been mentioned in a meaning other than mixing, which is the launch of the company's own contract, because it is the cause of confusion if the contract company is said to be a contract between two or more to carry out joint work¹.

1.2. Definition of Term

The Hanbalah jurists defined the company as meeting in a benefit or disposition, and it appears from this definition that the company has two parts, namely the company in maturity, and the company in disposition.

The owners of the property knew that it was permissible to dispose of them with themselves, that is, to allow each of the partners to authorize his owner to dispose of their property while remaining the right to dispose of each of them.²

Professional civil companies: These are the institutions that sponsor the work carried out by self-employed persons whose work is carried out by a natural person who works in a toxic activity of a civilian nature independently, providing the public with various medical or legal services or expertise, despite the diversity of the definition of self-employment. the professional activity of the owner is civil work and this distinguishes it from commercial and industrial activities based on professionalism and speculation in pursuit of profits, and some of the jurists believe that these professions are characterized by independence and not the search for profit.³

1.2. Other Definitions of a Professional Civil Company

Since a civil company does not have a specific legal definition that distinguishes it from other types of companies, reliance on general provisions becomes necessary to understand them, which means that when speaking of a civil company, one should consider the general principles and principles that apply to all forms of civil companies and that may be common with other companies.

This approach helps to understand the nature of civil companies and their role in the economy and society, even in the absence of a specific legal definition.

2.1. Legal Definition of a Professional Civil Company

The increasing interest in companies in the Civil Code and is regulated in Title IX under the title "Contracts relating to ownership"

¹ Hussein Asmaa, op. cit., p. 18.

² Ibid., p. 19.

³ Muhammad Ahmad Mahmoud Ammarah, op. cit., p. 85.

chapter III of which is entitled "Company Contract", contained in article 416 of the Algerian Civil Code¹ and beyond. The company deals in terms of being a contract, defining its elements and how to manage the consequences of its establishment, its expiry and liquidation. these are general legal provisions and rules which may be referred to in the absence of a specific provision. the French legislator deals with the provisions of the company in Title IX of the Civil Code, which are set forth in articles 1832 et seq.²

The Algerian legislator defines the company in the text of article 416 of the Algerian Civil Code, and it is noted that the legislator has incorporated amendments in the text of article 416 of the Civil Code 1988.³

After the amendment of article 416 of the Algerian Civil Code in 1988, the text read:" a company is a contract under which two or more natural or legal persons are obliged to contribute to a joint activity by providing a share of work or cash. for the purpose of profit-sharing that may produce or achieve an economy or achieve an economic objective of common benefit.

They also bear the losses that may result from this.⁴

It should be noted that the subject of the amendment relates, on the one hand, to the definition of the nature of the person "natural or legal" after it was limited to the term person, but this amendment has no effect because the subjects of law to which he addresses are the natural person or legal person concerned and not their third person.⁵

Some legislation includes a separate definition of civil companies in their own laws. as the Syrian legislator defined in article 6 of the Companies Law, "Civil companies are companies established between partners with competence and intellectual professions or whose subject matter is civil and subject to the provisions of the Civil Law and the provisions of their laws, contracts and internal regulations."⁶

Similarly, the Palestinian legislator, who referred to the definition of a civil company in the first article of the Civil Companies Law, as " a company

¹ Article 416 of Order No. 75-58 of 26 September 1975, containing the Civil Code as amended by Law No. 88-14 of 5 March 1988, C, No. 18, p. 22.

² Asmaa Hussein, op. cit., p. 22.

³ Article 416 of the Q states: M. C issued pursuant to the aforementioned Order 75-58 on: "A company is a contract whereby two or more persons are obligated, each of them contributing to a financial project, to provide a share of money or work, provided that they share any profit or loss that may arise from this project..."

⁴ Article 416 of the Algerian Civil Code.

⁵ This can be deduced from the theory of right, which states that the holders of right are only natural or legal persons. In this regard, Articles 40, 49 and following Algerian Civil Code.

⁶ Haitham Al-Tas (2016), Civil Companies (Syrian Legislation), www.arab-ency.com, date of consultation 03/01/2026 at 17:15.

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established between partners with integrated or similar professional competence."¹

2.2. Judicial and jurisprudential definition of a professional civil company

We are not interested in investigating the Algerian judicial fields, especially since the Algerian judicial bodies did not attach importance to the issue, which calls for the guidance of comparative judicial decisions, including a decision of the Lebanese Civil Court of Cassation, which defined the civil company as: "a contract under which two or more persons agree to put something in the subscription in order to share the profits that may be achieved through the implementation of the object to be established" , but what is noted in this definition is the use of general terms that do not indicate the specificity of the civil company, which undoubtedly requires a return to the doctrinal positions in this regard.²

The company in terms of general rules is in the view of Mr. Al-Faqih Abdul Razzaq Ahmed Al-Sanhouri, "a named contract and therefore requires the participation of two or more persons, in which each of the partners contributes a share in the capital of the company with the intention of participating and cooperating by accepting certain risks and with the contribution of each partner in the profits and losses."³

However, a professional civil company does not seek to make a profit but to achieve a particular purpose.

Given the special nature of this contract, Al-Sanhouri asserted that more than one person must participate in the company, as any other contract. However, the company differs from other contracts, such as sale and lease, in that the parties to the contract, i.e. the partners, have their interests after the formation of the company as a United, not conflicting, and a company that is an organized agreement that creates a regulated legal status and is closer to the law than to the contract, which applies to third parties as well. The interests of the partners in the company are not conflicted⁴, but they all have a common purpose, so we find most researchers went to the fact that

¹ Lubna Duraid, Wahiba Bakour, Civil Company, Master's Degree, Business Law Specialization, Faculty of Law and Political Science, Sheikh Larbi Tebessi University - Tebessa, 2017-2018, p. 16.

² Ibid.

³ Abdelrazzak Ahmad Al-Sanhouri, The Mediator in Explaining the New Civil Law, Contracts on Ownership: Gifts, Partnerships, Loans, Permanent Income, and Reconciliation, Fifth Part, New Third Edition, Dar Al-Nahda, Egypt, 2011, p. 219.

⁴ Ibid., p. 220.

the company is meant to involve two or more people in doing a certain work.

In addition, in order to be in the case of a professional civil company, two basic conditions are required: That we are in the process of contracting a company and that the subject of the company, that is, the activity that was established for the purpose of its civil exercise, in addition to not taking any of the forms of commercial companies provided for by law. in light of the legislative absence of the definition of a civil company, jurisprudence enters to fill the void, and this is for the main reason that the doctrinal definition of a civil company, is not complete except by finding legal texts, each text complements the other.¹

II. DISTINGUISH THE PROFESSIONAL CIVIL COMPANY FROM THE SIMILAR

After defining the civil company, we address in this requirement to distinguish this company from other companies and similar legal terms, and some legal centers may intersect with the civil company in many features and provisions, which makes the issue of adaptation difficult unless the legal paradoxes are resolved². to distinguish the professional civil company from other similar terms and distinguish it from the legal situations, namely commercial companies.

II.1. Distinguishing the Civil Professional Company from Other Similar Terms

The distinction between a civil company and organized legal entities and collective entities is different, and many social and economic reasons have led to its emergence. Therefore, we will talk about distinguishing a professional civil company from an association first, distinguishing this company from an institution second, and distinguishing it from unions third.

1.1. Distinguishing a Civil Professional Company from an Association

Associations have different and varied definitions. Researcher Sayed Ali Fadili defined them as: "Associations are any group with continuous organization for a specific or unspecified period, consisting of natural or legal persons for a purpose other than obtaining financial profit."³

¹ Asmaa Hussein, op. cit., p. 29.

² Lubna Duraïd, Wahiba Bakour, op. cit., p. 17.

³ Fadeli Sayed Ali, The System of Action of Associations in Algerian Legislation, Master's Thesis, Constitutional Law Specialization, Faculty of Law, Mohamed Kheider University - Biskra, 2008-2009, p. 8.

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Law No. 12-06 defined it as follows: "In the concept of this law, an association is considered to bring together natural and/or legal persons on a contractual basis for a specific or indefinite period."

These people participate in harnessing their knowledge and means voluntarily and for an unprofitable purpose in order to promote and encourage activities, especially in the professional, social, scientific, religious, educational, cultural, sports, environmental, charitable and humanitarian fields, and in various fields in which civil society contributes to its environment."¹

Both civil companies and associations are similar in that they consist of natural or legal persons, both of whom enjoy legal personality and financial independence, but their purpose and subject matter are different.²

Professor Hussein Melhem defined it as: "An agreement whereby more than two individuals permanently place their knowledge or activity at the service of a goal other than achieving benefit or material profit."³

They are also defined as: "effective and organized social formations that seek, on voluntary and non-profit grounds, to achieve general goals for a group that adopts methods of good governance within legal frameworks that guarantee transparency and freedom of formation."⁴

While the civil company achieves purposes that bring it financial profit, the most important of these civil works are works related to real estate, agricultural crops, mines, land contracting, and artistic, scientific, and sports works if they are intended to achieve financial profit.

The civil company aims to achieve exploitation and obtain profit and distribute it to partners, unlike the association, which does not seek profit, but rather aims to achieve a social, professional or scientific purpose, which is called the legal subject, while the association's purposes range from purely charitable purposes to utilitarian purposes that benefit its members, but this benefit is not a material profit. This means that the association does not seek to make a profit or bear a loss.

¹ Law No. 12-06, dated 18 Safar 1433, relating to associations, Official Gazette, No. 02, dated 15 January 2012, p. 34.

² Asmaa Hussein, *op. cit.*, p. 30.

³ Ben Nasser Boutayeb, *The Legal System of Associations in Algeria, a Critical Reading in Light of Law 12/06*, Journal of Political and Legal Notebooks, University of Kasdi Merbah, Ouargla, No. 10, 2014, p. 254.

⁴ Fadeli Sayed Ali, *op. cit.*, p. 9.

1.2. Distinguishing a Civil Company from an Institution

The concept of an institution overlaps with the concept of a civil company due to the multiplicity of concepts surrounding the institution. Some consider it a source of profit, while others may consider it a source of livelihood. From this perspective, the objectives pursued by the institution are determined, with the latter employing between 1 and 250 people, as the definitions given to it vary.

Al-Sanhouri defined it as "a legal person established by allocating money for an indefinite period, for a humanitarian, religious, scientific, artistic, or sporting purpose, or for any act of righteousness or public benefit, without intending to achieve material profit."¹

There are those who define the institution as "a gradual human gathering that uses intellectual, material and financial means to extract, transform, transport and distribute goods or services according to objectives specified² by the directorate, relying on the incentives of profit and social benefit to varying degrees."

As defined by Law No. 17-02 in Article 5, a small and medium-sized enterprise, regardless of its legal nature as an enterprise producing goods and/or services, whose annual turnover does not exceed four million dinars or whose total annual revenue does not exceed one billion dinars, meets the criteria for independence for each enterprise³.

Dr. Ismail Arabaji also defined it as "all forms of financially independent economic organizations, whose goal is to provide production for the purpose of marketing, and it is organized and equipped in a way that distributes tasks and responsibilities, and it can be defined as an economic unit in which the human and material resources necessary for economic production are collected"⁴.

The Algerian legislator defined it in the Competition Law as "any natural or legal person, regardless of his nature, who permanently carries out the activity of production, distribution, services or import."⁵

¹ Abdelrazzak Ahmad Al-Sanhouri, op.cit., pp. 232-233.

² Asmaa Hussein, op.cit., p. 33.

³ Article 5 of Law No. 17-02 dated 11 Rabi' al-Thani 1438 corresponding to 10 January 2017, containing the Directive Law for the Development of Small and Medium Enterprises, Official Gazette No. 02.

⁴ Abdel Karim Shekhawi, Khayra Lubna Ben Qaddour, The Problem of Improving Services in Economic Institutions, Master's Degree, Specialization in Services Marketing, Faculty of Economic, Commercial and Management Sciences, Ibn Khaldoun University, Tiaret, 2021-2022, p. 7.

⁵ Hilal Derhamoun, Analytical Accounting is an information system to manage and assist in decision-making in the economic institution (a comparative study), Doctoral Thesis in Economic Sciences, Faculty of Economic Sciences and Management Sciences, Youssef Ben Khedda University - Algiers, 2004-2005, p. 11.

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It can be said that an institution has an independent legal personality, just like a civil company. The institution also has the ability to produce or perform the function for which it was determined. Its objectives are specific and defined. They can be economic objectives, cultural objectives, sports objectives, or technological objectives as well, unlike a civil company, which aims to achieve profit, regardless of whether its civil activity is limited in purpose¹.

1.3. Distinguishing the Civil Company from Unions

A union is defined as a permanent collective organization of workers. It differs from a conglomerate in that it is a voluntary organization composed of individuals who assume a permanent position. It aims to serve their interests and work to raise their financial, intellectual, and professional level. It also works to improve the conditions and terms of their work.

The union, in short, is a group of elements that represent a symbolic category of society (employees, teachers, lawyers...) They meet to achieve common goals and interests that serve this group, and each union has an internal system that governs it and defines its goals and the rights and duties of its members².

The union is also a group, each of which includes members of the same profession who join a union to defend the interests of this profession, organize work in it, and seek to reform its affairs, such as the Bar Association, the Doctors Association, the Engineers Association, and others. Each union is regulated by a special law, and the most important unions from an economic and political perspective are the workers' unions³.

Abdul Hamid Rashwan also defined it as: "The union differs from its environment, nature and function according to the social, political and economic system of society...It is a permanent body, group or organization of workers⁴.

It is also known as a permanent, free body with a legal personality that enjoys administrative and financial independence. It is formed by workers regardless of their customs, values, knowledge, and orientations, due to the

¹ Hussein Asmaa, Provisions for Establishing a Civil Company (Comparative Study), op. cit., p. 42.

² Ahmed Wajee, Abdel Ghaffar Baba Ahmed, Union work in Algeria between legitimacy and integrity and its impact on achieving social gains for workers, Master's degree, specializing in work and organization, Faculty of Social Humanities and Islamic Sciences, Ahmed Deraya University - Adrar, 2021-2022, p. 9.

³ Abdelrazzak Ahmad Al-Sanhouri, op. cit., p. 232.

⁴ Ahmed Wajee, Abdel Ghaffar Baba Ahmed, op. cit., p. 8.

interconnectedness of their interests. It aims to protect workers, improve their working conditions, and meet their needs¹.

The union also works for a purpose other than obtaining financial profit, but rather seeks to achieve certain goals, the most important of which is defending the moral and material interests of workers.

II.2. Criteria for Distinguishing a Civil Documentation Company from a Commercial Company

The distinction between a civil company and a commercial company is important for the distinction between a merchant and a non-merchant. It is also necessary to establish a criterion for distinguishing between a civil company subject to the provisions of the Civil Code and commercial companies subject to the provisions of the Commercial Code. The criterion for distinguishing may be objective, represented by the purpose of the company as determined by its articles of association, or it may be formal, embodied in the legal form that the company takes for itself ².

2.1. Objective Standard

The main distinction between civil and commercial companies according to this standard lies in the purpose or subject of the company. A company is considered commercial if its purpose is commercial, but if the purpose is civil, the company acquires civil status.

The purpose is commercial whenever the subject of the company is to carry out commercial work, such as buying for the sake of selling, banking operations, transportation of various types, insurance, and industry...Etc., and it is civil whenever the subject of the company is carrying out civil work such as agricultural exploitation and liberal professions...etc.

However, what is criticized on this standard is that it involves many complications, as it is ultimately based on the idea of commercial work, this ambiguous idea that jurisprudence has been unable to establish a control for because it is based on another idea, which is the idea of the merchant, which makes us revolve in a vicious circle, as commercial work cannot be defined except by the idea of the merchant, which in turn depends on the idea of commercial work³

¹ Hoda Darnouni, The Role of the Union in Consolidating Organizational Values, Journal of Humanities and Social Sciences, Mohamed Khider University, Biskra, Algeria, No. 27, December 2016, p. 99.

² Muhammad Farid Al-Arini, Commercial Companies, New University House, Alexandria, 2010, p. 12.

³ Ibid., pp. 13-14.

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2.2. Formal Standard

According to this criterion, the distinction between the two types of companies does not depend on the purpose for which they were established, but rather on the legal form that the company accepts for itself. The French legislator has taken this criterion since the enactment of the Companies Law when it stipulated in the second paragraph of its first article that a company acquires commercial status whenever it takes the form of a solidarity company, a simple recommendation, a joint stock company, a recommendation for shares, or a limited liability company.

The Egyptian legislator explicitly adopted this standard when it stipulated in the second paragraph of Article Ten of the new Trade Law that every company that takes one of the forms stipulated in the laws related to companies must be a merchant, regardless of the purpose for which it was established¹.

Distinguishing between a civil company and a civil company has undeniable importance, which is evident in the following matters:

- a)** Non-civil commercial companies are bound, as a public asset, by the obligations arising from acquiring the status of a merchant, such as registration in the commercial register and commercial bookkeeping, and they do not enjoy legal personality except from the date of their registration in the commercial register, commercial bookkeeping
- b)** The month of bankruptcy is limited to commercial companies alone if they stop paying their debts, and they alone may request a settlement to protect against bankruptcy. The civil company is subject to a less harsh insolvency system.
- c)** The law does not require monthly procedures for civil companies, unlike the case for commercial companies, except for the joint-stock company, as these procedures are obligatory or else they will be invalidated.
- d)** The basic principle is that partners in civil companies are not jointly liable for the company's debts unless there is an agreement to the contrary, but they are personally liable for them. As for commercial companies, the matter varies according to the type of company and the partner's position within it.
- e)** The right of creditors to claim from partners in commercial companies is forfeited by the five-year statute of limitations, while in civil companies the right of creditors is subject to the long statute of limitations, which lasts fifteen years².

¹ Ibid., p. 12.

² Ibid., p. 13-14.

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Civil companies are based on personal consideration, and therefore the partner in them is prohibited from relinquishing his share except with the approval of the remaining partners. In this case, the relinquishment results in accordance with the civil transfer procedures, and it also ends with the death, guardianship, insolvency, or bankruptcy of one of the partners.

As for commercial companies, some of them are based on personal consideration, such as solidarity and recommendation companies, and these types are similar to civil companies. Others are based on financial consideration so that personal emergencies do not affect them, such as joint stock companies¹.

The civil company aims for profit, just like the commercial company. Thus, both differ from the association. The civil company also enjoys legal personality, although the judiciary in the past considered it devoid of legal personality, unlike the commercial company. This is embodied in a ruling cited by Professor Ahmed Al-Wraflī, which states: Personal agreements must be within the general framework specified by law. Therefore, the partners' agreement to consider the civil company as having a legal personality is inconsistent with the principles of public law².

Conclusion:

Through the study we have discussed about the legal system of the professional civil company and its special provisions, as it contributes significantly to the economy of countries through a variety of modern and advanced civil activities, as this company is established under a contract, and the company is considered a legal person once it is formed, and it should be subject to the general conditions for the validity of contracts and the special conditions. It also includes activities in the fields of agriculture, crafts, handicraft development, and liberal professions such as law, documentation, medicine, and others. It also works to promote economic diversification, increase production, and provide job opportunities.

The Algerian Civil Code stipulates general provisions that apply to companies in general, starting from Article 416 of the Civil Code until Article 449 of the Civil Code. It should also be noted that the articles regulating the company contract have generally only been amended by one article, which is Article 416 of the Civil Code, pursuant to Law 88/14. The reason for this appears to be that they contain general provisions that apply primarily to civil companies. In the absence of specific legislation in

¹ Lubna Duraid, Wahiba Bakour, op. cit., p. 23.

² Ibid., p. 24.

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commercial law, civil law applies to commercial companies. However, various legal texts indicate the possibility of establishing civil companies that may primarily aim to engage in non-commercial activities or in non-commercial forms.

One of the advantages of a professional civil company is that it is based on personal consideration, which gives importance to the partner in the responsibility he directs.

Create a spirit of cooperation between individuals by establishing a company that must consist of at least two partners.

The multiplicity of pillars and conditions in a professional civil company and their inadequacy only for the general pillars...

Partners are free to appoint who will manage the company, either by agreement in the articles of association or by an agreement subsequent to the articles of association.

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d) Internet websites:

– Haitham Al-Tas (2016), Civil Companies (Syrian Legislation), www.arab-ency.com, date of consultation: 03/01/2026 at 17:15.

e) Legal texts:

– Order No. 75-58 of 26 September 1975, containing the Civil Code as amended by Law No. 88-14 of 5 March 1988, C, No. 18.

– Law No. 12-06, dated 18 Safar 1433, relating to associations, Official Gazette, No. 02, dated 15 January 2012.

– Law No. 17-02 dated 11 Rabi' al-Thani 1438 corresponding to 10 January 2017, containing the Directive Law for the Development of Small and Medium Enterprises, Official Gazette No. 02.