

The Non-Existent Administrative Act: Between Ex Officio Administrative Self-Rectification and Judicial Oversight

القرار الإداري المنعدم بين التصحيح الإداري الذاتي والرقابة القضائية

Senoussaoui somia *, Faculty of Law, University of Algiers 1

s.senoussaoui@univ-alger.dz

Received: 29/02 /2026

Accepted: 01/05/2026

Published: 31/05 /2026

Abstract:

This article examines the notion of the non-existent administrative decision within a legal framework that foregrounds its specificity as a heightened configuration of illegality. In this context, it scrutinizes—through both administrative and judicial lenses—the mechanisms devised to rectify the legal situations engendered by this category of unlawful administrative conduct. Confronting the non-existent administrative decision necessitates a functional interpenetration of two principal mechanisms. The first is administrative self-correction *ex officio*, regarded as a manifestation of the administration’s adherence to the principle of legality and its competence to efface the effects of its unlawful acts on its own initiative. The second is judicial review, which assumes a decisive role in resisting such acts—whether through administrative summary proceedings (urgent relief) or within the framework of adjudication on the merits.

Key words: Non-existent administrative decision; withdrawal (retraction); annulment; administrative urgency/summary proceedings; action for annulment; action for compensation.

Introduction:

The administrative decision constitutes one of the most salient manifestations of administrative activity. By its very nature, it is presumed to be issued in conformity with the requirements of legality and to satisfy its constituent legal elements. Yet, this presumption does not preclude the occasional issuance of administrative measures that *appear* to meet the formal attributes of an administrative decision, while in fact deviating gravely from those foundations—so drastically that the act forfeits its legal essentials, notwithstanding its persistence as an external semblance.

The phenomenon of the non-existent administrative decision emerges as a consequence of the administration’s egregious breach of rules governing subject-matter jurisdiction, thereby raising a pivotal

inquiry as to the fate of such an act and the limits of reliance upon it. Its distinctiveness lies in the delicate legal tension it produces: reconciling the imperatives of legality, on the one hand, with the exigencies of transactional stability, on the other. Hence, addressing this category of defective decisions cannot be confined to mere legal characterization; rather, it extends to identifying the most appropriate mechanisms for confronting it, determining the authority that bears the burden of doing so, and delineating the respective boundaries of administrative and judicial intervention in this domain.

Accordingly, the non-existent administrative decision remains among the unresolved *problématiques* of administrative law, as a subject at the intersection of administrative

* Corresponding Author

“The Non-Existent Administrative Act: Between Ex Officio Administrative Self-Rectification and Judicial Oversight”

competences and those of the administrative judiciary, where legal considerations intertwine with practical constraints. On this basis, the research problem is articulated as follows: What are the limits of complementarity between judicial review and administrative self-correction as two mechanisms for confronting the non-existent administrative decision?

To answer this question, the study proceeds along two main axes: (1) the non-existent administrative decision between the absence of legal character and the limits of administrative self-correction; (2) the judicial approach to reviewing the non-existent administrative decision.

1- The Non-Existent Administrative Act Between the Absence of Legal Character and the Limits of Administrative Self-Rectification

The peculiar nature of the non-existent administrative act renders it necessary to probe its conceptual contours in order to determine the extent of the administration’s authority to confront it—particularly with regard to the possibility of ex officio self-rectification prior to resorting to judicial oversight.

1.1. The Non-Existent Administrative Act Between Material Existence and Legal Absence

The non-existent administrative act embodies an exceptional juridical paradox: factually, it appears to exist, to have been issued by the administration, and to be attributable thereto; yet normatively, it is devoid of the conditions of valid legal existence, by reason of a gross and manifest defect that vitiates it.

1.1.1. The Legal Nature of the Non-Existent Administrative Act

The non-existent decision is defined as: *“that decision which has been affected by a grave illegality that deprives it of the very character of a decision, reducing it to a mere material act, enjoying none of the immunities ordinarily attached to administrative decisions”*¹.

It is also defined as: *“the sanction consequent upon the absence of an essential element of a legal act—an element without which the act cannot even be conceived as existing—such that the absence of this element causes the act to descend to the level of non-existence; it is not susceptible to validation or rectification, nor does it become time-barred, in addition to the right of any person with an interest to refuse to recognize it and to decline its enforcement ex officio”*².

From the foregoing, it becomes apparent that the non-existent administrative act constitutes one of the most perilous manifestations of illegality, inasmuch as it produces no legal effects ab initio, and collapses into a mere material act devoid of any juridical immunity. The infringement arising from the execution of such an act is not a simple formal irregularity; rather, it amounts to a flagrant assault upon the individual’s legal position, because the defect is both apparent and of such gravity as to strip the act of the very denomination of “administrative decision.” A fundamental consequence follows: its enforcement is impermissible, it enjoys no protection whatsoever, and every interested party is entitled to disregard it.

1.2.1. Instances Giving Rise to Inexistence in the Administrative Act

Generally, a distinction is drawn between two types of inexistence:

1.2.1.1. True (Material) Inexistence

This refers to the absolute lack of material existence of the administrative act—neither in appearance nor in substance. In this sense, the decision has never been issued; its existence is merely imagined due to an administrative error, as when the administration notifies the person concerned of a decision that does not in fact exist. The illusion may also arise without administrative fault, for example when the individual mistakenly believes that a preparatory measure constitutes an administrative decision. In such circumstances, should the administration proceed to “enforce” this supposed decision, its conduct is characterized as a form of material usurpation / administrative trespass (voie de fait)³.

The Non-Existent Administrative Act: Between Ex Officio Administrative Self-Rectification and Judicial Oversight

2.2.1.1. Constructive (Juridical) Inexistence

This situation materializes where the administrative act is tainted by a gross illegality among the various defects of legality. The blatant and manifest defect affecting the administrative act compels its treatment as non-existent, notwithstanding its outward existence; hence this inexistence is merely juridical, i.e., it exists “only” from a legal standpoint. In this vein, constructive inexistence may be understood as a judicially deployed “sanction” when the existing act violates legal rules with such egregious seriousness that it becomes necessary to reject any attempt to confer immunity upon it solely by the lapse of annulment time-limits⁴.

In this case, the administrative act is deemed non-existent if it emanates from a person who possesses no legal authority whatsoever to issue it—because the act lies outside the sphere of administrative function—whether the author is an ordinary private person with no connection to the administration, or a person who previously held public office but has ceased to do so for any reason (resignation, retirement, dismissal, etc.)⁵. In such instances, the defect deprives the act of the constituents of legal existence. Likewise, the act is considered non-existent if, by virtue of it, the administration encroaches upon the competences of the legislative or judicial authority—what is commonly designated as usurpation of power.

2.1. The Scope of Administrative Self-Rectification of the Non-Existent Administrative Act

Administrative self-rectification constitutes an internal mechanism of administrative control exercised by the administration over its own acts in order to comply with the principle of legality and to remedy defects—particularly severe ones—that may afflict administrative decisions. This role becomes especially pressing in relation to the non-existent administrative act, which lacks the conditions of legal existence⁶. However, the administration’s activation of its self-review prerogatives raises the question of scope and limits: how far may it go in terminating such acts and erasing their effects?

2.1.1. Withdrawal as a Modality of Administrative Self-Control Over the Non-Existent Act

As a general principle, lawful individual administrative decisions may not be withdrawn, since the retroactive extension of withdrawal effects would impair vested rights and contravene the principle of non-retroactivity of administrative decisions. By contrast, unlawful decisions—tainted by any defect of legality—may, and indeed should, be withdrawn by the administration so long as they remain judicially vulnerable to annulment, thereby avoiding litigation. Withdrawal resembles judicial annulment in its effects, insofar as it results in the eradication of the decision and the termination of all its legal effects from the date of its issuance⁷.

2.1.1.1. The Administration’s Power to Withdraw an Administrative Decision Pursuant to Self-Review

The withdrawal of defective decisions is a manifestation of administrative self-review over legality, whether the defect is external (competence, form, procedure) or internal (cause, purpose, content). Withdrawal signifies the extinguishment and nullification of the decision’s legal effects for both the past and the future⁸. The competence to withdraw is vested in the competent supervisory (tutelle) authority or hierarchical authority.

The demands of stability of legal situations require restricting withdrawal to a specific period; once that period lapses, unlawful administrative decisions become immunized. Such restriction reconciles, on the one hand, the duty to eliminate unlawful situations and, on the other hand, the necessity of not suspending legal situations indefinitely⁹. Judicial practice has tended to link withdrawal to the time-limit for filing an annulment action: since annulment proceedings are themselves time-barred from the date the decision takes effect, it is consistent to restrict withdrawal for the same reason and within the same time-frame. Where the decision is no longer exposed to judicial challenge by the expiry of the time-limit, the administration is similarly barred from

The Non-Existent Administrative Act: Between Ex Officio Administrative Self-Rectification and Judicial Oversight

revisiting it by withdrawal; the act is then treated as legally secure, and the legal situations arising from it stabilize vis-à-vis both the administration and individuals¹⁰.

An exception to this general rule is admitted where time-limits do not apply—most notably in respect of non-existent administrative acts, which fall outside the temporal immunization applicable to ordinary administrative decisions. The non-existent act does not acquire the character of an administrative decision from the outset and does not generate valid legal effects; consequently, its withdrawal is not subject to the time-limits governing annulment actions nor to considerations of stabilization, since stability presupposes the soundness of legal situations. Therefore, the administration may withdraw a non-existent act ex officio whenever its inexistence becomes apparent, without being bound by any time-limit.

2.2.1.1. The Administration's Power to Withdraw the Non-Existent Administrative Act Following an Administrative Grievance

The administrative grievance is a non-judicial procedure provided for by the Code of Civil and Administrative Procedure, intended to settle administrative disputes amicably prior to recourse to courts¹¹. It may be defined as a legal means afforded to the complainant to confront administrative decisions believed to be unlawful, requesting that the administration reconsider the decision that harmed the complainant's legal position—by withdrawing or amending it¹². It has also been defined as a petition submitted by an interested party to the issuing administrative authority seeking total or partial reversal of its decision for lack of legality before initiating judicial proceedings¹³.

The grievance thus constitutes a legal avenue enabling the administration to exercise self-rectification upon the request of the aggrieved party, taking whatever measures, it deems appropriate—especially where the matter concerns a non-existent act, in which case administrative intervention becomes, in substance, compulsory to address an unlawful situation produced by that act.

Accordingly, the grievance here operates as an effective instrument allowing the administration to withdraw the act once its inexistence is established on any of the grounds leading thereto. Moreover, the complainant may submit the grievance even outside statutory time-limits, since a non-existent administrative act does not become immunized by the lapse of time.

2.2.1. Limits of the Administration's Power of Administrative Repeal (Abrogation) with Respect to the Non-Existent Act

Administrative repeal (abrogation) means terminating the legal effects of an administrative decision only for the future. It is governed by non-retroactivity and by respect for vested rights, which secure a minimum threshold of legal certainty; thus, the decision remains effective as regards the legal effects it produced between its issuance and its abrogation. This differs from judicial annulment, since annulment by the judge renders the decision devoid of legal effect since its issuance, thereby resembling withdrawal¹⁴.

Administrative abrogation may extend to the whole decision or only to a severable part; it may be express or implied, inferred from the issuance of a new decision whose provisions conflict with those of the prior decision, entailing the cessation of the latter's effects for the future. However, the administration's power of abrogation reaches its limit at the threshold of inexistence. Abrogation presupposes a decision that exists legally—even if unlawful—producing effects until its prospective termination; whereas the non-existent act lacks the constituents of legal existence and the very description of “administrative decision” from the outset due to the gross defect affecting an essential element. This renders administrative abrogation inapplicable¹⁵.

Furthermore, the rationale of abrogation—prospectively ending legal effects in order to protect transactional stability and vested rights—has no purchase against a non-existent act, which collapses into a mere material act that does not create protectable legal situations.

2. The Judicial Approach to Reviewing the Non-Existent Administrative Act

The very nature of the non-existent administrative act, which demotes it from the status of a juridical act to that of a mere material operation, compels the intervention of the administrative judiciary as the institutional guarantor of the principle of legality and of its effective implementation. Within this perspective, judicial review materializes either through the urgent-applications judge (juge des référés / summary judge) or through the judge ruling on the merits¹⁶.

1.2. The Urgent Judge's Confrontation of the Non-Existent Administrative Act as a Form of *Voie de fait* (Material Trespass)

Paragraph 2 of Article 921 of the Code of Civil and Administrative Procedure provides as follows: "In cases of trespass (*taddī*), seizure (*istilā*'), or administrative closure, the urgent judge may also order the suspension of execution of the challenged administrative decision, or bring the trespass to an end"¹⁷.

This provision reflects the legislature's conferral of specific powers upon the urgent judge to address situations entailing a serious and immediate impairment of rights and freedoms. In this context, the non-existent administrative act is subsumed under situations of material trespass (*voie de fait*), since it produces a direct assault upon individuals' legal positions—thereby justifying urgent judicial intervention to stay its effects or to terminate the trespass constituted by its implementation¹⁸.

1.1.2. Putting an End to the State of Trespass Resulting from the Non-Existent Administrative Act

The doctrine of material trespass (*voie de fait*) is designed to impose a sanction upon certain administrative conducts tainted by defects of exceptional gravity—defects that affect property rights or fundamental freedoms, particularly where the impugned measure takes the form of a non-existent administrative act¹⁹.

1.1.1.2. Definition of Material Trespass (*Voie de fait*)

Material trespass has been defined as:

- "a particularly grave act emanating from the administration, by which a fundamental right or private property is infringed";
- "a situation of material assault arising when the administration, in the course of carrying out a concrete executive operation, commits a gross illegality affecting property or a public freedom";
- "any administrative conduct vitiated by a gross illegality that infringes property or a fundamental freedom."

2.1.1.2. Conditions for Material Trespass Arising from a Non-Existent Administrative Act

For a situation to qualify as material trespass, three essential conditions must converge in the administration's conduct:

2.1.1.2.1. The Conduct Must Take the Form of a Material Executive Operation

To qualify as trespass, there must exist a material act of execution. The mere issuance of an administrative decision, as such, does not constitute trespass. Administrative decisions—even when non-existent—are not in themselves material assaults unless the administration moves beyond issuance into actual execution, or at least attempted execution, thereby triggering the material infringement.

2.1.1.2.2. The Conduct Must Be Tainted by a Gross Illegality

For the administrative act to constitute trespass, it must be marked by a manifest and exceptionally serious violation of law. Such gravity is epitomized by the non-existent administrative act, and it is crystallized when that act is executed or when execution is threatened,

The Non-Existent Administrative Act: Between Ex Officio Administrative Self-Rectification and Judicial Oversight

since the illegality then becomes apparent, flagrant, and of an intensity sufficient to justify the characterization of trespass.

2.1.1.2.3. There Must Be an Infringement of Property or a Fundamental Freedom

The third condition is that the administration's conduct involves a grave encroachment that exceeds the limits of its powers and results in an infringement either of private property or of a fundamental freedom—whether the property is immovable or movable being immaterial.

2.1.2. Powers of the Urgent Judge in Cases of Material Trespass

The administrative urgent judge enjoys broad powers in cases of trespass arising from a non-existent administrative act. Pursuant to Article 921, the judge may order a temporary suspension of execution pending a determination of legality²⁰. More than that, the judge may issue direct injunctive orders to the administration, because administrative conduct amounting to trespass is deemed to lose its “administrative” juridical character, thus legitimating judicial intervention to halt it and to restore the situation to its prior state.

2.2. The Role of the Administrative Judge in Confronting the Non-Existent Administrative Act Between the Action for Annulment and the Action for Compensation

Administrative judicial control over the non-existent administrative act rests on the complementarity between the action for annulment and the action for compensation. The annulment action is the instrument by which legality is scrutinized and effects are neutralized; the compensation action aims to repair the harm generated by the unlawful act.

1.2.2. The Action for Annulment as a Means of Reviewing the Legality of the Non-Existent Administrative Act

The action for annulment constitutes the classical legal avenue for the review of administrative decisions: it is “the action brought by an individual before the administrative court seeking the eradication of an administrative decision that is contrary to law.” It is grounded in a legality review of the contested decision; if the decision is found to suffer from any defect rendering it unlawful, it is annulled by the administrative judge²¹.

The “grounds of annulment” refer to the various defects that may affect any constituent element of the administrative act, thereby rendering it unlawful and justifying annulment. Judicial review extends to both the external legality and the internal legality of the decision.

1.1.2.2. Lack of Jurisdiction as a Ground in the Annulment Action

Jurisdiction (competence) constitutes the first condition of validity of an administrative decision: the decision is not legally sound unless it emanates from an administrative authority empowered by law to act. Competence denotes the authority's legal capacity—*ratione materiae*, *ratione loci*, and *ratione temporis*—to express the binding will of the administration²².

A decision is vitiated by lack of jurisdiction when it is issued by a person or body lacking the legal power to issue it under the rules allocating competences among public bodies and their subordinate organs. In this sense, lack of jurisdiction means the legal incapacity to carry out a particular administrative act that the legislature has reserved to another body or official.

Rules of jurisdiction are rules of public order: the administration may neither alter them, waive them, nor contract out of them. Nor can the defect be cured by subsequent ratification or approval by the competent authority. Moreover, the judge must raise lack of jurisdiction *ex officio*, even if the parties do not invoke it, and at any stage of proceedings. Degrees of this defect vary according to its gravity: there is simple lack of jurisdiction, and there is gross lack of jurisdiction²³.

2.1.2.2. Gross Lack of Jurisdiction as a Foundation for Inexistence of the Administrative Act

Gross lack of jurisdiction—also referred to as usurpation of authority/power—is the most serious form of incompetence²⁴. It occurs where the administrative decision is issued by a person wholly unrelated to the administration, or where it is issued by an administrative authority but

The Non-Existent Administrative Act: Between Ex Officio Administrative Self-Rectification and Judicial Oversight

concerns a matter falling within the competence of another authority (notably the judicial or legislative authority). The gravity of this defect is such that the tainted decision becomes non-existent, deprived of the essential attributes of an administrative decision and reduced to a mere material fact. It also loses the protection of procedural time-limits and may be challenged before the administrative judge outside the statutory period.

Gross lack of jurisdiction takes two forms: (i) a private individual who does not belong to the administration issuing an administrative decision; (ii) the executive authority encroaching upon the competences of the legislative or judicial authority.

1.2.1.2.2. Issuance of an Administrative Decision by a Person Not Belonging to the Administration

This is an exceptional and rare scenario in which the administrative decision is issued by an ordinary individual having no connection to administrative authority, who arrogates to himself the power to issue it; or it may be issued by a person who previously held the status of a public official but has lost it for one reason or another; or by a person who has not yet entered public service, and so forth. Such scenarios deprive the decision of its first essential element—namely, issuance by a public authority or public person vested by law with decision-making power²⁵.

2.2.1.2.2. Encroachment by the Administrative Authority Upon the Competences of the Legislative or Judicial Authority

The principle of separation of powers requires that each of the executive, legislative, and judicial branches possess defined competences ensuring that no branch interferes with the functions of another. When the executive branch, through its organs, intervenes in matters belonging to the judiciary or the legislature, it exceeds the limits set by the Constitution²⁶.

2.2.1.2.2.1. Administrative Encroachment Upon the Competence of the Legislative Authority

The legislative authority enacts statutes. Article 114 of the Constitution provides (unofficial rendering) that legislative power is exercised by a bicameral Parliament composed of the National People's Assembly and the Council of the Nation, each chamber possessing sovereignty in drafting and voting laws.

Administrative overreach into legislative competence constitutes a clear instance of gross lack of jurisdiction: the legislature holds the constitutional power to enact laws, whereas the executive's role is to implement and apply those laws. If the administration intervenes to enact or amend legal rules through individual or regulatory administrative decisions, it crosses the constitutionally prescribed boundary and intrudes into legislative competence, thereby tainting its acts with gross incompetence.

Among the decisions of the Council of State addressing this situation is the ruling in the case of the Ministry of Justice v. the National Union of Bar Associations, concerning the annulment of a deliberation by the Union Council requiring a "Master 1 success certificate" for entry into the legal profession for holders of the L.M.D. licence. The court's reasoning included, in substance, that the relevant statute governing the legal profession required only a licence in law and did not impose the Master 1 requirement; and that the contested decision effectively entailed a refusal to recognize certain law degrees, a matter falling within the exclusive competence of the State—thereby rendering the act tainted by usurpation of power.

2.1.2.2.2.2. Administrative Encroachment Upon the Competence of the Judicial Authority

The judiciary ensures the supremacy of law and its proper application. The Constitution expressly confers on the judiciary—particularly the administrative judiciary—the power to review administrative acts. Article 168 provides (unofficial rendering) that courts adjudicate challenges against decisions of administrative authorities. Consequently, the administration is not qualified

The Non-Existent Administrative Act: Between Ex Officio Administrative Self-Rectification and Judicial Oversight

to perform judicial functions by issuing decisions whose subject-matter encroaches upon judicial competence.

This form of gross incompetence is among the most prevalent, notably where the administration purports to “annul” an administrative decision beyond legal limits—thereby infringing the powers of the administrative judge, who is the authority competent to assess legality and pronounce annulment where unlawfulness is established. By way of illustration, judicial reasoning has held that where a Wali cancels a building permit, such cancellation lacks legal basis because the annulment of administrative decisions is a matter for the judiciary; thus, the Wali is incompetent and the competent authority is the court in annulment proceedings.

2.2.2. The Non-Existent Administrative Act as a Basis for Compensation for the Administration’s Tortious Conduct

The significance of maintaining an action for compensation alongside the annulment action lies in the fact that compensation proceedings complete the protection conferred by annulment jurisdiction upon individuals’ rights. Compensation litigation enables individuals to obtain reparation not only for harms caused by unlawful administrative decisions, but also for harms arising from injurious material acts attributable to the administration. The compensation action is initiated by the person having standing and interest in order to obtain a judgment ordering the administration to compensate material and moral damages resulting from the administration’s unlawful conduct²⁷.

Administrative liability is a legal regime requiring the administration to compensate for damage inflicted upon others in the course of its activities, whether those activities are lawful yet harmful, or unlawful. Accordingly, the unlawfulness grounded in gross fault leading to the inexistence of the administrative act constitutes a basis for administrative liability²⁸.

The non-existent administrative act amounts to a paradigmatic instance of material trespass in which the administration flagrantly exceeds its powers and competences; it is therefore a particularly serious administrative conduct generating service-related fault (*faute de service*) attributable to negligence and malfunction of the public service²⁹. This fault produces damage—whether the immediate author is a public official or otherwise—thereby engaging the administration’s liability for the resulting harm, provided that fault (issuance of the non-existent act), damage (material or moral), and causal link are established.

Conclusion:

This study has shown that the non-existent administrative act constitutes an exceptional configuration within the theory of the administrative decision. It does not fall within the ordinary, “simple” forms of illegality; rather, it is grounded in a gross and manifest violation that deprives the act of its juridical character and degrades it to the status of a mere material operation. This inevitably generates specific legal difficulties, particularly with respect to the modalities of confronting such an act—whether at the level of the administration itself or before judicial bodies.

The analysis has further established that addressing the non-existent administrative act requires, in functional terms, resort to *ex officio* administrative self-rectification, as the most appropriate and expeditious pathway for dealing with this defective situation. This reflects the administration’s commitment to the principle of legality and its duty to neutralize, on its own initiative, the effects of conduct that is contrary to law.

Conversely, judicial oversight plays a pivotal role in disciplining the effects of the non-existent administrative act: through the intervention of the urgent-applications judge, insofar as the effects generated by such an act may amount to a case of material trespass (*voie de fait*); through the action for annulment, given that the non-existent act is typically tainted by gross lack of jurisdiction (usurpation of power); and through the action for compensation, which rests upon the regime of administrative liability founded on fault-based responsibility.

The Non-Existent Administrative Act: Between Ex Officio Administrative Self-Rectification and Judicial Oversight

All of the foregoing leads to the conclusion that confronting the non-existent administrative act does not rest on a logic of preference or priority between administrative self-rectification and judicial review. Rather, it depends upon their complementarity as coordinated mechanisms for suppressing situations that violate legality and for restoring the normative integrity of the legal order.

Citations :

1. Hassan Othman Mohamed Othman, *Foundations of Administrative Law*, Al-Halabi Publications, Beirut, 2010, p. 677.
2. Mohamed Sami Gamal El-Din, *Foundations of Administrative Law: A Comparative Study*, Book Two: *Theory of Administrative Action*, Al-Bayan Commercial Press, Dubai, 1994, p. 103.
3. Ben Shahra Al-Arabi, “Degrees of Invalidity of the Administrative Decision,” *Algerian Journal of Rights and Political Sciences*, Vol. 10, No. 01, 2025, pp. 38–55.
4. Ben Shahra Al-Arabi, *ibid.*, pp. 38–55.
5. Rachid Mim, “Criteria for Distinguishing Two Degrees of Invalidity of Administrative Decisions—A Comparative Study between France and Egypt,” *Journal of Legal and Social Sciences*, Vol. 10, No. 1, 2025, p. 422.
6. Suleiman Mohamed Al-Tamawi, *The General Theory of Administrative Decisions: A Comparative Study*, 5th ed., Dar Al-Fikr Al-Arabi, Cairo, 2007, p. 876.
7. Suleiman Al-Tamawi, *Administrative Judiciary*, Dar Al-Fikr Al-Arabi, Cairo, 1996, p. 521.
8. Mahmoud Fouad Abdel-Baset, *The Administrative Decision*, Dar Al-Jamia Al-Jadida, Alexandria, 2005, p. 471.
9. André DE LAUBADERE, JC.VANEZIA, Y.GAUDEMET, op ;cit, p 326.
10. Article 830(1) of the Code of Civil and Administrative Procedure provides: “The person concerned by the administrative decision may submit an administrative grievance to the administrative authority that issued the decision within the time-limit provided for in Article 829 above.” The term “may” indicates that the administrative grievance is, as a general rule, optional. Accordingly, the addressee of the administrative decision has a choice between two avenues: either choosing the administrative grievance route—while adhering to the consequences arising therefrom, in particular the computation of time-limits whether in the case of an express refusal or silence—or choosing to bring an annulment action directly without filing a grievance. However, several exceptions exist under special provisions that make the grievance mandatory before resorting to the courts, such as tax disputes.
11. Bouzifi Cherifa, “Administrative Grievance as a Mechanism for Resolving Administrative Disputes,” *Sawt Al-Qanun (Voice of Law) Journal*, Vol. 7, No. 1, 2020, p. 887.
12. Abdelhakim Amhamed Ali Rouiha; Daas Asia, “Prior Administrative Grievance as an Amicable Means to End Administrative Disputes,” *Al-Ustadh Al-Bahith Journal for Legal and Political Studies*, Vol. 07, April 2022, p. 1022.
13. Article 830 of Law 08_09 (Code of Civil and Administrative Procedure) provides that the person concerned by the administrative decision may submit an administrative grievance to the issuing administrative authority within the time-limit set out in Article 829; and Article 829 provides that the time-limit for bringing an action before the administrative court is four months, running from the date of personal notification of a copy of the individual administrative decision, or from the date of publication of the collective or regulatory administrative decision. It follows from these two provisions that the legislator

has unified the grievance time-limit and the litigation time-limit at four months, running either from personal notification (for an individual decision) or from publication (for a collective/regulatory decision). This unification aims at simplifying procedures and avoiding complexities in computing time-limits; therefore, the addressee may choose the route that best suits them—either filing a grievance or dispensing with it and bringing the annulment action directly—while the time-limit remains the same in both cases.

14. Ahmed Mahiou, *Lectures on Administrative Institutions*, Office des Publications Universitaires, 4th ed., Algiers, 1986, p. 339.
15. Jean REVERO ,droit administratif,dalloze,paris,1973,p70.
16. Lahcène Bencheikh Ath Mlouya, Lahcène Bencheikh Ath Mlouya, *Treatise on Administrative Emergency Proceedings*, Vol. 1, Dar Houma Publishing, 2016, p. 154.
17. André De Laubadère, traité élémentaire de droit administratif, 5 éme édition,Dalloz ,Paris ;1984,p 512.
18. Charle Debbache,Institutions et droit administratif, «3 éme edition,Dalloz,Paris,1992,p 354.
19. Ahsan Gharbi, “The Theory of Material Trespass in Administrative Law,” *Tawassol Journal of Economics, Administration and Law*, No. 39, Algeria, 2014, p. 218.
20. Belaid Bashir, *Summary Proceedings in Administrative Matters*, Ammar Qarfi Press, Batna, 1993, p. 175.
21. Suleiman Al-Tamawi, *Annulment Jurisdiction*, Book One, Dar Al-Fikr Al-Arabi, Egypt, 1996, p. 313.
22. Suleiman Al-Tamawi, *Lessons in Administrative Judiciary*, Dar Al-Fikr Al-Arabi, Cairo, 1978, p. 197.
23. A. DELAUBADERE ;traité de droit administratif. Par J-C VENISIA et Y . GAUDMET.T.I.L.G.D.G. Paris ;1986 ;p 329.
24. Ta’ima Al-Jarf, *Judicial Review of Public Administration Acts – Annulment Jurisdiction*, Dar Al-Nahda Al-Arabia, Cairo, 1984, p. 243.
25. Ta’ima Al-Jarf, *ibid.*, p. 245.
26. Mohamed Omar Al-Shoubaki, *Administrative Judiciary: A Comparative Study*, Dar Al-Thaqafa for Publishing and Distribution, Jordan, 2011, previous reference, p. 270.
27. Ministry of Justice v. National Union of Bar Organizations, File No. 107722, decision issued on 21/05/2015, No. 16, 2018, p. 275.
28. Case (Q S A) v. Wilaya of Mostaganem, File No. 114578, decision issued on 18/05/2017, published in the Council of State Journal, No. 15, 2017, p. 97.
29. Hamdan Taher Mohamed Ali, “The Concept of the Compensation Action for the Administration’s Legal Acts and Its Distinction from the Annulment Action,” *Journal of Legal and Economic Research*, Vol. 06, No. 1, 2023, p. 858.
30. Ammar Awabdi, *Theory of Administrative Liability*, Office des Publications Universitaires, 2nd ed., Algeria, 2004, p. 122.