

# **The Causation as a Guarantee for the Protection of the Acquired Employment Rights In Case Of the Administrative Revocation: (A Comparative Study)**

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## **Abstract**

According to the law, the public employee is entitled to a range of rights to ensure the effectiveness of administrative activity. However, the administration may issue a subsequent decision to revoke the decisions granting rights which will affect the legal statuses acquired by the public employee, thereby, affects the public interest that the administration wants to achieve through the employee's performance for the administrative activity. The principle of causation of administrative decisions represents an important and effective guarantee for the protection of the rights of individuals and public employees in a manner that achieves the public interest. It prevents the administration from rushing and arbitrariness, and reveals the reasons of the decision before concerned persons and the judiciary. Therefore, France has codified the principle of causation for individual decisions affecting the legal statuses of individuals and public employees, including revocation decisions. As for Iraq, the rule is that causation is applied only with a legal provision or on the basis of the judicial order. Concerning causation of revocation decisions, the Iraqi legislator did not follow French counterpart. In addition, the administrative judiciary has not settled on the causation of administrative decisions, including revocation decisions. The study emphasized the necessity for the Iraqi legislator to follow the French legislator in codifying the principle of causation with including revocation decisions by this procedure and the need for the administrative judiciary in Iraq to settle on the causation of the revocation decisions. The study adopted the legal doctrine mythology, as well as the analytical and comparative approaches

**Keywords:** causation, public employee, administrative decision, revocation, acquired employment rights.

## **Introduction**

While the State is carrying out its administrative activities, it cannot carry out these activities on its own as a moral person; therefore, it is necessary for natural persons to carry out such activities, such persons are called public employees (Al-Mariri, 2020). The public

employee is thus a fundamental element in the administrative body from which the State wants to achieve the public interest (Merabet, 2017). The public employee enrollment in job requires a legal relationship between the employee and the administration. It is regulated by relevant laws and legislations (Shawish, 2015). This relationship includes the duties, as well as a set of financial and non-financial rights. Those rights are granted for public employee through administrative decisions to ensure the effectiveness of the public service (Zakaria & Sabrina, 2022). However, the administration may grant those rights but it revokes those decisions. This means that it cancels them retroactively from the date of their issuance. This is either because they are contrary to the law in accordance with the principle of legitimacy (Al-Khawaldeh, 2015), or are issued legally but the administration revoked them under the provision of the law on the grounds that the legislator represents the public interest (Al-Husseini, 2014), thereby affecting the rights granted to the public employee.

### ***Research Problem***

For a while, Iraq has witnessed a phenomenon reflected in the issuance of many administrative decisions by the administration in various government institutions. They included revocation or cancellation of previous decisions, regardless the consequences caused by those procedures to the acquired rights produced by those decisions. Since the authority to revoking administrative decisions is considered a dangerous means for the rights granted to the public employees, threatening their stability and thus failing to perform their duties properly which will adversely affect the public interest. Therefore, causation of administrative decisions is an important guarantee for protecting the freedoms and rights of individuals from the abuse and injustice of administration and to achieve the public interest. The problem of the study therefore focuses on the extent to which causation contributes to protect the acquired rights of the public employee in front the revocation authority on the one hand, and the extent to which the administration is committed to causing revocation decisions on the other.

### ***Research Significance***

This study deals with the provision of effective protection and appropriate standards for the stability of the legal status of public employees, who are considered the effective tool for the administration in the government institutions. This study therefore contributes to building a legal base with a clear map for decision makers in public administrations, legislators and judges. This will allow them to review or reassess relevant frameworks to overcome legal and procedural gaps, thereby effectively protecting acquired rights. The importance of the study also lies in its attempt to identify causation and its impact on the protection of rights and freedoms at the academic level to achieve the scientific benefit for researchers and academics.

### ***Research Method***

To address research problem, the study has adopted the legal doctrine approach, as well as the analytical and comparative approaches. The study has explained causation and its importance. It has also analyzed the extent to which the legal system in Iraq adopts the principle of causation in revocation case as compared to French legal system to review the French experience in this regard and benefit from it.

### ***Research Outline***

This study is divided into introduction and two sections. The first section defines the causation of the administrative decisions and distinguishes it from the reason pillar of the administrative decisions. While the second section deals with the importance of causation for the administration, individuals and judiciary. In addition to what extent the administration is committed to causation the revocation decisions in the French and Iraqi legal systems. Finally,

the study presented results and recommendations.

## **Causation**

Defining the causation of the administrative decisions requires its legal definition on the one hand, and then distinguishing it from the reason of the administrative decisions on the other.

### ***Definition of Causation of the Administrative Decisions***

Despite it had established legal rules regulating the causation of administrative decisions, the French legislator did not define the causation. In Iraq, the legislator did not differ from his French counterpart, as the Iraqi legislator did not define the causation despite refereeing to the causation of administrative decisions in laws, such as some legal texts related to the public service (Qadir, 2008). As for the judiciary, the French administrative judiciary did not define causation, as it merely decided the principle saying that the administration shall be obliged to causation only on the basis of the text of the law, or if the judiciary requested the administration to do so (Somaya, 2018). With regard to the Iraqi judiciary, its decisions did not include a definition of causation.

At the level of jurisprudence, causation is defined as the administration's statement of the legal and realistic reasons on which the administrative decision is based, whether obligatory by the law, based on judicial obligation, or stated by the administration itself. Thus, causation represents the outward appearance that the administration ascribes to the decision (Fella, 2021). Adam Ishaq defines it as the administration mentioned in the body of the decision the reasons that motivated it to issue it (Al-Qasim, 2016). Eisenberg points out that the principle of causation means that the administration should attach the legal and realistic reasons to issuing its decision, by forming those reasons as an explanation of the decision (Eisenberg, 2000). Hereby, it does not differ from Songolo Noémy's definition that it means informing the individuals in respect of whom the administrative decision has been issued the legal and realistic reasons that motivated the administration to make the decision (Marie, 2010).

Based on the above explanation, causation can be defined as the administration's statement for the realistic and legal reasons so the individuals concerned can know and understand the reasons that motivating the administration to issue the decision. There is no difference in that the administration mentions those reasons according to legal text, at the request of the judiciary, or that it mentions them on its own.

### ***Distinguishing the Causation from the Reason of the Administrative Decision***

It is often difficult for some people to distinguish between causation and the reason in administrative decisions. By reference to the definitions of causation, it can be said that causation is a formal procedure that belongs to the form of the administrative decision (Blanc, 1998). Concerning the reason for the administrative decision, it is the realistic or legal situation that precedes the administrative decision and prompts the administration to intervene to issue the decision. The administrative decision must be based on correct facts that are existed at the time of its issuance and not fictitious (Al-Bashir et al., 2016). For example, the reason for the decision to deport a foreigner finds its support in the danger of this person's presence on the homeland, i.e., as it represents a threat to the security and safety of the country, thus the decision is correct and coincident with reality. As well as issuing administrative regulatory decisions that facilitate the implementation of a particular law because the law stipulated it to facilitate its implementation. As for the causation, as above, it is merely stating the reason that justifies the decision (Hussain & Hussain, 2022). Therefore, causation is considered a formal procedure

that does not amount to a keystone of the administrative decision, unless it is legally mandatory or obligation imposed by the judge (Somaya, 2018).

The rules governing the causation relate to external legitimacy of the decision, while the reason is governed by the rules concerning the internal legitimacy of the administrative decision (Al-Toukhi, 2013). This is because the reason is considered one of the pillars of the administrative decision, and its absence makes the decision invalid. As a general principle, each administrative decision must be based on valid and existing reasons (Al-Shabatat & Al-Sadiq, 2019). The Iraqi administrative judiciary has confirmed this meaning, stating since the contested administrative decision under which the plaintiff was referred to retirement is defective in terms of the reason because the legal basis on which the defendant was based in referring the plaintiff to retirement was not legally valid, as the administration has made mistakes in the application of the law. It is thus decided to dismiss the case and ratify the contested judgment (Case-No.-161, 2006). From this case, it is clear that the Iraqi judiciary has considered the contested decision has been issued in violation of the law; because it was not based on a valid reason consistent with the law. Finally, the administrative judiciary exercises judicial control over the reasons of the decision as an independent element and one of the reasons for the cancellation. While the control over causation is imposed by the judge on the administration only as an exception (Al-Bashir et al., 2016).

## **The Importance of Causation and the Administration's Commitment**

This section investigated the importance of causation of the administrative decisions issued by the administration. Then, it explained the extent of the administration's commitment to causation the revocation decisions in the French and Iraq legal systems.

### ***The Importance of Causation of the Administrative Decisions***

Causation has multiple advantages and benefits. These advantages and benefits are distributed to different parties including the administration issuing the decision, individuals against whom administrative decisions are issued, and the judiciary that monitors the legality of those decisions. To illustrate this, the study investigated the importance of causation for administration, individuals and, finally, the judiciary.

### ***The Importance of Causation for the Administration***

The administration's causation of its administrative decisions is a procedure that leads to the demonstration of its thoughts and opinion on a particular issue (Al-Bashir et al., 2016). Its decision is therefore issued on the basis of definite reasons and not on a vague idea (Dahl, 2017). This enhances the policy of administrative transparency, achieves understanding and cooperation between the administration and who deals with it and strengthens the trust between the parties (Sofiane, 2016), and facilitates the administration's task to achieve the public interest (Al-Qasim, 2016). On the other hand, causation helps the administrative authority to be careful and not to be in a hurry to make ill-considered decisions (Shantawi, 2008), which leads to negative effects on the individuals against whom such decisions are issued (Qadir, 2008). Therefore, the more the administration reviews and studies the legal and realistic reasons that justify the issuance of the decision, the more this will be a reason for the success and validity of the decision of that authority (Jabourbi, 2019). As for the impact of causation on the administration, causation ensures the consistency of its administrative behavior in similar cases, and imposes a self-obligation on it to take the same solutions for similar cases, in order to ensure the proper conduct of administrative work (Ammari, 2016). Through causation, administrative self-control is also achieved, as causation represents an important opportunity

for the administration to review its decisions, correct errors that may occur as a result of misinterpretation of the law, unbalanced legal description of the facts or deviation using its powers. In doing so, it avoids criticism of its actions, maintains its reputation and the credibility of its actions, and achieves the quality in its decisions (Al-Toukhi, 2013). Causation therefore requires the administration to pay attention to its decisions (Dahl, 2017). Causation is based on the principle of justice which requires the administration to explain what prompted it to issue its decision. It is also considered one of the pillars of administrative transparency that causation reveals the rationality of the administration and how far it is from the abuse of power and miscalculation (Hamza, 2020). All that will strengthen the public confidence between the administration and the public regarding the preservation of their rights and the stability of their legal statuses and to ensure that their acquired rights are not affected (Ibzim, 2016).

Accordingly, causation has several advantages for the administration, through which the administration promotes its transparency policy when exercising its activities. It achieves understanding and cooperation between the administration and who deals with it of individuals or public employees, and strengthens their confidence in it. In addition, it ensures the validity of the administrative decisions issued by the administration through the necessity to be based on the correct and realistic reasons. This is because those reasons will be exposed to all through causation, thereby avoiding judicial cancellation or grievance by the individuals concerned, thus maintaining its reputation and credibility in front of individuals. An important outcome in this regard is that the administration's reliance on valid reasons in addition to proper fulfilling of other required elements of administrative decisions will make decisions producing rights legally valid, and will therefore be immune from revocation due to their legality. Consequently, the public employee's rights will be immune from subsequent revocation decisions for the legality of their source of the administrative decisions. This, in turn, leads to the stability of the public employee, which is necessary for performing the job tasks in order to achieve the public interest. Thus, causation provides an important guarantee for the protection of acquired rights and the public interest.

### ***The Importance of Causation for The Individuals***

Causation of administrative decisions is one of the most important guarantees for the protection of the rights and freedoms of individuals. Through causation, individuals are aware of the reasons for the decisions against them, so that they can have direct access to the reasons for the administrative decision issued against them and determine their legal status (Salima, 2010). Causation answers people's questions about the circumstances surrounding the decision and the motives that led the administration to issue it (Al-Raqad & Al-Raqad, 2019). It also helps the individual or public employee to be informed of the reasons for the administrative decision freely, and without resorting to the judiciary in the first place, so that he can express a position on the decision either by conviction of its contents or by judicial appeal (Khalaf & Majeed, 2020). With regard to the resort of the judiciary, causation makes it easy against whom the decision was made, to prove the defects of the decision when appealing judicially against it by cancelling or seeking compensation for it (Abul-Magd, 2006).

Finally, causation leads to a reduction in lawsuits, where individuals will be informed of the reasons for the decision, and will therefore estimate the success rate of their judicial appeals (Gabarda, 2012). Thus, they will save their efforts and expenditures, and avoid long and complex procedures of lawsuits (Somaya, 2018). Individuals would not think about contesting the decision if it is made on the basis of the public interest, especially when they recognize the legality and reality of reasons on which the decision is established through causation (Somaya, 2018). It is clear from the above-mentioned explanation that causation has

an important role in protecting the rights of individuals, whether they are public employees or not against administration decisions, including those issued by the administration to revoke previous decisions. Causation will make the public employee aware of the reasons that led the administration to issue the decision to revocation. In addition, the public employee will recognize whether these reasons are real and correct in accordance with the law, so the administration's decision is legally valid or it is the result of the administration's abuse of authority or it is based on false reasons or a mistake in the application of laws. Hence, asks the administration to cancel the decision, or resort to the judiciary if the administration insists on the decision, in order to protect his acquired rights.

### ***The Importance of Causation for the Judiciary***

The judiciary is an important guarantee to protect the rights of the public employee and others. This is due to the neutrality, competence and proper application of the law (Aqoun, 2013). Judicial control of the administration's acts in general and administrative decisions in particular occupies a great importance (Ricci et al., 2003). In order for the judiciary to exercise its role easily and effectively in monitoring the legitimacy of the decisions made by the administration against individuals or public employees, causation facilitates the difficult task of the judiciary in terms of enabling to monitor the legitimacy of the realistic and legal reasons on which the decision is based, thus controlling the validity of that decision (Meguid, 2012).

One of the advantages of the principle of causation is that it saves time and effort for the judge. When the judge monitors the legitimacy of causation, the judge will find the reasons mentioned in the decision, hence assessing its legitimacy quickly and accurately without having to refer to the files or documents prior to the decision. This will save the effort and time necessary to resolve the case (Al-Toukhi, 2013). Undoubtedly, the impact of this is not limited to the judge, but the speed of resolving the case will also provide a rapid protection for the rights of individuals and public employees and their acquired legal statuses affected by the contested decision, hence, return the stability of the legal statuses, which is necessary in the case of a public employee to achieve the public interest.

### ***The Extent to Which the Administration Is Committed to Causation the Revocation Decisions in the French and Iraq Legal Systems***

To demonstrate the extent of the administration's commitment to provide reasons for issuing decisions to revoke previous ones. The study explained this in the French and Iraqi legal systems.

### ***Causation of Revocation Decisions in the French Legal System***

Although the French law has approved the principle of causation of some administrative decisions, causation of revocation decisions was not decided in France until the enactment of the Act of causation of administrative decisions and the improvement of the relationship between the administration and the public no. 587 of 1979 (Al-Kubaisi, 2000). In this law, the French legislator obliged the administration to apply causation to a set of decisions issued by the administration. These decisions include revocation decisions for previous decisions creating rights. Article 1 of the Act states that natural or legal persons must be briefed immediately and promptly by the reasons for individual administrative decisions which affect their legal status; therefore, the decisions that must be issued with reasons are decisions that include the cancellation or revocation of decisions that created rights (Autin, 2011).

The Act not only stated the types of administrative decisions to be provided with reasons, but also set conditions for the validity of applying causation to such decisions. This is indicated by Article 3 of the Act above. It requires that causation should be written and

adequate, and contains the statement of the realistic and legal motives on which the decision was based. The lack of such formality means that the decision is defective (Autin, 2011). With regards to this, the French Council of State stated that one of the conditions for the validity of the decision containing revoking for a decision creating a legal right is informing the person concerned of the reasons for the decision so that he can provide his remarks on the decision (Al-Kubaisi, 2000). In another case, the French administrative judiciary indicated that the lack of causation that provided for by Act No. 587 of 1979 in the administration's decision makes this decision contrary to the law, and the administration must revoke it before it is cancelled by the judiciary (Al-Kubaisi, 2000).

The judiciary stated also in another case; the municipality's decision on failure to renew the employee's contract to serve as a press editor after the end of the period prescribed in the contract; was not a disciplinary dismissal from the job, nor was it one of the decisions referred to by the provisions of Act no. 587 of 1979. Hence, it did not require causation in accordance with the law (Mme H.C, 2021). Based on the above, the French legal system has imposed on the administration to apply causation to a set of explicit individual decisions affecting the legal statuses of individuals as a general principle, including revocation decisions issued by the administration. In accordance with law no. 587 of 1979, the scope of applying the principle of obligatory causation became broader, including explicit individual decisions. The legislator also extended the scope of benefiting from this principle to all persons concerned under those decisions, whether they were French or foreign natural persons, individuals or public employees, or private or public legal persons (Al-Kubaisi, 2000).

It should be noted that the French legislator has passed several exceptions to the rule of causation of decisions defined in Act No. 587 of 1979. In Article 26 of Act No. 76 of 1986 amending for Article 1 of Act No. 587 of 1979, the legislator allowed the administration not to apply causation to decisions because causation was contrary to the principle of confidentiality passed by Act No. 753 of 1978 in certain cases (FITTE-DUVAL, 2019). In the same Act also, the Article 4 allows the administration to not to apply causation in case of absolute necessity (FITTE-DUVAL, 2019). In this regard, in Article 27 of Act No. 76 of 1986 amending for Article 4 of Act no. 587 of 1979, the legislator defined the absolute necessity as absolute urgency (Al-Kubaisi, 2000). Finally, the French Act No. 587 of 1979 decided the validity of the decisions specified in its texts even if they were not provided with reasons. This is in the case of the implicit administrative decision issued on the basis of an explicit and reasoned decision (H. A.-S. A. W. Ibrahim, 2021).

Moreover, Act No. 587 of 1979 excluded organizational decisions from causation, as it was limited to individual decisions only. In this regard, Ashraf Abdul Fattah presents the difference in jurisprudence (Abul-Magd, 2006), explaining that some jurists supported the view of the French legislator. This based on the fact that organizational decisions are not directly directed to individuals, while individual decisions are directly directed to them. Hence, those individual decisions are directly affecting their rights and freedoms. With this regard, since the reason behind causation is to protect rights and freedoms, this is not achieved in the case of organizational decisions. In addition, the nature of organizational decisions is inconsistent with causation, as causation is an explanation of the reasons for the decision, and organizational decisions explain themselves. In addition, administrative activity depends on organizational decisions, and its effectiveness depends on not burdening such decisions with formalities for their issuance.

As for the opposing trend, there is no theoretical or practical impossibility preventing

the application of causation to organizational decisions, the French legislator imposed on the administration in the Article L-13-4, of the Municipal Law of France to provide reasons for organizational decisions in certain cases. In addition, the aim of causation is to achieve legality and prevent the administration from arbitrariness when using its powers, which must be achieved in organizational and individual decisions, especially since organizational decisions involve more individuals and hence have a greater impact on their legal statuses. With regard to the above, the study supports causation of organizational decisions, as revocation of organizational decisions will have an indirect impact on the legal statuses of individuals. Revocation will result in the non-existence of organizational decisions since their issuance, thereby the non-existence of individual decisions which issued based on them from the date of their issuance as well. This, in turn, affects the legal statuses acquired by individuals from those decisions. As long as the reason behind causation is to protect the rights and freedoms of individuals, the impact of revoking organizational decisions on the rights of individuals is consistent with the necessity of causation as a guarantee to protect those rights when those decisions are revoked.

### ***Causation of Revocation Decisions in the Iraqi Legal System***

The rule in the Iraqi legal system is that administrative decisions must be caused if the law stipulates this, or according to a judicial order. If the law or judicial decision does not stipulate for this, the administration is not obliged to provide reasons for its decisions, as those decisions in their reasons are considered legally valid and whoever says that they are unsound must prove that (Abul-Magd, 2006).

As for laws within the public service, the law obliged the administration to apply causation to administrative decisions involved the transfer of employee. This is according to the Article 36 of the Civil Service Act No. 24 of 1960. This Article stipulates that an employee shall not be removed from his or her office until after serving a minimum of three years if it is a regular place and a minimum of one and a half years in places where the employee is entitled to get local allowances. The employee may not be transferred before that except to achieve public interest or for health necessity. The requirements of the public interest must be based on certain reasons mentioned in the transfer order. As for health necessity, the reports of the official medical bodies must support it (Article-36, 1960). With regard to employee's transfer but in the Foreign Service Act No. 32 of 1966, Article 20 stipulates to achieve the public interest, the minister can transfer the employee without complying with the provisions of the aforementioned paragraphs of this Article, provided that the reasons for the transfer are mentioned in the decision (Article-20, 1966). In other cases, the Iraqi legislator obliged the administration to apply causation to decisions involving disciplinary sanctions against the public employees in the State Employees Discipline Act No. 14 of 1991. Article 8 of the Act stipulates the necessity to state the reasons for disciplinary sanctions (Article-8, 1991), as they have an impact on the legal statuses of public employees (B. Ibrahim, 2019).

With regard to causation of revocation decisions, the Iraqi legislator did not adopt the method of French counterpart (Saeed & Faraj, 2019). At the level of the Iraqi judiciary, decisions of the Iraqi judiciary on causation are very few. Yet the judiciary has obliged the administration in some of those decisions to apply causation to revocation decision issued by it. In case No. 3627, the court stated "...after granting building permits, the municipality cannot prevent the person authorized to build from starting construction except for a necessary reason, i.e., for a justified incident or it will be considered arbitrary..."(Case-No.-3627, 1957). In other words, the administration cannot revoke its decisions without mentioning the reasons for revocation, so that the judiciary can monitor those reasons (Abul-Magd, 2006; Al-Kubaisi,

2000). In another case No. 831, the court stated "...revocation decision issued by the administration must be caused and based on the facts and explained clearly enough, so that the judiciary can enforce control over it..."(Case-No.-831, 1976).

The previous position of the Iraqi judiciary is confirmed by its decision No. 319, which stated " Since the reason is one of the elements of the administrative decision and must be mentioned in it otherwise the decision is considered defective, and due to not explaining the reason by the defendant, and the Disciplinary Board has decided to cancel the contested decision and return the employee to his position as a Judicial Investigator, hence, the Board's decision is correct and in accordance with the law (Case-No.-319, 2006). Through the above, the judiciary in Iraq has obliged the administration to provide reasons for its administrative decisions, including revocation decisions, even in the absence of a legal provision to do so.

Despite the tendency of the Iraqi judiciary to compel the administration to give reasons for its administrative decisions, the judiciary has not settled on this trend. In a recent decision, the judiciary stated "...that there is a difference between the reason as an element in the administrative decision and causation, and the failure to mention the reasons that urged the administration to issue the decision does not make the administrative decision defective as long as the law does not stipulate stating them..." (Case-No.-341, 2017). It is therefore clear that the administration is not obliged to provide reasons for its administrative decisions, including revocation decisions, unless the law provides for this.

From the foregoing, it is clear that the administration in Iraq is not obligated to cause the revocation decisions. This may threaten the acquired rights in the case of abuse by the administration and issuing revocation decisions that are not based on realistic or legal valid and real reasons.

## **Conclusion**

1. The public employee is the effective tool and the important element of the administrative body from which the State wants to achieve the public interest.
2. Revocation of administrative decisions represents a serious administrative authority because of its impact on the rights acquired by individuals or public employee. Revocation decision results in the retroactive cancelation of the decision containing the right from the issuance date of the decision, so that it has never existed before.
3. Causation means that the administration authorized to issue the administrative decision states the realistic and legal reasons, so that the individuals concerned will know and understand the reasons that motivated the administration to issue the decision, whether the causation is based on the will of the administration itself, or based on a legal text, or at the request of the judicial authority. Therefore, causation differs from the reason that represents the realistic real and legal reasons in the decision.
4. Causation enhances the administrative clarity policy and administrative transparency, as well as understanding and cooperation between the administration and who deals with it and strengthens the trust between them. Causation leads the administration to be careful and not to be in a hurry to make ill-considered decisions, which leads to negative effects on the individuals against whom those decisions are issued, especially if they are influential decisions on legal statuses. Causation ensures the consistency of the administrative behavior of the administration in similar situations, as well as gives it an opportunity to review its decisions that are contrary to the law.

5. Causation also ensures the validity of the administrative decisions issued by the administration through the necessity to rely on them on the correct and real reasons. That because those reasons will be exposed to all through causation. Hence, avoiding judicial cancellation or grievance by the individuals concerned. Therefore, it maintains its reputation and credibility in front of individuals. Undoubtedly, the administration's reliance on valid reasons; in addition to proper fulfilling of other requirements in administrative decisions; will make those decisions producing legally valid rights, and will therefore be immune from revocation due to their legality, unless the law stipulates it. Accordingly, the acquired rights of the public employee are protected from the subsequent revocation decisions due to the legality of their source of the administrative decision. This will result in the stability of employee's job performance, and hence the public interest is achieved. It is therefore useful for administration and an important guarantee for the protection of acquired rights against the administrative revocation authority.
6. Causation of administrative decisions is one of the most important guarantees for the protection of the rights of individuals. Through causation, they can know the reasons for the decisions issued against them. I.e., the individuals or public employees can recognize the reasons for the revocation decision. In addition, they will recognize the validity of these reasons in accordance with the law. Hence, either they will be convinced of the validity of the administration's decision, or they will discover that the decision was result of the administration's abuse of its authority, or based on artificial and unreal reasons, or a mistake in the application of laws. Therefore, they will demand the administration to cancel the decision, or they will resort to the judiciary if the administration insists on it to protect their acquired rights. This confirms that causation is an important guarantee for the protection of those rights.
7. The difficult task of the administrative judiciary is facilitated by causation in terms of enabling it to monitor the legality of the realistic and legal reasons underlying the administrative decision. Hence, controlling the validity of that decision. The facilitation is achieved when the judge finds the reasons mentioned in the decision, thus assessing its legality quickly and accurately. This will save the effort and time necessary to resolve the case. It should be noted here that this impact is not limited to the judge, but also the speed of resolving the case will provide rapid protection for the rights of individuals and public employees and their acquired legal statuses which have been affected by the contested decision. Hence, return the stability required in the case of employee to achieve the public interest.
8. Due to the importance of causation, the French legislator has codified causation of the administrative decisions affecting legal statuses under Act No. 587 of 1979 and Act No. 76 of 1986. Act No. 587 which stipulate that these decisions include revocation decisions issued by the administration for previous decisions, whether against individuals or public employees. However, the French legislature has adopted exceptions to the principle of causation of those decisions in certain cases.
9. In Iraq, the rule is that causation is only by the text of the law or on the basis of a judicial order. Concerning causation of revocation decisions, the Iraqi legislator did not follow French counterpart. As for judiciary, the administrative judiciary in Iraq has not settled to oblige the administration to causing the revocation decisions. This means that the administration is not obliged to cause the revocation decisions only when the judiciary asks it to provide reasons for the decision. This may put the acquired rights of individuals and the public employee at risk in the case of abuse by the administration and when issuing revocation decisions that are not based on realistic or legal valid and real reasons.

## Recommendations

1. The study recommends the French legislator to apply the principle of causation to the organizational revocation decisions because of their impact on the legal statuses of individuals or public employees.
2. The study recommends the Iraqi legislator to codify the principle of causation to oblige the administration to apply it in its administrative decisions, especially decisions affecting legal statuses, including revocation decisions. This is attributed to the impact of causation on protecting these statuses of individuals and public employees and achieving the stability required in the case of the public employee to achieve the public interest.
3. The study recommends the administrative judiciary in Iraq to oblige the administration to apply causation to its decisions affecting legal statuses, including administrative revocation decisions.

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