

## **The concept of administrative law:**

Dealing with administrative law makes it appear at first glance as if it were a branch of public law that governs and regulates public administration. However, understanding this approximate or preliminary formula requires a careful adjustment of the concepts, which initially requires trying to establish a definition of public administration. and ends with an analysis of the relationship existing between it and the law.

### **The first requirement:** The nature of public administration:

Most administrative law jurists agree that the word “administration” denotes in common expression two different meanings, one of which is objective or material, and the second is organic. See this:

Jean Rivero, *Droit administrator*, op. cit., p. 9; Gustave Peiser, *Droit administrator*, 7th century, Dalloz, Paris, 1976, p.p. 1 et s.].

According to the material meaning, management means activity (L’activité). Managing something means managing it. Therefore, it is said, for example: “It is a wise management of the institution,” meaning the good management of its affairs[) Jean RIVERO, *Droit administratif*, op.cit., p. 9.].

According to the organic meaning, management means that organization, body, or member that carries out the activity. So it is said, for example: “So-and-so entered the tax administration.” This means the organization, not the activity[) Ibid., p. 9.].

The word administration, in its two previous meanings (material and organic), may indicate private administration (private project) or public administration (public project). However, what is common in the language of the law is that when the word administration is used alone, this indicates the meaning of public administration as a group of bodies that ensure the fulfillment and implementation of public burdens [see also:

Jean Rivero, *Droit administrator*, op. cit., p. 9.].

Accordingly, a distinction must be made between public administration (administrative activity) and private administration (individual activity),

(the first section). Then between public administration and various other public activities in the state, represented by legislation and the judiciary

### **The difference between public administration and private activity:**

It should be noted at the beginning that every human effort seeks to achieve a specific goal, using a number of means, and here lies the difference between public administration and the activity of private individuals, because the goal of administration is to achieve the public interest (first), and to achieve this it uses the privileges of public authority. (secondly).

#### **First: The goal of public administration is the public interest:**

The activity of private individuals stems from the behavior of individuals for the purpose of achieving their own interests, that is, the search for profit and success in securing their own needs, while public administration aims to achieve the public interest, that is, it does not seek to achieve private material interests, which characterizes the activity of private individuals[) Gustave PEISER, *Droit administratif*, op. cit., p. 2.]. Therefore, securing the public good remains the primary goal of administration. While individual activity seeks to achieve private interest (profit) primarily.

#### **Second: The means of public administration is public authority:**

The difference in goals leads to a difference in the means used, and therefore the relationship between properties is based on legal equality, that is, equality of wills. No private will is superior to another private will, and it is not permissible for any private will to force another private will to accept or follow procedures against its will. Therefore, what regulates the relationship between private individuals is the contract, i.e. the agreement of the wills, in accordance with the principle of contract, the law of the contracting parties. While the administration seeks to achieve the public interest, this will not be possible if the administration is on an equal footing with individuals. If the administration sees that there is a mismatch between the public interest and the private interest, it may intervene to secure the public interest by using the means of public authority. See also:

Jean Rivero, Droit administrator, op. cit., p.9; Gustave Peiser, Droit administrator, op. cit., p. 2.] Any privileges of public authority[] The privileges of public authority are evident in both the administrative decision and the administrative contract.].

However, the administration's use of these privileges is not necessary in all cases, as the administration can resort to contracting with the private individuals, if its will coincides with the will of the private individuals. However, unilateral action on the part of management is the distinctive and dominant characteristic of management activity.

**The difference between public administration and other public activities in the state:**

Clarifying the difference between public administration and various other public activities in the state, or between administration and various other public bodies in the state, requires analyzing the different meanings of the word administration, that is, from the material aspect that benefits the activity (first), then from the organic aspect that benefits the meaning of public bodies. Which carries out that activity (secondly), because usually when the word public administration is used in administrative law, this refers to the authority. But the meaning of administration may extend to legislative work, or to judicial work.