

Administrative Suspension Between the Necessities of Security and the Requirements of Justice and Fairness

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Abstract

The study aims to identify the extent to which administrative detention is a restriction of the freedom of the individual and the reasons for permitting this detention, both in normal and exceptional circumstances. Demonstrating the effectiveness of the judicial oversight of the Administrative Court and the Supreme Administrative Court over administrative detention decisions. The researcher used the descriptive analytical approach and the comparative approach. The study concluded a number of results, the most important of which are: that the administrative arrest is a procedural control arrangement and a precautionary measure with specific goals. Which is approved by a unique desire of the administration to prevent the freedom of individuals and for the purpose of maintaining security and public order and preventing the occurrence of crime. This decision is subject to the control of the administrative judiciary and is subject to revocation.

The study came out with a number of recommendations, the most important of which are: the need to limit the authority to issue decisions related to the prevention of freedoms, whether administrative arrest or imprisonment, to the judicial authorities only, and to cancel all powers granted to the administrative authorities.

Keywords: Administrative Detention, Legal Guarantees, Security Necessities, Requirements of Justice and Fairness.