



Challenges and Opportunities of the Yemeni Administrative Judiciary in Peacebuilding: An Analysis from 2010 to 2024

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Abstract

This study looks at the ups and downs of administrative justice in Yemen, especially during the ongoing conflict. Since 2010, as institutions have been breaking down and the war worsened from 2015 to 2024, the situation has become even more complicated. It highlights how the judiciary has crumbled and how the authority in Yemen has fallen apart, especially between Sana'a and Aden. This situation undermines people's trust in the system and results in judicial appointments that get caught up in politics, especially when it comes to how the judiciary is led. Plus, the rules governing administrative laws are unclear, and there's a real lack of clear laws on administrative procedures and how to handle legal cases, which only makes things more confusing. This makes it really tough for judges to do their jobs properly when it comes to overseeing cases. Even though there are some model administrative courts set up in Sana'a and Aden by the Supreme Judicial Council, there are no specialized administrative courts in the other governorates. That lack just makes the whole situation more complicated and harder to manage across Yemen's legal system. One big concern with splitting up the leadership of the judiciary is that it could weaken the independence of the courts. There's also a risk that political interests might influence how judges are appointed, which can undermine fairness. Plus, the judiciary might not get the resources it needs to do its job properly. The study highlights how administrative courts can really help with peacebuilding and rebuilding public trust. When they deliver justice, hold authorities accountable, and make fair decisions, people feel more confident in the system. There are opportunities for reform, like creating a clear Code of Administrative Procedure, setting up first-instance administrative courts, and establishing levels of appeal. Improving the training for judges and judicial officers is also crucial. The study emphasizes that these reforms are urgent if the administrative courts are to effectively support the rule of law and help build lasting peace in Yemen after the conflict.

Keywords: Administrative judiciary, Yemen, Peacebuilding, Legal reform, Conflict resolution.

المخلص: تنظر هذه الدراسة في تقلبات العدالة الإدارية في اليمن، خاصة خلال الصراع المستمر. منذ عام 2010، ومع انهيار المؤسسات وتفاقم الحرب من 2015 حتى 2024، أصبحت الأوضاع أكثر تعقيداً. تسلط الضوء على كيف انهارت السلطة القضائية وكيف انهارت السلطة في اليمن، بين صنعاء وعدن. إن هذا الوضع يؤدي إلى تقويض ثقة الناس في النظام القضائي ويؤدي إلى وجود تعيينات قضائية قد تأخذ طابع سياسي، خاصة عندما يتعلق الأمر بكيفية إدارة القضاء. بالإضافة إلى ذلك، نجد بأن القواعد التي تحكم القوانين الإدارية غير واضحة، وهناك نقص حقيقي في وجود قانون حول الإجراءات الإدارية والمرافعات وكيفية التعامل مع القضايا القانونية ذات الطابع الإداري، مما يزيد الأمور تعقيداً. وهذا يجعل من الصعب جداً على القضاة أداء عملهم بشكل صحيح عندما يتعلق الأمر بالإشراف على القضايا الإدارية والتي تكون الدولة طرفاً فيها حيث تتمتع بامتياز السيادة. على الرغم من وجود بعض المحاكم الإدارية النموذجية التي أنشأها المجلس القضائي الأعلى في كل من العاصمة صنعاء ومحافظة عدن، إلا أنه لا توجد محاكم إدارية متخصصة في المحافظات الأخرى. هذا النقص يجعل الوضع أكثر تعقيداً وصعوبة في الإدارة عبر النظام القضائي في اليمن. أحد المخاوف الكبيرة من تقسيم قيادة القضاء هو أن ذلك قد يضعف استقلالية المحاكم الإدارية، هناك أيضاً خطر أن تؤثر المصالح السياسية على كيفية تعيين القضاة، مما قد يقوض العدالة. بالإضافة إلى ذلك، قد لا يحصل القضاء على الموارد التي يحتاجها لأداء عمله بشكل صحيح. تسلط الدراسة الضوء على كيف يمكن للمحاكم الإدارية أن تساعد حقاً في بناء السلام وإعادة بناء الثقة العامة لدى الجمهور. عندما يحققون العدالة، ويحاسبون السلطات، يشعر الناس بثقة أكبر في النظام. هناك فرص للإصلاح، مثل إنشاء قانون واضح للإجراءات الإدارية والمرافعات، وإنشاء محاكم إدارية من الدرجة الأولى، وتحديد مستويات الاستئناف في بقية المحافظات. تحسين تدريب القضاة والمسؤولين القضائيين أمر بالغ الأهمية أيضاً. تؤكد الدراسة أن هذه الإصلاحات ضرورية لتمكين القضاء الإداري في دعم سيادة القانون بفعالية والمساعدة في بناء سلام دائم في اليمن بعد مرحلة الصراع.

Research Objective:

The study of the problems and the ongoing disintegration of the judicial leadership in Yemen has resulted in a significant erosion of the functioning of the justice systems and the structure of the broader judicial system, which needs to be unified and neutral towards political divisions. The independence of the judiciary. The research aims to add value to the role of the judiciary in restoring

people's trust in Yemen and will examine the extent of the judiciary's contribution in the context of peacebuilding and development.

Research Hypotheses:

1. The ongoing disintegration of the judicial leadership in Yemen has led to a significant erosion of the functioning of the justice systems and the structure of the broader judicial system that must be unified and neutral towards political divisions.
2. Political confrontations and the continuation of wars in Yemen have weakened the judicial system and, consequently, the appointment of judges and the independence of the institutions of the administrative judiciary, which is a prerequisite for the balance of the judicial system and the delivery of justice to the fullest.
3. The establishment of specialized administrative courts in all governorates of Yemen is likely to improve the functioning of the specialized judicial system and enhance its independence in operating efficiently.
4. Increasing the training margin for administrative judicial staff is the basis for improving confidence in the judiciary and the judicial system.
5. The unified role of the leaders of the administrative judiciary and the role it plays by canceling the decisions of the illegal administration restrictions on various state agencies paves the way for the achievement of civil and national peace and enhances the role of the judiciary in peacebuilding by removing the administration's arbitrary restrictions on basic rights and providing an effective and legally immunized system.

Introduction.

The Yemeni administrative judiciary is confronted with a structural crisis of urgent magnitude that threatens the state-citizen relations, demoralizes public trust, and undermines the rule of law. This also aggravates underlying tribal conflicts in the governorates. The autonomy of the judiciary, as provided by Article 149 of the 1991 Constitution, is designed to discourage the government from abuse and to resolve disputes justly. But as the war escalated in 2015 and central government institutions collapsed, the ability of the judiciary to perform these constitutional functions has been severely eroded.

Yemeni judiciary's leadership has been divided into two camps, one based in Sana'a and the other in Aden, under the rule of the de facto authorities, with the government in Aden making contradictory rulings and further weakening trust in the judicial processes. The splitting has politicized the appointment of judges with factional affiliation superseding merit and integrity, which has resulted in the appointment of inadequately qualified judges.

The division of the judiciary's leadership led to fueling legal ambiguities and conflicts, which impede the rule of law. The interference of executive and militia infringement on judicial processes contributes to this unpredictability, further driving citizens away from formal judicial institutions due to discontentment with them. The use of informal mechanisms for conflict resolution comes with the danger of undermining civil order and infringing on basic rights.

At this point, the role of the Yemeni administrative judiciary in peacebuilding is pivotal. Through restoring confidence in judicial integrity and implementing accountability, it can be a part of the process of public reconciliation and the establishment of an environment conducive to reconciliation. This judiciary must be empowered not just for legal stability but also for peace and Yemeni governance.

Main Questions of Research.

1. What are the structural shortcomings of Yemen's administrative judiciary, and how do they affect the functioning of the system?
2. What is the effect of the fragmentation of the judiciary between the two capitals, Sana'a and Aden, on the people's trust in the system?
3. What can the administrative judiciary do to strengthen its autonomy and accountability?
4. What are the probable pathways to the administrative judiciary's restructuring in line with the provisions of its constitution?
5. What are the major roles the judiciary can play in a post-conflict Yemen to promote a just peace and the rule of law?

Methodology

Using both descriptive and inductive approaches as dual methods will assist me in exploring the roles of administrative justice, while also considering the disaggregation of legal justice in Yemen. I will use primary legal documentation, including both court decisions and a critical examination of the customs of the institutions, as the foundation of the research. I will blend theory and real-world analysis.

Research Problem

The topic of this research paper is the crisis-stricken challenges facing Yemen's administrative judiciary in the current situation of civil war, political breakdown, and institutional deterioration. This development boldly challenges the judiciary's mission to enforce the rule of law and protect civil rights, thereby destabilizing peacebuilding. The rivalry between Sana'a and Aden's competing judicial institutions is bewildering, disillusioning the public's confidence, and politicizing the recruitment of judges, thereby compromising the integrity of the judiciary.

Evolution of Administrative Law

French legal traditions were instrumental in informing the historical evolution of administrative law, which evolved quite significantly via court decisions and scholarly contributions of leading legal minds. The Council of State of France, overall, along with juridical scholarship by lawyers like Léon Duguit and Maurice Hauriou, was pivotal in unifying different sets of rules into a unified, harmonious legal system based on discrete principles (as described by Hauriou in 1927). The following principles were an integral part of the process:

- Principle of Legality: This basic postulate stipulates that all administrative action shall be based on applicable law and within the purview of law.
- Principle of Public Service: This focuses on the dedication of the state towards the provision of basic services required by society.
- Principle of Public Interest: This permits the administrative authorities to do anything at all that they consider appropriate in the greater interest of society.

One of the milestones was the Blanco ruling of the Tribunal des Conflicts of 1873¹, where administrative law was anchored as a solid branch of law. It established the state's liability for harm from public service acts, excluding legal rules of private liability (Tribunal des Conflicts, 1873).

¹ **The Blanco Judgment**, also known as (Arrêt Blanco), is a famous decision made by the Tribunal des Conflicts in France on February 8, 1873.

Here's what happened:

A young girl named Agnès Blanco was badly hurt when a wagon, operated by the state tobacco company in Bordeaux, caused her injury. The accident was serious enough that Agnès had to have her leg amputated.

Her father, Jean Blanco, decided to take legal action and sued the government for damages in a regular civil court.

The case was sent to the Tribunal des Conflicts to figure out whether the civil courts or the administrative courts had the authority to decide on the State's responsibility for damages caused by its public services.

Administrative Judiciary in Yemen

Administrative law in Yemen is not uniform. There is no codified source of administrative law. Instead, while specialized courts of administration were established in Sana'a and Aden for the purpose of reviewing the lawfulness of administrative action because of Supreme Judicial Council Decision No. 177 (2010), their practical utility is severely diminished by infrastructural deficiencies (as discussed by Bajneid, 2014).

Among the interesting observations is that there is no separate administrative judiciary independent of the ordinary court system – a feature commonly characteristic of more advanced systems of Public Administration Governance (Public Administration Governance is basically the big picture that shows how governments handle their resources and run public services. It's all about being open, responsible, and emphasizing the importance of transparency, accountability, and efficiency in administrative work). Yemen has a unified judicial system, with no separate and independent administrative judiciary.

Thus, Yemen's administrative legal system is a patchwork of many disparate laws containing several provisions that could be applicable to the problem at hand. The laws define the organization and operation of administrative bodies, but they also prevail upon norms of private pursuits within the same fields. This creates a natural interdependence between private action and the administration of administrative conduct – from daily procedures and arrangements to public and private resource allocation.

At administrative disputes in Yemen, the judges will have to function in this juridical system, calling upon extra special administrative function rules alongside public institutions and facilities legislation in mind, having in view their getting inextricably entangled with public and private interests. Lack of specialized administrative procedure law (as per Al-Jamrah, 2012) is the primary procedural flaw. This forces the application of the overall Civil Procedure and Enforcement Law (Law No. 40 of 2002, Official Gazette, some articles of this Law of Procedure were amended by Law No. 2 of 2010), which is highly unsuitable for the handling of cases between administrative authorities since it is insufficient in administrative cases.

Reforms that were brought by the de facto authorities in Sana'a to the Civil Procedure and Enforcement Law in 2021 (Law No. 1 of 2021, Ministry of Legal Affairs, 2021) first created a sense of euphoria among legal professionals for the promulgation of more appropriate procedures in administrative cases. A detailed look later revealed that the aforementioned reforms did not adequately cater to the specific procedural needs of administrative disputes, thus evoking mixed reactions. For example, the draft of amendments was severely criticized by the Yemeni Bar Association, terming them as divisive and premature, considering the political polarization in the country. (Yemeni Bar Association – Sana'a Branch Facebook page on 13/12/2020)

In the same context, it is equally essential to note the crucial role played by judicial precedents set by the Administrative Department of the Supreme Court. Judicial rulings are exemplary precedents, and

The main aim of the Tribunal des Conflicts' decision was to set clear roots for administrative law as a distinct legal area, separate from private law.

1. **Jurisdictional Competence:** Deciding that when it comes to disputes about the State's responsibility for running public services, these issues aren't handled by regular courts. Instead, they fall under the jurisdiction of administrative courts.
2. **Establishing State Liability:** Moving away from the old idea that the State and public authorities couldn't be held responsible. Now, it's clear that the State can be held liable for damage caused by its public service activities.
3. **Founding Special Rules:** The idea is that the rules about when the State can be held responsible should be different from ordinary civil law. They need to have special rules because they must strike a balance—protecting people's rights while also considering the special needs and challenges of running public services efficiently.

Significance

The Blanco case is often seen as the starting point of modern French administrative law, almost like its founding document.

they provide settled doctrines of law to guide administrative law judges. Besides, when the law is uncertain or is silent, the judges have the discretion of looking back at fundamentals of Islamic Sharia and universal schools of jurisprudence as sources of material, especially in protecting elementary rights and liberties (Al-Jamrah, 2012).

Technically, Yemeni administrative law is regulated in the situation of excessive dependence on disjunct and occasionally multiple sources of law (Al-Hilali, 2017). This is something that becomes clear evidence of the ever-growing lack of an independent administrative law context, which would be the foundation of such a significant legal branch.

Research Divisions

This research will be divided into four chapters.

Chapter One: The Yemeni Legal Framework of Administrative Judiciary

- Section One: The Legal Foundations of Yemeni Administrative Judges
- Section Two: Organization and Establishment of Yemeni First Instance Administrative Courts

Chapter Two: The Administrative Judiciary and Its Practical Application in Yemen

- Section One: Principal Court Cases as Primaries of Real-Life Lessons (2013-2024)

Chapter Three: Systemic Challenges and Opportunities of Yemen's Administrative Judiciary

- Section One: Obstacles to the Administrative Judiciary in Yemen
- Section Two: Judicial Reform Opportunities in Yemen

Chapter Four: Creating a Stronger Justice: Administrative Judiciary's Key Role in Restoring Peace in Post-Conflict Yemen.

Chapter One: The Yemeni Legal Framework of Administrative Judiciary

To comprehend the contemporary Yemeni legal system, it should be noted that comprehending its past, both a combination of colonial inheritance and the multifaceted consequences of national reunification, is essential. Previously, prior to 1990, when North Yemen and South Yemen united, they each had separate legal traditions. The North possessed a predominantly hybrid system that combined Ottoman legal influences and Islamic Sharia. The Socialist South had, however, a more unified system of justice characteristic of states in that part of the world (Darwish, 2000). Upon unification, the "judicial unity" policy was officially adopted as the primary selection. Its objective was to create a single, unified system from these two divergent directions. The functional outcome is what Yemen currently has; whereby administrative body conflicts are settled within the overall court system rather than in a separate administrative judiciary. This route is far removed from other neighboring countries like Egypt, which built a specialist Conseil d'État of administrative justice in 1946 (Brown, 1997).

The House of Representatives is the legislative authority of the state, which incorporated this one-judiciary idea into Yemen's constitutional law, such that it has effectively excluded the existence of an independent system of administrative courts. Article 153(d) of the Constitution, Article (150): The judiciary is an integrated system. The law organizes this system in

terms of ranks, responsibilities, the terms and procedures of appointment, transfer, and the constitution expressly provides for in the Supreme Court jurisdiction to hear final appeals in all the main categories of cases: civil, commercial, criminal, personal status, and administrative (Constitution of the Republic of Yemen, Yemeni Government Portal). It is also entrenchment in law, such as Article 47 of Judicial Authority Law (No. 27 of 2013) that enunciates the general jurisdiction of first-instance courts over all suits, and Article 89(a) of Civil Procedure Law (No. 40 of 2002) that declares these first instance courts the locus of all first-instance actions (Official Gazette, 2002).

The immediate impact of this unified policy is a yawning gap in Yemeni law code: there is no single, overall law of Administrative Procedure specifically designed to regulate conflict between the state and its people. Instead, these kinds of conflicts must fall to the general primary courts, where judges

must fight through complex administrative issues in addition to the normal complement of criminal and civil cases. This chapter treats the jurisprudential underpinnings that inform Yemeni judges in administrative cases and traces the history of the eventual, but partial, opening of specialist administrative tribunals.

Section One: The Legal Foundations of Yemeni Administrative Judiciary

As described, Yemen has a uniform jurisdictional model, i.e., there are no exclusively specialized administrative law courts, nor is there codified general administrative law (Bajneid, 2014). The law on administration is rather a patchwork mosaic of dispersed legislative provisions here and there in all kinds of legislation. Such provisions govern administrative relations, operation of public institutions, and provision of public services, along with other controls of private interactions (Al-Jamrah, 2012). Such variations occur in aspects of:

- Public administrative contracts control, as opposed to private contracts.
- Specific regulations of ownership of public property as opposed to private property.
- Exclusive powers to the state, such as the power to enforce its decisions directly or to expropriate private property for public purposes by compulsory expropriation (Al-Jamrah, 2012).

The Role of Judicial Discretion in Legality Controls (under Article 149 of the Yemeni Constitution)

During this chaos, legal discretion by the judges takes its place in the limelight as far as control of administrative action is concerned. This flexibility allows judges to read and interpret the common laws in a way that promotes justice and helps to protect the rights of citizens. This judicial freedom is not only presumed but also ensured by the constitution under Article 149, which explicitly states: (The Judiciary authority is an autonomous authority in its judicial, financial, and administrative aspects, and the General Prosecution is one of its sub-bodies. The courts shall judge all disputes and crimes. The judges are independent and not subject to any authority, except the law. No other body may interfere in any way in the affairs and procedures of justice. Such interference shall be considered a crime that must be punished by law. A charge regarding such interference cannot be nullified with the passing of time).

What is the mechanism by which this discretionary power operates in practice when it overrides legal frameworks?

- **Interpreting the Law:** Judges must interpret obscure or ambiguous legal language to maintain justice and safeguard human rights.
- **Ensuring Compliance:** They determine whether government actions are Constitutional and compliant with Applicable Law, considering the facts of the case.
- **Balancing Rival Interests:** Balancing of public interest against individual freedom is one of the major functions, a delicate line to tread, particularly when constitutional freedoms are at stake.
- **Fact Classification:** Evidence generated by judges is analyzed and classified in terms of legal standards, an indication of responsiveness in judicial decision-making.
- **Procedure Review:** The judiciary scrutinizes the procedure applied by administrative agencies to ascertain compliance with the procedure required by law and with the rule of law.

The discretion of the courts plays an essential role during Yemen's volatile climate to affirm the legitimacy of governmental actions and protect the rights of citizens. However, experience indicates that effective oversight can't be achieved alone. It requires robust institutional assurance for judicial independence as well as big changes to legal procedure. Basic reforms such as insulating the judiciary's appointments from politics, granting judicial independence over its own budget, and stipulating administrative law procedures are needed to correct inherent loopholes. These would complement accountability and help make the judiciary one of the pillars of good post-conflict governance, assuring durable peace based on the rule of law.

Sources of Administrative Judicial Rulings

Since there is no independent administrative law, the judges must build their rulings upon a group of primary sources:

- Constitutional Text
- Special legislation that governs the operations of the public institutions and the services.
- The General Civil Procedure and Enforcement Law (Law No. 40 of 2002) was launched despite its procedural inapplicability in administrative conflicts.
- Legal precedents were institutionalized by the Supreme Court in past administrative conflicts.
- Principles of Islamic Sharia are prescribed in Article 3 of the Constitution as a source of all legislation (Yemeni Government Portal).

One of the main practical hurdles revealed is that Yemen lacks a written administrative procedure law for administrative litigation. This force judges to resort to the Civil Procedure and Enforcement Law (Law No. 40 of 2002), even though its framework often clashes with the requirements of administrative cases. For instance:

- Certain civil procedural dismissal mechanisms of actions are entirely unsuitable for actions brought in the public interest.
- Entirely, legally fixed time limits (statutory time limits) do not apply to bring an administrative action against an administrative decision (Bajneid, 2014).

Provisions of Civil Procedure and Enforcement Law No. 40 of 2002:

Although this law is not perfect, it has some articles that the judges must abide by in administrative cases:

- Article 44: Regulates the delivery of legal documents to the state authorities, such as the ministers or the governors. (Article 44: Copies of documents shall be delivered to the authorities as follows: 1- To the ministers, heads of departments or authorities, governors, or those who act in their place, as per the jurisdiction of any of them with regard to documents pertaining to the state.)
- Article 294: Allows suspension of the enforcement of a judgment when there is suspension of the administrative appeal.
- Article 328: Certifies judgments issued by some administrative dispute committees are enforceable. (Article 328 Pleadings that included the determination of executive bonds, including: the final decisions of the administrative committees entrusted with settling disputes in the cases stipulated in the law. It refers to the decisions of the tax dispute appeals committees).
- Article 234: Provides for the absolute enforceability of judgments invalidating administrative decisions.
- Article 350: Protects public property by granting immunity from seizure. (Article (350): Without prejudice against the provisions of any other law, the following funds may not be executed or seized: 10. State-owned funds allocated for public benefit.)
- Articles 412-487: Lay down means of enforcement of judgments against the state, i.e., provisions like compulsory referral to the Prime Minister in case of lack of cooperation by the government agency (Official Gazette, 2002).

Amendments to Civil Procedure and Enforcement Law No. 40 of 2021

The Sana'a regime enacted in 2021 Law No. 1, amending 19 provisions of the current Civil Procedure Law and repealing three. The most significant amendments related to administrative cases were:

- Article 104 (h): Exempting plaintiffs in administrative cases from the submission of a copy of the challenged decision where it is not feasible to obtain it for them.
- Article 294: Enhancing the basis for suspending the enforcement of a judgment on appeal.
- New Article 502 bis: Including provisions for priority of certain types of cases and judicial review (Ministry of Legal Affairs, 2021).

These changes brought in some small procedural tweaks, but they didn't really tackle the deeper, more stubborn issues in the system. Plus, the amendments were only put into effect in Sana'a, not Aden, so the legal inconsistency still lingers.

Criticism of the Amendments:

The Yemeni Bar Association, in a statement of 2020 (clearly awaiting the law), condemned these 2021 reforms for the following reasons:

- These wartime modifications jeopardize Yemen's legal consistency even further.
- There was no pressing need to undertake these minor procedural changes during wartime.
- In fact, the reforms derailed efforts towards the realization of legislative harmony and consistency throughout the country (Yemeni Bar Association – Sana'a Branch Facebook page on 13/12/2020).

Jurisprudential Foundations:

In the absence of a Law on Administrative Procedures and Pleadings, administrative judges have relied to a large extent on the body of precedents developed over the years by the Supreme Court. Precedents have formed several fundamental working rules:

- **Limits on Judicial Power:** Courts can quash illegal administrative action, but generally cannot get into the shoes of the administration to direct specific alternative action.
- **Binding Character of Judgments:** Administrative judgments are binding on all the parties and state authorities involved, and not merely the immediate parties to the dispute.
- **Timelines in case of alerting working judges:** When it comes to alerting working judges, there are specific timelines in place. Some institutions within the judiciary have set schedules for notifying judges. For instance, according to Article 90 of the Judicial Authority Law, which was amended in 2013, the President of the Supreme Court has the authority to alert or notify members of the Supreme Court, the Attorney General can warn members of the Public Prosecution, while the head of the Judicial Inspection Authority has the authority to alert judges at the rank of Chief of Appeal and below. Similarly, the President of the Court of Appeal has the right to alert judges working in the Court of Appeal and its first-instance courts. The warning can be given either verbally or in writing. If it's in writing, a copy must be sent to the Supreme Judicial Council. Additionally, if someone other than the head of the Judicial Inspection Authority issues the warning, a copy should also be shared with the Judicial Inspection Authority.

According to Article 91 of the Law on the Judicial Authority, which was amended in 2013, the President of the Supreme Judicial Council can send a written warning to judges if they're found to be neglecting their duties. This happens after the judge has responded to the allegations made against him, and it's been confirmed that he did indeed violate his responsibilities.

- **Two-Tier System:** Administrative cases generally have two tiers: the first instance court and the appeal.
- **Requirements of Error for Damages:** A plaintiff will normally need to prove serious defaults or abuse on the part of the administration, considering the practical constraints under which it is operating, to be compensated at the hands of the state.
- **Vitality of Procedure:** Acts not performed in accordance with due hierarchical procedure or by the wrong authority are likely to be legally void (judicial principles enshrined in Supreme Court judgments, Supreme Court, 2005).

While neither laws nor precedents provide a specific directive, judges refer to the teachings of Islamic Sharia enshrined in Article 3 of the Constitution so that they can decide their judgments in harmony with higher moral standards and notions of justice (Al-Hilali, 2017). For example, in a 2019 case (No. 2019/45), the Supreme Court purportedly employed the Islamic Sharia principle of public interest (*maslahah*) as the basis for overturning a government decision expropriating land which it considered unjust (Supreme Court judgment, 2019).

At last, the Yemeni administrative judiciary functions within a mixed legal system that's really trying to find justice by blending aspects of civil law, passed court decisions, and religious law. But the whole system is pretty fractured and has a lot of challenges along the way. Clearly, without a proper Administrative Procedure Law, courts struggle to work efficiently and predictably, especially in areas that need it most. To really move forward, we need big changes—like passing a clear, widely accepted master law for administrative procedures. Setting up specialized courts could also help, making sure that government power stays in check with the constitution and that governance works better, especially after conflicts.

Section Two: Creation and Organization of Yemeni First Instance Administrative Courts

Rehabilitation of Emergence, Structuring, and Challenges of Specialized Justice in a State of War. The creation of the Yemeni Administrative Courts of First Instance is a milestone in Yemen's judiciary, a testament to the will to continue the principles of administrative justice and the rule of law. These courts are the first step in the resolution of disputes arising from the actions and decisions of administrative bodies, thereby providing citizens and legal persons with access to redress against administrative action that would be in breach of their rights and interests. This section examines the genesis of these courts, briefly addressing their history, structure in law, and organizational composition. It will also examine the machinery through which the courts operate, e.g., their jurisdiction and rules of procedure. The analysis will also highlight the challenges and opportunities for the Administrative Courts of First Instance in Yemen and shed light on their role in bringing accountability into the administrative machinery, as well as enhancing access to justice for all citizens. By examining this, we hope to determine the role played by these courts in ensuring good governance and the protection of human rights within Yemen's overall political and legal sphere.

Major Insights into Yemen's Administrative Judiciary

- Back in the day, Yemen's legal system gave general courts wide authority over many issues. But over time, it became clear that handling state matters needed a more focused approach. So, in 2010, Yemen set up special administrative courts. This was a big move to develop expertise in tricky areas like administrative law, and it also led to the creation of dedicated courts for taxes and funds. It marked an important step towards a more specialized and effective legal system for government-related cases.
- The 2015 war really tore apart the way the administrative judiciary was supposed to work. With the conflict splitting the leadership of the judiciary in both Aden and Sana'a, things got messy. Instead of a unified system, there ended up being two ministries of justice, two Supreme Judicial Councils, and two Supreme Courts. That division made it hard to maintain consistency in legal decisions and really shook people's confidence in the justice system. When politics is all over the place, it makes it harder to settle administrative cases smoothly. It also scares off foreign investors who want stability in the absence of clear rules.
- Challenges in the administrative judiciary are tough. They include handling many cases, not having dedicated administrative appeal courts, and some judges lacking proper technical training. Looking ahead, efforts should focus on improving the overall legal system, better organizing the judiciary, and possibly bringing in international support to strengthen institutions. The goal is to make justice more accessible and fairer for everyone.

At first, Yemen's main legal system gave the general judiciary a broad role in handling many types of cases. This was laid out in Article 47 of the Judiciary Law and Article 89 (a) of the Civil Procedure Code. But as the number of state-related disputes grew, there was a clear need for a more specialized way to handle them. So, in October 2010, the Supreme Judicial Council took an important step to address this. Even though they reiterated their dedication to a unified justice system, the Supreme Judicial Council went ahead and issued Decree No. 177 of 2010. This decree is about setting up two specialized administrative courts, one in Sana'a Capital and another in Aden Governorate.

The main reason for setting up these new courts was to focus on tricky legal areas that need special attention. Things like making sure the law is applied correctly, handling tax disputes through dedicated courts, and dealing with public finance, media, government business, juvenile cases, and traffic offenses (Bagnid, 2014).

Jurisdictional Scope and Geographical Restrictions

The jurisdictional scope established with Resolution No. 177 was geographically restricted. Only two administrative courts with judicial powers were created: one in the capital, Sana'a, and the other in the large southern city of Aden. Article 2 of the resolution precisely restricted the jurisdiction of the Sana'a court to the capital's municipality of Sana'a and that of the Aden courts to the Aden Governorate (Supreme Judicial Council, 2010). For other governorates than Aden, the solution offered was that administrative disputes would be dealt with by the existing general primary courts, which were presided over by their permanent judges.

Post-2021 Developments: Efforts at Expansion

Acknowledging the constraint of this narrow framework, the Aden government issued a bill (Draft Law No. 8 in 2022) to expand the administrative courts to include other significant governorates such as Taiz and Hadhramout. The initiative was partly intended to stem the increasing backlog of cases. However, its success has been reported to have been hampered by a lack of funds and political disagreements among others, leading to severe setbacks (Generis Global, Yemeni Legal Reform Initiative, 2023).

Judges Appointment

Judges who handle these administrative courts are chosen according to the rules set out in the Judicial Authority Law No. (1) of 1991, which was later amended by Law No. 27 of 2013. According to Resolution No. 177, each court is run by just one judge who makes the final decision. These specialized courts started accepting cases on November 1, 2010. According to Article (10) of the Supreme Judicial Council Resolution No. (177/2010), the administrative courts of first instance are to have their own separate funding. This means they should have their own financial resources to cover their needs, and these funds are to be included within the overall budget of the courts, which is part of the larger budget of the Ministry of Justice.

Criticism of the Single-Judge Panel System

Its reliance on a single judge, compared to a panel of many members, has also been faulted by other legal authors. The reason behind the criticism from critics is that the system does not afford as much protection against prejudice or judicial errors, particularly in politically charged or very complex administrative law matters. To bring out these, a study in 2021 discovered that nearly a third (32%) of the administrative judgments issued by the Sana'a court were later overturned on appeal or on procedural grounds. This indicates probable defects in the original investigation conducted by one judge (Yemeni Centre for Legal Research, 2021).

Appellate Mechanisms:

The original Resolution No. 177 of Section 6 also provided for the intended appellate hierarchy. Specialized administrative court rulings in Sana'a and Aden, as well as administrative decisions of general primary courts in other parts of the country, would be appealed to the civil divisions of the existing appellate courts. The political division in the country since 2015 has, however, dismembered this intended structure extensively, leaving separate and at times contradictory appellate structures:

Sana'a: A Combined Appellate System

In 2017, the Supreme Judicial Council of the de facto government in Sana'a set up a combined administrative and labor division at the Sana'a Court of Appeal. This new chamber now deals with appeals not only before the Sana'a Administrative Court but also those related to labor disputes (Supreme Judicial Council, 2017).

Aden: Without Specialized Administrative Appeals

In Aden, the internationally recognized government actually administers the first appellate system devised in terms of Resolution No. 177. However, it lacks a special administrative appellate court.

These forces litigants appealing from administrative orders within their jurisdiction areas to appeal at general civil appeal courts, possibly lacking the necessary specialist expertise in the context of administrative law (Al-Jamra, 2012).

Case Backlog Example: The Inefficiency of Fragmentation

The inefficiency of such an ailing system also emerged starkly by 2023. Reports indicated that Sana'a's labor and administrative division alone was backed up with more than 1,200 pending cases. The average time to dispose of an appeal in the division was more than 18 months (UNDP, 2023).

Systemic Fragmentation Post-2015

The civil war, which began in March 2015, resulted in a fundamental bifurcation of Yemen's state institutions, including the judiciary.

Sana'a's Unilateral Judicial Reforms

Sana'a implemented unilateral reforms under the "Salvation Government," including the creation of mixed appellate courts and procedural legislative reforms applicable only in its areas.

Aden's Struggling Judicial System

In Aden, trying to rebuild the courts that existed before the war is really tough. Years of not enough funding and poor infrastructure have made it hard to keep the courts running properly. It's estimated that less than 40% of the courts across the area are actually working as they should (World Bank, 2022).

Critiques of the Current Model

The current structure of Yemen's administrative judiciary is susceptible to several obvious criticisms:

Weakness of Specialization

The combination of administrative and labor appeals within the same Sana'a appellate court will necessarily detract from the specialized expertise required of both complex legal specialties. In 2020, a survey identified that a majority (58%) of the judges who headed this combined division had not received any specialized formal training in administrative law (Yemeni Bar Association, 2020).

Differing Supreme Courts

While Resolution No. 177 relegated the Sana'a Supreme Court Administrative Division as the final appellate stage, having competing Supreme Courts (one in Sana'a and one in Aden) means that even "final" decisions can be conflicting. A high-profile case in 2022 (No. 45/2022) saw the Sana'a Supreme Court overturning an Aden appeal decision on a public contract on judicial grounds—a textbook case of probable legal stalemate (Supreme Court Judgment, 2022).

Contradictory Supreme Courts

Systemic inconsistency is maintained by the ongoing exercise of the expansive Civil Procedures Law (Law No. 40 of 2002) for administrative litigation. For instance, the 2021 amendment to Article 104(h), to allow litigants to sue in the absence of the decision under appeal where it is not published, while intended most likely to facilitate access, has generated a surge of potentially frivolous suits, adding to the judicial workload by an estimated 22% since the law took effect (Ministry of Legal Affairs, 2023).

Comparative Perspectives: Regional Lessons in Reform

Yemen's generalist tradition in administrative litigation, founded mainly on general civil procedure, contrasts strongly with change elsewhere in and outside the region. Morocco, for example, had a targeted law for administrative tribunals in 2015, introducing specialist proceedings. Some of its characteristics include efficient timetables for tax cases and mandatory mediation of certain disputes over public contracts (International Union of Judicial Officers). Implementing the same context-specific reforms within Yemen would significantly help reduce the number of cases it currently has pending, with a projected decrease of around 35% being proposed by a study (Generis Global, Legal Services, Recent Legal Reforms in Yemen, December 1, 2024).

The following is a description of the principal structural and functional components of Yemen's administrative judiciary:

Aspect	Description	Current Status/Challenges
Establishment	Set up by Decision No. 177 (2010) to specialize in cases involving the state.	Originally limited to Sana'a and Aden, expansion plans were sabotaged by financial and political issues after 2021
Jurisdiction	Specialization in administrative law, taxation, public finance, media, and state-involving commercial cases.	Geographically limited in its start-up, administrative cases are determined by general courts in the rest of the governorates.
Judicial Structure	Single-judge bench for first-instance administrative tribunals.	Flamed as potentially biased/erroneous; high percentage of overturning first-instance rulings on appeal (32% in Sana'a, 2021).
Appellate System	Designed to appeal to the civil divisions of modern-day appellate courts.	Divided after 2015: Sana'a has a hybrid admin/labor division; Aden lacks a specialist admin division, hence appeals go to general civil courts.
Institutional Fragmentation	Splintered judiciary due to civil war (Sana'a vs. Aden).	Leading to inconsistent rulings, lack of legal uniformity, and erosion of popular confidence, overly excessive backlogs (1,200+ cases in Sana'a, 2023).
Specialization Issues	Worn down in Sana'a hybrid appellate court; no specialized training of judges.	58% of hybrid division judges lack training in administrative law; it perpetuates procedural weaknesses.
Procedural Law	Continued usage of the blanket Civil Procedures Law (2002).	Systemic injustices: reforms like Article 104(h) have overloaded caseloads with potentially frivolous litigations (+22%).

Conclusion

Setting up the administrative courts in Yemen was a slow, cautious step, but it was really necessary after all this time. It was about time they had a dedicated judicial system for administrative issues. Unfortunately, the chaos of the ongoing civil war and the deep-rooted problems in procedures have made things difficult. On top of that, the politicization of appointments has only made it harder for these courts to function properly. All these issues really hold back their effectiveness.

In the future, any post-conflict reform plan should really focus on building a clear, unified legal framework for administration. It's also crucial to bring together the scattered parts of the judiciary into a single, functioning system. Additionally, we should actively seek out and make good use of international technical support to help rebuild institutions that are currently running on very weak foundations. We need to take these steps to restore trust in the rule of law and make sure everyone has an equal shot at getting justice.

Chapter Two: The Administrative Judiciary and Its Practical Application in Yemen

This chapter examines the way Sana'a and Aden's courts of administration operated since their official opening on November 1, 2010. Their operation may be impossible to read unless one considers the gigantic political, social, and economic upheavals caused by the civil war that started in March 2015. One of the immediate effects of war has been the failure of state institutions. The judiciary was not immune to this either, and it resulted in a curious phenomenon of two simultaneous systems of law governing one state:

- Sana'a: De facto government.
- Aden: De facto government.

Through the evaluation of a series of milestone court rulings and criticism leveled against institutions themselves, this analysis attempts to pinpoint the chronic problems within the judiciary and how its purpose for guaranteeing administrative decisions' legitimacy in divided Yemen is evolving.

Section One: Principal Court Cases as Primaries of Real-Life Lessons (2013-2024)

This section discusses major court decisions that better reflect the state of administrative justice in Yemen during the fragmentation and institutional collapse of the country. Examining previous cases in Sana'a and Aden, the judiciary is assigned a fragile role, at times a balance against power, but at other times appearing like a victim of the complete collapse of the system. Looking at legal reasoning and the context surrounding it, we can understand how these courts struggled with executive excess, abuse of process, and constitutional abuse. These cases offer important lessons regarding how to contest and obtain judicial accountability when the state is taking life.

When Courts Overturned Executive Decisions:

- **Case 1: Sana'a Court vs. Presidential Decree on Anti-Corruption Authority (2014):**

In a landmark development on January 12, 2014, Sana'a's Administrative Court declared Presidential Decree No. 54 (2013), establishing the law of the Supreme National Anti-Corruption Authority, void. The Administrative Judge declared that the order conflicted with the prevailing Anti-Corruption Law No. 39 of 2006, as the commissioners were appointed without following the procedure as provided under the law. The bench ordered then-President Abdrabbuh Mansour Hadi to pay YER 200,000 for the cost of court procedure (Yemen Press, 2014; ILAC Report, November 2021). It was historic when a court first upheld a sitting president displaying an unprecedented display of judicial boldness even in the midst of political strife.

- **Case 2: Revocation of Appointment by the Supreme Political Council (2020):**

Resuming immediately on September 29, 2020, the Sana'a Administrative Court moved once more, cancelling Supreme Political Council-approved Resolution No. 23 of 2019. The resolution had appointed Dr. Waleed Saleh Al-Rayeshi as Executive Director of the Community Colleges Council. The justification given by the court was procedural flaws: the appointment was without the required recommendation by the ministry and authorization by the Prime Minister (ILAC Report, November 2021).

- **Case 3: Aden Court Halts Presidential Appointment (2021):**

The Aden Administrative Court suspended Presidential Decree No. 4 (2021) on February 3, 2021, appointing Dr. Ahmed Ahmed Saleh Al-Mousa as the new Attorney General. The court suspended the entry into force of the decree and sent the constitutional objections of the decree to the Constitutional Chamber of the Supreme Court (International Liberation Association Report, November 2021). This decision by the Aden court indicated its attempt to uphold procedural integrity despite overall institutional weakness.

Examining Government Abuse:

- **Case 4: Challenge to the Supreme Revolutionary Committee (2017):**

A Sana'a court on 3 April 2017 declared null and void a decision (Decision No. 2016/123) of the powerful Supreme Revolutionary Committee. The decision appointed a non-judicial member as a public prosecutor. The court was able to decide several fundamental issues of law:

- Procedural Error: Disregarding the Judicial Authority Law (Law No. 27 of 2013, Article 60), which stipulates judicial appointments are to be from the Supreme Judicial Council.

- Exceeding Limits: Infringing judicial independence, a constitutional right guaranteed under Article 149 of the Constitution.
- Wrong Candidate: The appointed candidate lacked the professional qualifications demanded by the position.
- Abuse of Power: The appointment had been seen as a violation of fundamental Sharia principles related to public interest (Ruling No. 2017/172).
- **Case 5: Compensation for Protest Victims (2012):**
On 14 November 2012, the Sana'a Administrative Court ruled that the transitional government must compensate 11 protesters who were injured during the 2011 uprising. The court reaffirmed the state's principal role in protecting citizens and found the government liable for failing to control the crowds in a safe way (Civil Online, 2014).

Handling Economic and Banking Disputes:

- **Case 6: Central Bank of Aden vs. Exchange Companies (2020):**
On 1 July 2020, the Aden court annulled a decision by the branch of the Central Bank there to close licensed money exchange companies. The court decided that the bank's decision was procedurally flawed and lacked adequate substantiation based on supposed money laundering or manipulation. The decision reinstated the binding nature of the bank to commit to the Civil Procedure Law (Law No. 40 of 2002) (Aden Events, 2020).
- **Case 7: Steel Imported Quality Dispute (2014):**
"On 6 June 2014, the Aden court upheld a decision by the Yemeni Standards and Metrology Organization for the re-export of steel shipments that do not comply with the national standard. The ruling asserted the authority's power to regulate imports (Al-Madina Online, 2014)."
- **Case 8: Annulment of Scrap Metal Export Ban (2013):**
The Sana'a court nullified on February 3, 2013, a ministerial decision (Decision No. 2012/10211-80) prohibiting the export of scrap metal. The court ruled that the minister had exceeded the authority granted in the Foreign Trade Law (Law No. 16 of 2007) (Ruling No. 1434/22 AH).

Chapter Three: Systemic Challenges and Opportunities of Yemen's Administrative Judiciary

The Yemeni administrative judiciary is also faced with several systemic challenges that impede its efficiency and are responsible for the nation's repeated administrative and legal crises. In the wake of prolonged political instability and economic unpredictability, the judiciary has been kept under a constant barrage, and certain intrinsic blemishes have been revealed that compromise its ability to dispense justice. Lack of proper resources, political interference, and lack of proper training of judicial staff are some of the most glaring issues that undermine the rule of law and public confidence in the judiciary.

But beneath these issues, there are enormous opportunities to reform and revitalize the administrative judiciary. Through investment in training judges, procedural simplification, and improving greater independence from political influence, Yemen can lay the groundwork for a more robust and effective judiciary. What follows will examine the specific challenges of the administrative judiciary in Yemen and outline the obstacles and likely directions for meaningful improvements to make the pillars of justice and accountability in the nation more unshakeable.

Section One: Obstacles to the Administrative Judiciary in Yemen

There are several system issues that deter the administration of the judiciary in Yemen, for instance, a division of the higher administrative structures of the judiciary, lax procedures, politically driven interference, and inadequate resources. All these negatively add up to the capability of the judiciary in exercising effective oversight over government action.

Erosion of Independence

War has also weakened judicial independence to the level where the judges cannot exercise their independence freely. In a UN report in 2022, almost 67% of the front-line courts, including those located in Taiz and Hodeidah, were out of action, leading to massive backlogs in accessing justice (UN Expert Panel, 2022).

Fragmented Law Enforcement

Differing administrative institutions create legal complexity as Supreme Judicial Council rulings in Sana'a conflict with those embraced by recognized institutions in Aden. Such inconsistency bars facilitate productive legal oversight (ICG Report, 2023).

Politicization of Judicial Appointments

The politicization of the selection of judges has grown since 2015, and judges are selected increasingly based on political loyalty rather than merit. A 2022 report from the UN demonstrates that nearly 70% of the administrative judges in Sana'a were appointed with no standards based on impartiality (UN Expert Panel, 2022).

Resource Scarcity

The judiciary lacks serious financial and infrastructural resources beyond Sana'a and Aden, with only 30% of the administrative courts being operational due to under-funding and staff displacement (World Bank, 2023).

Conflicting Rulings

The existence of two established courts in Sana'a and Aden leads to conflicting judgments, thus judicial anarchy. For example, the Supreme Court in Sana'a declared void a ruling by the Aden court in 2022 regarding public contracts on the basis that the Aden court exceeded its jurisdiction (Supreme Court ruling, 2022).

Legal and Procedural Defects

One reason decisions differ is because of weaknesses in administrative law and the lack of clear laws on administrative procedures and pleadings. You can especially see this in land confiscation cases, which don't have specific legal rules to follow. As a result, these cases tend to take up more than 60% of administrative cases and often drag on longer (Al-Jamra, 2012). Even though it's tough to put administrative law into clear rules, one thing that's clear is that it comes from the courts, not just a written code. It's flexible and can grow over time. People say that even having some parts of administrative law written down helps make court decisions better.

Civil laws invoked in the context of administrative cases position individuals in such a way that they are at risk, and they therefore lack the capability of collecting evidence against government agencies. It is therefore essential to have an independent administrative claims law to fortify procedures (Bajneid, 2014; Yemeni Legal Reform Initiative, 2020).

Judicial Confusion

There are single, exclusive administrative courts in Sana'a and Aden alone, with uneven application of administrative law in the country. Plans for the expansion of these courts have been delayed because of financial restrictions (World Bank, 2023), and it is thus critical to address the unification of the judiciary.

Incomplete Appellate Structure

Administrative appeals are most dealt with by general non-specialized civil sections with unequal verdicts, which undermine public trust (Al-Aghbari, 2015). Independent administrative appellate courts have to be established to deliver higher-quality justice

Lack of Administrative Prosecution

No professional organ exists for prosecuting administrative crimes, hence provoking corruption and abuse of power (Al-Jamrah, 2012). Accountability could be attained through the establishment of an independent administrative prosecution office.

Effect of Prolonged Conflict

There are a number of court systems, resource scarcity, and perceived unfairness that heighten tensions within the judiciary, where 80% of the people report evident bias in courts (Yemen Center for Polling, 2023). This is an aim to achieve financial and judicial independence.

Comparison to the Iraqi Situation

Iraq's experience since 2003 is characteristic of the potential of judicial reforms to develop constructively, though Iraq is still marred by political and institutional instability. While Iraq was

hobbled by fragmentation of the judiciary, it was enhanced by enacting an administration judiciary law in 2004 that reduced its backlog of cases by 45% in a decade (World Bank, 2019). On the other hand, the Yemen case was not improved because reforms do not exist; Yemeni administrative cases now take 18 to 24 months to conclude (Yemen Legal Reform Initiative, 2023).

Section Two: Judicial Reform Opportunities in Yemen

Judicial and legal reforms are the core of modern state-building and rule of law improvement. In the Yemeni case, there are prospects for judicial reform that are crucial for achieving economic and social stability, particularly considering the country's current political crises and conflict. The Yemeni judicial system suffers from complex issues ranging from technological regression to corruption, substandard infrastructure, and the absence of professional training of judges. Despite these difficulties, there are reform directions with promise and the support of a new world consciousness regarding the need for justice as a basis for peace and sustainable development.

Possible paths of judicial reform in Yemen include the creation of legislative and procedural structures, support for judicial institutions, and training and education of judges and justice administrators. The success of such measures depends on the provision of a stable legislative environment that is conducive to transparency and accountability and ensures equal rights. Therefore, this research searches for various aspects of Yemeni judicial reform with a focus on potential mechanisms and best practices borrowed from other Arab nations. Here, the research attempts to provide strategic proposals that will be used in crafting a just system able to survive modern-day challenges and sustain a stable and wealthy Yemeni state.

Legislative Procedures

Judicial reform in Yemen involves creating an inclusive legislative system that ensures the administration of the administrative processes. This is done through the adoption of an administrative law from available models, such as Egyptian law, to start the process of public contract administration unification, expropriation procedures, and state liability. Apart from this, dedicated procedural legislation for administrative affairs needs to be grounded with lessons taken from models such as the 2015 Moroccan Administrative Courts Law to unfetter dependence upon current civil procedures.

Institutional Strengthening

Strengthening Yemen's judiciary involves constructing networks of courts. Implementation of plans for doing this, as envisioned in the UNDP Judicial Recovery Plan 2022-2025, should be carried out, including the establishment of administrative courts in strategic governorates such as Taiz, Hadhramaut, and Hodeidah. Expansion will reduce case backlogs by as much as 40% (UNDP Judicial Recovery Plan).

Investment in Judicial Training

Through the establishment of a comprehensive training model, a specialized curriculum in administrative dispute resolution methods and constitutional principles should be formulated based on Arab experiences and cases like Tunisia. Accredited postgraduate courses in administrative law should also be established in Yemeni universities, in collaboration with such well-reputed institutions as Cairo University, in comparative governance and judicial ethics. Arabic centers of judicial training, such as Egypt's High Institute of Judiciary, can also be arranged to provide workshops and help Yemeni judges.

Process Improvement

This can only be realized if it is joined by a development of procedural guides in compliance with the Yemeni context, from the best Arab practices, in order to facilitate effective case disposition and reduce delays. Academic training would be complemented by postgraduate training in administrative law at Yemeni institutions such as Sana'a University, through Arab technical co-operation.

Providing training seminars on mechanisms of judicial control and experiences in the past, such as the experience of the Administrative Court of Appeal and the fruitful experience in Arab nations, is appropriate. Scholarships should also be provided to Yemeni students and judges for studying

administrative law at the national and regional levels, for instance, in special courses implemented in Mohammed V University in Morocco.

The Need for These Reforms

They require National reform to sustain themselves, through capacity building in the High Institute of Judiciary. They also offer solutions to context-specific issues in the local area and help win people's hearts by involving Yemeni institutions in planning and implementation processes.

To verify the success of reforms, proper indicators should be determined, such as the average case handling time, rate of appeals, and public opinion surveys of trust in the justice system and fairness of the system. Priorities for the Future

Future Priorities

Priorities in the next few years under the plan would include effective digitalization, through the implementation of an electronic filing system and electronic case management, to minimize case backlog, estimated at over 18,000 cases (World Bank, 2023). Judicial reforms must also be directed at greater national aspirations for reparations and reconciliation, as planned in post-conflict vision plans (UN, 2023).

Estimated Table of Challenges and Opportunities Facing the Administrative Judiciary in Yemen

Category	Challenges	Opportunities
Infrastructure & Operations	Physical destruction of court buildings. Insufficient minimum financial & material input Long backlogs & delays Staff shortage of judicial expertise	Rehabilitating courts and judicial buildings Providing essential resources & funding Training and capacity-building programs for staff Rationalizing judicial processes
Politics & Independence	Political factionalism & factional interference The judiciary's lack of independence from the executive Issuance of partiality, loss of public confidence Harmonization challenge between state law & customary law	Enhancing judicial independence & integrity Impartial application of open appointment processes Concerning formal & customary systems of justice Encouraging dialogue between state & tribal leaders
Security & Human Rights	Threats, intimidation, & violence against judicial officers Inadequate security discourages able officers Abuse of human rights on a large scale & an unprocessed complaint	Ensuring protection & safety for judicial personnel Institutionalizing transitional justice processes Examination of remedies for victims of human rights violations Promoting a rights-based approach to justice
External & Societal	Unified legal system (Islamic, tribal, & colonial heritage) Lack of proper access by the public to equal judicial processes The public's lack of knowledge about judicial processes	Enhancing international cooperation & legal assistance Using indigenous & local mechanisms of justice Public information & awareness campaigns Facilitating international arrangements for the resolution of disputes

Chapter Four: Creating a Stronger Justice: Administrative Judiciary's Key Role in Restoring Peace in Post-Conflict Yemen

Unshackling stability and rule of law, along with peace through legitimate judicial reform in a nation reclaiming its pillars. After conflict, the path to sustainable peace and stability is typically fraught with challenges that require new governance and justice paradigms. In Yemen, a country that had been shaken by years of instability, the demand for a strong and efficient administrative judiciary has grown more urgent day by day. This form of government is not just about upholding law; it is an essential pillar of rebuilding confidence of citizens, solidifying accountability, and ensuring equitable distribution of resources. Fortifying the administrative judiciary can open doors to greater openness, inclusivity, and accountability in government. This essay considers the critical role of Yemen's post-war judiciary in administration, in how it can be utilized to promote social cohesion, redress complaints, and ultimately, build a lasting peace. Through heightened focus on the effectiveness of the judicial process, halting corruption, and pushing the agenda of citizen rights, Yemen can gain its social cohesion back and heal from the wounds of the war.

Key Findings into Yemen's Administrative Judiciary

- **Grounds of Appreciation for Rule of Law:** Administrative judiciary is the foundation of admiration for good governance, respect for the rule of law, accountability of government, and protection of citizens' rights.
- **Driving Force towards Stability:** An Independent and robust judiciary is at the core of enhanced public confidence as well as institutional stability, particularly in post-conflict transitional settings like Yemen, which culminates in peace and democratic order.
- **Overcoming Systemic Barriers:** Despite the deep-seated conflict and structural problems, long-term strategic investment in training, infrastructure, and broader legal systems can bring Yemen's administrative judiciary up to a level of justice and transparency.

The Necessary Role of the Administrative Judiciary in Building Peace and Securing the Rule of Law

Administrative judiciary is a pillar of ensuring the rule of law and good governance. It is essential in ensuring that processes in the government are controlled and the rights of citizens are safeguarded. Its mandate is not only to uphold the law but also to ensure there exists a balance among the executive, legislative, and judicial arms. This has a broad scope of implications in ensuring political and social stability through ensuring legal standards, procedures, and integrity at large.

Judicial Oversight and Why It Is Important for Peacebuilding

Against tremendous odds, judicial oversight remains an essential ingredient to any peacebuilding initiative. Ensuring there is a functioning judiciary able to check the administration is vital to restoring public and institutional trust. The World Bank (2021) estimated that investment in stronger judicial institutions would reduce the risk of corruption in Yemen by up to 40% after the conflict had ceased. Independent courts are guardians of human rights and enhance the faith of citizens in the state. Mechanisms of judicial control that ensure transparency and accountability stop administrative corruption and misuse of power.

The Role of Administrative Judiciary in Transitional Settings

The role of the administrative judiciary is even more critical in transitional contexts, where societies are grappling with institutional rebuilding of a chronic nature and trust issues regarding state institutions. A dispute-settling legal mechanism of high efficiency assists in developing a culture that respects law, thus reducing the extent of utilization of mechanisms of informal justice.

Transparency and Accountability as Pillars

Administrative judiciary maintains the principles of transparency and accountability, which result in peace and harmony in society. By keeping a check on the functioning of the government and seeing if it remains according to law or not, it contributes to the principle that all individuals, irrespective of his/her status, are equal before the law. This results in people's confidence in the government.

Conclusions based on the study

Conclusions based on this study point out legal and administrative issues as pillars that are fundamental for societies' evolution and peace and stability building. For Yemen, the administrative judiciary was an important factor that played a central role in addressing society's issues and providing channels for sustainable development. The current study emphasized the utmost importance of examining the challenges and prospects of the administrative judiciary in Yemen with emphasis on the country's current situation. There has never been a point in history where the demand for a fair system that can manage justice and resolve disputes has ever been more needful than in the current age.

The research tries to bring forth an in-depth examination of how the administrative judiciary is working towards ushering peace by analyzing the obstacles that are hindering its process and the potential it can utilize to lead towards a peaceful and stable society. To attain this objective, the various parts of the administrative judiciary shall be critically examined, with recommendations being drawn towards making it more efficient as well as to ensure that it offers its maximum contribution towards Yemen's peacebuilding interventions. Through this examination, we aim to contribute towards enriching the knowledge of the administrative judiciary as an efficient mechanism for bringing about security and stability.

Deep Structural Challenges

Yemen's administrative justice is confronted with a deep structural crisis of severe loss of public confidence between the state and citizens due to the bad rule of law entrenched by the ongoing conflicts.

Fragmented Judicial System

Segregation of the judiciary into two competing systems in Sana'a and Aden has resulted in conflicting judgments, and the litigants are lost. This further loss of public confidence in the judiciary.

Impact of Conflict on Judicial Effectiveness

The escalation of conflict post-2015 has had a major effect on the decline in the efficacy of the judiciary, leading to the weakening of state institutions and an increase in corruption in judicial appointments, where appointments are mostly made on the grounds of political affiliation rather than professional competence.

Lack of a Comprehensive Legal Framework

Yemen's judicial administrative system is also tainted with the absence of an integrated administrative law, which undermines the smooth settlement of administrative disputes and promotes inconsistency and corruption.

Opportunities for Judicial Reform

Some opportunities for administrative judicial reform are recognized in the report, including the promotion of a comprehensive administrative law, transitional justice paradigms, enhancing court infrastructure, and initiating training programs for judges to enhance their independence and efficiency.

Strengthening Judicial Independence

There is a need for the reforms to transparently demonstrate the mechanisms of the selection of judges and safeguarding judges against political pressure, thereby ensuring justice and safeguarding fundamental rights, which can further facilitate the development of new trust among citizens and the state.

Yemen's administration judiciary is at a juncture requiring prudent reform to address chronic issues and regain the trust of the people. Based on this research, reform of the judiciary is preeminent in realizing sustainable peace, discouraging corruption, and building pillars of the rule of law upon which democratic and economic stability in the country could be realized.

Recommendations for an Efficient Administrative Judiciary in Yemen

The Yemeni administrative judiciary is at a crossroads and requires concerted efforts for substantive reforms to address current challenges and win the trust of citizens. In alignment with the findings of

the research, judicial reform efforts should be initiated to achieve sustainable peace, combat corruption, and instill the rule of law in promoting democratic and economic stability in Yemen.

Detailed Recommendations

This chapter provides important recommendations for augmenting the role of the administrative judiciary in Yemen's peacebuilding for better stability and justice.

- **Judicial Independence:** Decisive action needs to be taken immediately to make the administrative judiciary independent of political influence. This involves making clear-cut mechanisms for the appointment of judges based on merit and not political considerations. This is very important for safeguarding citizens' rights and their increased confidence in the judiciary.
- **Developing Comprehensive Administrative Law:** A comprehensive Administrative Law covering all aspects of public administration and defining state-citizen relations should be adopted. It should consider international best practices and successful reforms conducted in other countries.
- **Organizing Court Arrangements:** The network of administrative courts must be expanded to other governorates with clear steps towards implementing specialized administrative courts of appeal. This will decrease judicial backlogs and improve the quality of judicial work.
- **Building Judicial Staff Training:** The time has come to institutionalize the continuous training of judges and judicial staff based on Arab and international experiences. Training should be oriented in the fields of administrative law, constitutional protection guarantees, and professional ethics.
- **Special and Specific Legal Procedures:** Special procedures must be created according to the nature of administrative cases, like a law on administrative research procedures to close existing legal loopholes in the system.
- **Mechanisms of Accountability Enhanced:** An independent body must be created to probe administrative abuse and ensure accountability and justice. The body would have the mandate to investigate complaints against government administrators.
- **Completing Integration of Formal and Informal Legal Systems:** There needs to be communication between traditional forces and legal institutions in a way that both systems are balanced without conflict and serve all individuals equally without discrimination.
- **Engaging Civil Society:** Civil society needs to be involved in judicial reform by inviting NGOs and media to participate in the establishment of awareness about citizens' rights and access to justice.
- **Creating a Sustainable Legal Framework:** Initiatives should create a culture of accountability and transparency in the lawmaking process to enable the establishment of a republic of responsibility and rights of citizens.
- **Monitoring and Evaluation of Performance:** Clear performance metrics for the administrative judiciary and levels of citizens' satisfaction need to be defined to guide reform processes and identify areas of improvement.

Conclusion

Yemen's judicial administration is at a critical juncture marked by deep-seated challenges that lie in the deep-rooted conflict and political divisions that have significantly impacted the rule of law and legitimacy of the judiciary. It is evident from this research that the institutional fragmentation and Sana'a and Aden parallel courts have contributed to undermining citizens' confidence in state institutions. Yet opportunities for reform are evident in structural and ethical enhancement of the judiciary, including satisfying the urgent requirement of embracing a comprehensive administrative law consistent with global best practices and enactment of a judicially hospitable law code.

Establishing an effective judicial system in Yemen relies on interaction among legislative, executive, and judiciary powers and an active role for civil society. If the power of the judiciary is strengthened

by adequate training, adequate finance, adequate material, and complete immunity from politics, the administrative judiciary can effectively play its role in peacebuilding and rule of law institutionalization in Yemen's post-conflict scenario.

This conclusion highlights the imperative of taking realistic steps in the form of reform, ensuring access to justice and combating administrative corruption, thereby actually helping restore confidence between the state and society. Considering these challenges and opportunities, all concerned factors must come together to revive the efficacy of the administrative judiciary and ensure a proper basis for the founding of a united and stable Yemeni society.

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