



# **The Emergence and Evolution of the Administrative law in the Kingdom of Saudi Arabia**

**Prepared by**

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## In the Name of Allah

### **Abstract:**

This research studies the emergence and evolution of the Saudi administrative law using the historical methodology of scientific research for legal sciences. The research concluded that the emergence of the administrative law in the Kingdom began early, due to the need for it at the establishment of the State. The beginning of the development of the administrative law was simple. All administrative laws in the Kingdom did not depart from the framework of Sharia, as stipulated in the Basic Law of Governance. In Najd, in the early days of the reign of King Abdul Aziz, there was no stipulated administrative law, but the governor of the region was the administrative ruler who had all the powers to implement the provisions and apply the public interest, and there was no form of central administration. After the announcement of the unification of the Kingdom, two things happened: The selection of a crown prince, the development of the level of services and its impact on the administrative organization, and the development of the administrative organization after the establishment of the Council of Ministers. In each of the reigns of the kings of the kingdom, there was a development in the establishment of new ministries and agencies that helped in the organization. During the era of the Custodian of the Two Holy Mosques King Salman bin Abdul-Aziz and his Crown Prince Muhammad bin Salman, the administrative law has developed remarkably, distinctly and rapidly, keeping pace with global developments, and has taken the lead in many areas globally. The Kingdom established an administrative judiciary represented by the Board of Grievances in 1373 AH. The administrative law continued to develop remarkably until it reached this year, when some of its courts were converted into fully digital courts, which is a precedent in the field of the system and the administrative judiciary.

### **Keywords:**

administrative law – King -the Council of Ministers- the Board of Grievances.



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بسم الله الرحمن الرحيم

الملخص العربي:

في هذا البحث تمت دراسة نشأة وتطور النظام الإداري السعودي بدراسة متبعاً فيها المنهج التاريخي للبحوث العلمية في العلوم القانونية، وقد توصلت إلى أن نشأة النظام الإداري في المملكة كان مبكراً، وذلك للحاجة إليه مع نشأة الدولة، وإن كانت بداياته بسيطة، وكانت جميع الأنظمة الإدارية في المملكة لا تخرج عن إطار الشريعة كما هو نص النظام الأساسي للحكم، ولم يكن في نجد في أوائل عهد الملك عبد العزيز نظام إداري منصوص، وإنما كان أمير المنطقة يعتبر حاكم إداري له جميع الصلاحيات في تنفيذ الأحكام وتطبيق المصلحة العامة، ولم يكن هناك أي من أشكال الإدارة المركزية، أما بعد إعلان توحيد المملكة فقد حدث أمران: اختيار ولي للعهد، وتطور مستوى الخدمات، وأثره على التنظيم الإداري، تطور التنظيم الإداري بعد إنشاء مجلس الوزراء، وفي كل عهد من عهود ملوك المملكة كان يحدث تطور بإنشاء وزارات وهيئات جديدة تساعد على التنظيم، وفي عهد خادم الحرمين الشريفين الملك سلمان بن عبدالعزيز وولي عهده الأمين الأمير محمد بن سلمان، تطور النظام الإداري بشكل ملحوظ و متميز و متسارع و مواكب للتطورات العالمية وكان له السبق في كثير من المجالات عالمياً، وأنشأت المملكة قضاء إداري متمثل في ديوان المظالم عام 1373هـ، واستمر بالتطور حتى وصل إلى هذا العام الذي حولت بعض محاكمه إلى محاكم رقمية بالكامل، وهو سبق في مجال النظام والقضاء الإداري.

كلمات مفتاحية:

النظام الإداري- الملك - مجلس الوزراء- ديوان المظالم.



## Introduction

Praise be to God, Lord of the Worlds, and prayers and peace be upon His Prophet Muhammad

Proceeding from the importance of the Kingdom of Saudi Arabia at all levels; religious, political, strategic, and economic, researchers have been interested in studying all the phenomena of life in the Kingdom. This research studies the administrative law in the Kingdom in terms of its emergence and development. Since its establishment at the beginning of the twentieth century by its founder King Abdul Aziz bin Abdul Rahman Al Saud - may God have mercy on him - the Kingdom has witnessed great transformations in various fields that all led to the establishment of a single and independent State on a land that had suffered a lot of chaos and insecurity before King Abdul-Aziz, may God have mercy on him.

Given the importance of administration in the establishment stage and the following stages, King Abdul Aziz paid great attention to the administration and its affairs since the beginning of the formation of the kingdom. The process of administrative reform and development in his era and the era of his sons the kings came gradually, but it is continuous. The emergence of the administrative Council in the kingdom was different from one region to another, as the administrative situation in



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Najd did not differ from the situation in Al-Ahsa in the beginning. Hijaz, in contrary, was completely different in terms of the emergence and development of the administrative law.

This research deals with the administrative law in the Kingdom through its formative stages, then its developments, with reference to previous studies, which dealt with this topic

**Research Importance:**

This research concerns those affiliated with these countries in general and those concerned with this art in particular, since it is unreasonable that a man is interested in the Saudi system, especially the administrative law, and does not know its beginnings in the Kingdom of Saudi Arabia are and how it is developing. Therefore, we have to clarify this issue so that we know the details of this type of system; how do we build this type of knowledge without knowing its beginning, and the stages it has gone through.



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### **Research Reasons:**

- 1- To know how the administrative law was established in our country?
- 2- To know how the administrative law has developed in our country?
- 3- To see what scholars have written about the extent of the development of the administrative law in the Kingdom of Saudi Arabia.

### **Research Objectives:**

This research mainly aims to:

- Clarify of the emergence of the administrative law in the Kingdom of Saudi Arabia.
- Describe the stages of the administrative law.
- Explain its development and beginning.
- Clarify the relationship of the Board of Grievances with the administrative law.

### **Research Problem:**

The research problem lies in the reluctance of many laws and regulations researchers from historical studies, which are one of the research methods adopted in scientific research. Through my knowledge of many researches on Saudi laws, I found a lack of this scientific method, and I was keen to lay a foundation in this great edifice, by writing a scientific research according to a historical methodology.



**Previous Literature:**

There is no independent study on the subject of the research, but there are some topics in some studies, some of which dealt with this subject, which are the references that I used in the research.

- (1) Al-Juhani, Eid Masoud, The Political and Administrative law in the Kingdom of Saudi Arabia, Publications of the Arab Gulf Center for Energy and Strategic Studies, 1<sup>st</sup> edition, 1422 AH
- (2) Al-Salloum, Youssef Ibrahim, The Administrative law in the Kingdom of Saudi Arabia, Abdul Rahman Al-Nasser for Publishing and Distribution, 1<sup>st</sup> edition, 1406 AH.
- (3) Al-Sunaidi, Abdullah bin Rashid, Stages of Evolution of the Organization of Governmental Administration in the Kingdom of Saudi Arabia and Glimpses of Its Achievements, Al-Sunaidi, 5<sup>th</sup> Edition, 1409 A.H.
- (4) Al-Zahir, Khaled Khalil, Administrative law, Library of Law and Economics in Riyadh, 1<sup>st</sup> edition, 1430 AH
- (5) Baz, Ahmed bin Abdullah, The Evolution of the Political and Administrative law in the Kingdom, Al-Khuraishi, 4<sup>th</sup> edition, 1422 AH



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(6) Raslan, Anwar Ahmed, Saudi Administrative Law, Institute of Management in Riyadh, 1<sup>st</sup> edition, 1408 AH

(7) These studies are general studies that did not handle in detail the vocabulary of the research that I will handle.

**Research Methodology:**

- 1- The research employs the historical approach. This approach is based on a descriptive study of the emergence and evolution of the Saudi administrative law.
- 2- Documenting the sayings from their original sources
- 3- Relying on the main sources and original references in editing, rooting and collecting.
- 4- Focusing on the topic of research and avoid digression.
- 5- Numbering the verses and clarifying their surahs.
- 6- Taking care of Arabic grammar, spelling and punctuation.
- 7- The conclusion includes the most important results and recommendations.
- 8- Research references: arranged alphabetically.
- 9- Bibliographies
- 10-



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### **Research Plan:**

Preface:

- Section one: The emergence of the administrative law in the Kingdom of Saudi Arabia.
- Topic one: The administrative situation in Najd before the announcement of the unification of the Kingdom.
- Topic two: The administrative situation in Al-Ahsa before the announcement of the unification of the Kingdom.
- Topic three: The administrative situation in Hijaz before the announcement of the unification of the Kingdom.
- Topic four: The administrative situation after the announcement of the unification of the Kingdom.
- Section two: The evolution of the administrative law in the Kingdom of Saudi Arabia.
- Topic one: The administrative situation after the establishment of the Council of Ministers.
- Topic two: The general administrative organization.
- Topic three: The bodies and institutions that contribute to administrative development.
- Topic four: Board of Grievances.
- Conclusion: Main findings and recommendations.



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Finally: This is a human effort in which there may be mistakes and deficiency, as there is no one impeccable but Allah, Exalted is He, so whatever is right is from God, and whatever is wrong is from us and Satan. I remind everyone who reads this research with the famous Statement of Al-Bisani: “And that is because I saw that everyone finishes writing a book in his day will already say in his tomorrow: If I changed this, it would be better, and if this was added or removed, it would be perfect.”<sup>1</sup>

In conclusion, I hope that this research will be acceptable and beneficial to all

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<sup>1</sup> Agaltul-Imlaa, Abu Ishaq Al-Halabi Al-Qibati Al-Shafi'I, Investigation And Study of: Dr. Ibrahim bin Hamad Al Rayes D. Muhammad bin Abdullah bin Ali Al-Qannas, Publisher: Al-Maaref Library for Publishing and Distribution, Riyadh, first edition, 1420 AH, vol. 3, p. 5. Al-Qanouji, Abu Al-Tayyib Muhammad Siddiq Khan bin Hassan bin Ali bin Lotf Allah Al-Husseini Al-Bukhari, Abjad Al-Ulum, Publisher: Dar Ibn Hazm, 1<sup>st</sup> edition, 1423 AH, 2002 pg. 52.



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## Section one

### The Emergence of the Administrative law in the Kingdom of Saudi Arabia

#### Preface:

The modern history of the Kingdom of Saudi Arabia dates back to the year 1218 AH, when the first Saudi State was established in Najd region<sup>1</sup>. After that, King Abdul Aziz restored the land of Saudi Arabia, beginning with the central of Najd in 1322 AH, then Qassim in 1326 AH, then Al-Ahsa in 1332 AH, which was under Ottoman Empire, then Hail in 1340 AH, then Asir in the year 1341 AH, and Hijaz in 1343 AH. In 1345 A.H, a Royal Order was issued by His Majesty King Abdul-Aziz, may God have mercy on him, to change the name of Najd Sultanate and its annexes to the United Kingdom of Najd and made himself king over it. The order includes the signature of King Abdul-Aziz, King of Hejaz, Najd and its annexes.

In 1351 AH, Royal Decree No. 2716 was issued to transform the name (Kingdom of Hejaz, Najd and its annexes) to the name (Kingdom of Saudi Arabia)<sup>2</sup>. Accordingly, the organs and administration of governance

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<sup>1</sup> Raslan, Anwar Ahmed, Saudi Administrative Law, Institute of Public Administration, 1, 1408 AH, p. 32.

<sup>2</sup> Al-Zahir, Khaled Khalil, Administrative law, Library of Law and Economics in Riyadh, 1, 1430 AH, p. 23.



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were established at the beginning of the State that differed from one region to another, as there was no single central Council to administer all these regions, but the ties of religion, language and the head of State King Abdul Aziz - may God have mercy on him - were the common factor between these regions<sup>1</sup>.

Despite King Abdul-Aziz's political and military preoccupations, he was able to lay the first building block for Saudi regimes. During his reign, a set of laws were issued that had a great impact on the correct construction upon which the State was built. The Municipal Elections Arrangement Law was issued on 4/5/1344 AH, Hajj Management Law in 1345 AH, Makkah Municipal Management Law in 1346 AH, the Notary Public Law in 1346 AH, the Mayors' Law in 1346 AH, and the Financial Agency Law in 1347<sup>2</sup>. Laws have continued to be issued until the present time, which is witnessing a great development in the field of laws during the reign of the Custodian of the Two Holy Mosques King Salman bin

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<sup>1</sup> Al-Sunaidi, Abdullah bin Rashid, Stages of Evolution of the Organization of Governmental Administration in the Kingdom of Saudi Arabia and Glimpses of Its Achievements, Al-Sunaidi, 5th Edition, 1409 A.H, pg 54

<sup>2</sup> Al-Tahrawi, Muhammad bin Ali, Saudi Administrative Law, Lawyer's Office: Kateb bin Fahd Al-Shammari, pp. 61-62.



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Abdul-Aziz, may God protect him, and his Crown Prince, Muhammad bin Salman Al Saud, may God protect him.

We will mention the emergence of the administrative law at the beginning, and then the situation after the unification of the Kingdom, through four topics as follows:

- Topic one: The administrative situation in Najd before the announcement of the unification of the Kingdom.
- Topic two: The administrative situation in Al-Ahsa before the announcement of the unification of the Kingdom.
- Topic three: The administrative situation in Hijaz before the announcement of the unification of the Kingdom.
- Topic four: The administrative situation after the announcement of the unification of the Kingdom.

#### **- Topic one**

#### **The Administrative Situation in Najd before the Announcement of the Unification of the Kingdom**

After King Abdul Aziz, may God have mercy on him, regained Najd region, he appointed his eldest son Saud as governor of the region, and the son was directly reported to the king, and all the princes of the cities and tribes of



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Najd reported to Prince Saud, who was considered the administrative ruler. In other cities, there is also a small court for the ruler to receive all the transactions directed to him. Every city had also a judge and a financial commissioner.

The prince's office in the region referred the transactions submitted to him to the judge and the financial commissioner according to his jurisdiction. Accordingly, the prince was responsible before the king for the conduct of internal affairs, and he is the reference for government agencies within the boundaries of his region.

Based on those powers; the prince was responsible for implementing the legal rulings, implementing the laws and instructions issued to him, and maintaining security and order. The administration in this region was characterized by a personal nature, and there was no form of central administration<sup>1</sup>.

This stage is characterized by the fact that King Abdul Aziz - may God have mercy on him - handles the affairs of grievances himself. An announcement was issued in

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<sup>1</sup> Al Sunaidi, Abdullah bin Rashid, Evolution Stages of the Organization of Governmental Administration in the Kingdom of Saudi Arabia and Glimpses of Its Achievements, p. 54.



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Umm Al-Qura newspaper on 26/12/1344 explaining the procedures and instructions for filing a complaint<sup>1</sup>

## Topic Two

The administrative situation in Al-Ahsa before the announcement of the unification of the Kingdom

As soon as King Abdul Aziz regained the Al-Ahsa region in 1331 AH, the accession of Al-Ahsa ended the rule of the Turks. King Abdul-Aziz appointed Prince Abdullah bin Jalawi as governor of the region. The administrative law in Al-Ahsa was not different from the administrative law in Najd. Similar to Najd, the princes of the cities of the region reported to Prince Abdullah bin Jalawi. The prince ran matters from Hofuf. After the discovery of oil, the administration began to take on the nature of organization when specialized departments were established that covered all parts of the region<sup>2</sup>. These departments are:

- 1- The Police Department, which includes Dhahran station, Abu Hadriya station and Ras Tanura station.

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<sup>1</sup> Al-Ghamiz, Fawzi bin Muhammad, Administrative Law and its Applications in the Kingdom of Saudi Arabia, 2<sup>nd</sup> edition, 1435 AH, p. 45.

<sup>2</sup> Al-Juhani, Eid Masoud, The Political and Administrative law in the Kingdom of Saudi Arabia, 1<sup>st</sup> Edition, p. 323.



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- 2- The Customs and Coast Guard Department, from which the South station, Manifa station and Ras Tanura station branch.
- 3- Department of Finance, where in Qatif, Jubail and Hafr Al-Batin there was a finance manager reported to the prince of Al-Madinah.
- 4- Works and Minerals Office in Dammam.

These departments and the princes of Qatif, Hafr Al-Batin, Al-Olaya and Jubail were administratively reported to the governor of Hofuf.

Accordingly, the organization was of a decentralized character, as the princes of the cities were reported to the prince of the region, who, in turn, was directly reported to the king<sup>1</sup>

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<sup>1</sup> Al Sunaidi, Abdullah bin Rashid, Stages of Evolution of the Organization of Governmental Administration in the Kingdom of Saudi Arabia and Glimpses of Its Achievements, p. 55, p. 323.



### Topic Three

#### **The administrative situation in the Hijaz before the announcement of the unification of the Kingdom**

The situation in the Hijaz differed from the situation in Najd and Al-Ahsa, due to the special circumstances and conditions in this region, due to the presence of holy places, and the arrival of pilgrims from everywhere every year.

King Abdul Aziz entered Mecca in 1343 AH, and some departments were present, such as health, municipality, endowments and the judiciary<sup>1</sup>. King Abdul Aziz - may God have mercy on him - did not make changes in government departments, but rather developed them, and focused his efforts on the military side.

King Abdul Aziz established local councils in the main cities of Hejaz, whose members are chosen from among the people; to take over the affairs of the city. The King also established many councils, bodies and committees, and this indicates the difference in the process of organization between one region and another in the emergence of the administrative law in the Kingdom<sup>2</sup>.

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<sup>1</sup> Baz, Ahmed, The Evolution of the Political and Administrative law in the Kingdom of Saudi Arabia, I 1, p. 70.

<sup>2</sup> Baz, Ahmed, The Evolution of the Political and Administrative law in the Kingdom of Saudi Arabia, I 1, p. 70.



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A year later, he appointed his second son, Faisal - may God have mercy on him - as his deputy general in the Hejaz region to oversee the management of affairs<sup>١</sup>.

The basic instructions of the Hijaz were issued to link legal, internal, financial and public knowledge matters to the Public Prosecutor in Hijaz. As for military matters and foreign affairs, they were related to the king<sup>٢</sup>.

The research will mention some aspects of the administrative organization in the Hijaz region since its entry until the declaration of the unification of the State under the name (Kingdom of Saudi Arabia).

#### **a. Supreme Council:**

This council supervises government departments before creating the position of attorney general.

#### **b. Constituent body and advisory councils:**

After King Abdul Aziz - may God have mercy on him - appointed his son Faisal - may God have mercy on him - as his deputy general for Hijaz in 1344 AH, the king ordered the establishment of an advisory council of thirteen members; to set up formations, he ordered the election of advisory councils in Makkah, Madinah, Jeddah, Taif, and Yanbu.

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<sup>١</sup> Al Sunaidi, Abdullah bin Rashid, Stages of Evolution of the Organization of Governmental Administration in the Kingdom of Saudi Arabia and Glimpses of Its Achievements, p. 56

<sup>٢</sup> Al-Juhani, Eid Masoud, The Political and Administrative law in the Kingdom of Saudi Arabia, 1st Edition, p. 325



### **c. Shura Council:**

The council is competent to study what is referred to it by the Public Prosecution at that time. The approval of the King<sup>1</sup> is required for the implementation of the decisions of the Shura Council. The Shura Council defines itself today as: “Shura is an Islamic principle, which derives its legitimacy from the Holy Qur’an and the Sunnah of the Prophet.

Shura is defined as:

Exchanging opinions and viewpoints on an issue or a topic, and testing them by those with opinion and experience, to arrive at the correctness and the best opinions, in order to achieve the best results. This is in line with Sharia, and does not contradict Quran and Sunnah.

Shura, a form of participation in government, derives its roots from the origins of religion, and it is one of the most important legal principles on which the political system in Islam is based.

Shura in Islam is not specific to the system of government, but it touches all fields and levels, especially the social one. Shura is a characteristic of Muslims. Shura is of great importance in any organization, or any group(s). A Muslim State that seeks security and stability for its citizens is based on the principle of Shura. Shura is one of the concepts that have taken root in the Islamic society, and have become the distinguishing feature of the system of government in Islam.

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<sup>1</sup> Muhammad, Jaber Saeed Hassan, Administrative Law in the Kingdom of Saudi Arabia, 2<sup>nd</sup> Edition, No Publishing House, 1427-1428 AH, p. 16.



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Those who follow the history of governance in the Kingdom of Saudi Arabia since its establishment will find that the ruling was based on the Shura principle, which continued without interruption including the different of its systems, from the era of the founder King Abdul-Aziz bin Abdul Rahman Al Saud - may God have mercy on him - until the era of the Custodian of the Two Holy Mosques King Salman bin Abdul-Aziz Al Saud. The Shura experience in the Kingdom is a rich experience in its stages of development, in its practice, and in the developmental shifts it has witnessed throughout its history to keep pace with the developments of the times and internal and external changes. The Shura has gone through several stages since King Abdul-Aziz Al Saud - may God have mercy on him - entered Makkah in 1343 AH during the unification of the Kingdom. Shura is the basis of an Islamic State, the constitution of which is Quran and Sunnah.<sup>1</sup>

In 1343, the first Shura Council was elected, under the name of the National Shura Council. The number of its members reached fourteen<sup>2</sup>. In 1345 AH, the basic instructions of the Hejaz Kingdom were issued, which included special provisions for the formation of the Shura Council. In 1436 AH, King Abdul Aziz issued a royal order dissolving the Shura Council, following a report issued by the Inspection and Reform Committee<sup>3</sup>. After that, a royal decree was issued approving the Shura Council Law<sup>4</sup>.

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<sup>1</sup> Shura.gov.sa

<sup>2</sup> Umm Al-Qura News Paper, volume 10, dated 19/7/1343 AH

<sup>3</sup> Umm Al-Qura News Paper, volume 34, dated 8/1/1436 AH

<sup>4</sup> Umm Al-Qura News Paper, volume 135, dated 15/1/1346 AH



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This law did not last long, as King Abdul-Aziz issued a royal decree in 1347 approving a new law for the Shura Council<sup>1</sup>

**d. Boards of Directors:**

These boards study what is referred to them, and submit their decisions to the King through the Public Prosecutor, and after his approval, the Public Prosecution informs them of all departments.

**e. Sub-Districts councils:**

These councils consider matters referred to them by the head of the district. As is the case with the decisions of the boards of directors, the decisions of the sub-districts councils are submitted to the King through the representative, and after his approval of them, the Public Prosecution informs them of all the departments.

**f. Village and Tribal Councils<sup>2</sup>:**

These councils manage the affairs of the village or tribe, where a council is formed in each village or tribe headed by its sheikh and with the membership of a legal representative and two persons appointed from the people.

**g. Agents Council:**

The establishment of the Council of Representatives had a significant impact on the development of the administrative Council. In 1350 AH, the King's approval was issued on the Law

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<sup>1</sup> Umm Al-Qura News Paper, volume 186, dated 25/1/1347 AH

<sup>2</sup> ( ) Al-Marzouqi, Dr. Muhammad bin Abdullah, The Regulatory Authority in the Kingdom of Saudi Arabia, The Arab Network for Research and Publishing, 1<sup>st</sup> edition, Beirut, 2014, p. 34.



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of the Council of Agents<sup>1</sup>, in which it Stated that the head of the council is the reference for the following bodies: The Royal Court, foreign affairs, finance, military, Shura, - the interior, presidency of the judiciary, the princes of attachés<sup>2</sup>

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<sup>1</sup> Umm Al-Qura News Paper, volume 370, dated 7/9/1350

<sup>2</sup> Al Sunaidi, Abdullah bin Rashid, Stages of Evolution of the Organization of Governmental Administration in the Kingdom of Saudi Arabia and Glimpses of Its Achievements, p. 57 - 60



## Topic Four

### **The administrative situation after the announcement of the unification of the Kingdom**

After declaring the unification of the Kingdom of Saudi Arabia under its current name, King Abdul Aziz - may God have mercy on him - ordered to keep the administrative organization as it was before the announcement of the unification of the kingdom until new instructions were issued, whereby he assigned Shura Council and the Council of Agents to develop the new formations. |

At this point, two new things happened:

- 1- Choosing the crown prince in 1352, a year after the new name was given to the State.
- 2- The evolution of the level of services and its impact on the administrative organization:

The announcement of the unification of the Kingdom of Saudi Arabia was the beginning of good for this country. The oil situation developed, and consequently services improved, and more services were established, such as schools, hospitals, postal facilities, and paving of roads. The development in the level of services led to the development in the administrative organization, where new departments and agencies were created<sup>1</sup>.

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<sup>1</sup> Al Sunaidi, Abdullah bin Rashid, Stages of Evolution of the Organization of Governmental Administration in the Kingdom of Saudi Arabia and Glimpses of Its Achievements, p. 62



## Section Two

### The evolution of the administrative law in the Kingdom of Saudi Arabia

#### Division:

To show the development of the administrative law in the Kingdom of Saudi Arabia, we will divide this section into four topics as follows:

- Topic one: The administrative situation after the establishment of the Council of Ministers.
- Topic two: The general administrative organization.
- Topic three: The bodies and institutions that contribute to the administrative development.
- Topic four: Board of Grievances.



## Topic One

### **Administrative situation after the establishment of the Council of Ministers**

The Council of Ministers was established in 1373 AH<sup>1</sup>, which has played and continues to play a major role at the public level in the Kingdom of Saudi Arabia; because it represents the regulatory and executive authorities<sup>2</sup>.

With the establishment of the council, we can say that there is a central unit in the administrative organization. As for what was before its establishment, the ministries that were established at that time, the task of coordinating between them not integrated, until the council was established.

Before the establishment of the Council of Ministers, there were a number of ministries, namely, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Defense, Ministry of Health, Ministry of Education, Ministry of Agriculture, Ministry of Commerce, Ministry of Transportation, in addition to the directorates that did not reach the level of a ministry at the time of the creation of

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<sup>1</sup> Royal Decree No. (5/19/4288) on 1/2/1373 AH

<sup>2</sup> Al Sunaidi, Abdullah bin Rashid, Stages of Evolution of the Organization of Governmental Administration in the Kingdom of Saudi Arabia and Glimpses of Its Achievements, p. 64



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the Council of Ministers namely: Directorate of Oil and Minerals, and Directorate of Labor<sup>1</sup>.

The Council of Ministers was established for the interests of the country, given the multiplicity and diversity of State works and services. The Council of Ministers continued to exercise its authority and competence. The council also supervises the implementation of the State's internal and external policy in accordance with its law.

During that period, the State Council increasingly developed to face the expansion and growth of State works and services<sup>2</sup>.

Since the issuance of the Council of Ministers Law, the laws have been taken care of, by setting up a special division for technical experts, as: "On Rajab 12, 1373 AH, a royal order was issued approving the Council of Ministers Law. Article nineteen of the law included: The Council of Ministers consists of several divisions Including (the Department of Technical Experts).Accordingly, the royal decree was issued approving the Council of Ministers Law. The third chapter

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<sup>1</sup>Ammar, Abdul Mohsen bin Sayed Rayan, Principles of the Saudi Comparative Administrative law, Dar Al-Nahda Al-Arabiya - Cairo, 1429 AH - 2008 AD, p. 26.

<sup>2</sup> Al-Salloum, Youssef Ibrahim, The Administrative law in the Kingdom of Saudi Arabia, Saudi Arabian Printing Company, 1, 1406 AH, p. 20.



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also included the Bureau of Experts, which included: its formation and its reference.

On Safar 12, 1394, Council of Ministers Resolution No. (168) was issued, including the formation of the Department of Experts, its work, and regulating its financial conditions and competencies. On Dhul-Qa'dah 16, 1394 AH, the Royal Decree No. (431) was issued approving the bylaw of the Department Bylaw. On Jumada al-Ula 18, 1396 AH, the Royal Decree No. 3/M 1653 was issued approving the establishment of the Department of Experts with an independent budget, and that it be a branch of the Council of Ministers. On Shawwal 20, 1402 AH, the Council of Ministers' Resolution No. (166) was issued approving the regulations for the work of the General Committee of the Council of Ministers, including regulating the relationship of the General Committee at the Department of Experts. On Rabi' al-Awwal 3, 1414 AH, the current Council of Ministers' Law was issued by virtue of Royal Decree No. (A/13), in which the name of the Bureau of Experts was changed to the Experts Board.”<sup>1</sup>

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<sup>1</sup> (boe.gov.sa), whose tasks are: Examining the transactions referred to it by the Prime Minister, his deputy, the Council of Ministers and its subcommittees, as well as studying them and preparing draft laws, preparing the necessary studies for them, in partnership with the party that submitted those projects, reviewing the applicable laws and



## Topic Two General Administrative Organization

During the reign of King Abdul-Aziz and the beginning of the reign of King Saud, may God have mercy on them - ministries were established covering most public services

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proposing their amendment and studying agreements And transactions that include setting general rules or that require the issuance of royal decrees or that concern more than one government agency, in addition to setting appropriate formulas for some royal orders and royal decrees, cabinet decisions and the participation of government agencies in studying issues that are referred to the bureau from His Majesty or from the Council of Ministers. Ministers or Supreme Councils



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such as Health<sup>١</sup>, Education<sup>١</sup>, Transportation<sup>١</sup>,  
Agriculture<sup>١</sup>, and Commerce<sup>٤</sup>

<sup>١</sup> When looking at the Ministry of Health and the beginning of its work, it becomes clear: “The concern for public health and disease control has been among the priorities of the Saudi government since the early beginnings of the unification of the Kingdom and the building of the modern Saudi state by the founding King Abdul-Aziz bin Abdulrahman Al Saud. The health march in the Kingdom began its first organized steps when King Abdul-Aziz focused on public health and its development and growth in conjunction with entering Hijaz and taking Makkah Al-Mukarramah as the first capital to unify the rest of the Kingdom’s regions.

The founding king's directives - may God have mercy on him - helped him to overcome all these challenges and other difficulties, despite the lack of resources and expertise at the time. One of the most important right steps was to increase the volume of cooperation with international organizations, and to use highly qualified foreign expertise; to get acquainted with the developments in the sector, while striving and making every effort to keep pace with them through localizing competencies and laying the first building blocks for an integrated health sector that includes - later - all the vast regions of the Kingdom. A supreme royal order was issued by His Majesty King Abdul Aziz - may God have mercy on him - to establish the Public Health Authority in 1343 AH / 1925 AD and its headquarter was in Makkah, provided that it will have other branches in various regions. After a short period, specifically in 1344 AH / 1925 AD, the Directorate of Public Health and Ambulance was established, with the aim of taking care of health and environmental affairs, establishing hospitals and health centers throughout the Kingdom, and issuing regulations to ensure the practice of the profession of medicine and pharmacy, in accordance with a number of controls and standards that contributed to the improvement and development of the health sector in the kingdom. Due to the increase in health services provided in that period throughout the Kingdom, in addition to health services provided to pilgrims and visitors to the Holy House of God. After the number of hospitals and



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health centers increased significantly, the General Health Council was established as the highest supervisory body in the country. The council is composed of high-ranking leaders in the Kingdom. The greatest focus during that period was on developing health services and raising the competencies of workers in this vital important sector, in addition to combating diseases and epidemics spread at the time. In that period, it was necessary to establish a specialized body to take full control of health affairs in the Kingdom. Indeed, the Royal Decree was issued 26/8/1370 AH/1951 AD No. 5/11/8679 to establish the Ministry of Health, and thus the establishment of the Ministry witnessed great developments that were prominent signs for the advancement of the health sector and the realization of the aspirations of His Majesty King Abdul-Aziz bin Abdul Rahman - may God have mercy on him” (moh.gov.sa)

<sup>1</sup> The first education system appeared in the Kingdom of Saudi Arabia with the establishment of the Directorate of Knowledge in 1344 AH (1926 AD), which is considered as the foundation stone for the education system in the Kingdom. In 1346 AH (1928 AD) a decision was issued to form the first Council for Knowledge. The objective of this council was to set up an educational system that would supervise education in Hijaz region. With the establishment of the Kingdom of Saudi Arabia, the powers of the Directorate of Education expanded, and its function was no longer limited to supervising education in Hijaz only, but rather included supervising all educational affairs in the entire Kingdom. It included 323 schools and started with four schools. In 1371 AH (1952 AD) the Ministry of Education was established to be an extension and development of the Directorate of Education, and it was entrusted with planning and supervising the general education of boys in its stages (primary - intermediate - secondary). King Fahd bin Abdul-Aziz - may God have mercy on him - was its first minister. In 1379 AH (1959 AD), the General Presidency for Girls' Education was established with 15 primary schools and a teacher's institute. With the development of education, a royal decree was issued to include the General Presidency for Girls' Education in the Ministry of Knowledge in 1423 AH / (2003 AD). A year later, the name of the Ministry of Knowledge was transferred to the Ministry of Education. The Ministry of Higher Education was established by Royal Decree No. 236/11395/5/8 AH (1975



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AD), to undertake the implementation of the Kingdom's policy in higher education. With this decision, the Minister of Higher Education is responsible for implementing the government's policy in the field of university education.

University education received generous support, represented in the establishment of new universities and applied colleges, in addition to huge financial allocations in budgets, which increased the number of universities in the Kingdom to reach 27 public universities, 36 private universities and colleges, and 25 institutes distributed geographically among the regions of the Kingdom. It contained scientific and applied disciplines in various fields. The Ministry of Higher Education also adopted recent trends in scientific research and future planning" (moe.gov.sa)

<sup>1</sup> The year 1372 AH (1953 AD) witnessed the establishment of the Ministry of Transport to supervise all aspects related to transportation, including roads, railways and ports. In 1395 AH (1975 AD) the state ministries and their public institutions were reconstituted, the General Authority for Ports and the General Corporation for Railways were established. Since that date the Ministry has been responsible for planning, designing, constructing, and maintaining roads and bridges. Subsequently, a specialized agency for transport was established, responsible for planning and supervising the land and maritime transport sectors and coordinating its various means, in addition to preparing regulations governing the various transport sectors and issuing the necessary licenses to practice land and maritime transport activities. To the year 1424 AH (2003 AD), the Ministry of Transportation was called the Ministry of Transport. In 2016, the Council of Ministry resolution stipulated that the Minister of Transportation should have a supervisory role over the air transport sector, where His Excellency the Minister of Transport holds the position of Chairman of the General Authority for Civil Aviation, which is the body that supervises the operational and safety regulations, and the services of air navigation and operations at the Kingdom's 27 airports, including five international airports, 12 regional airports, and 10 domestic airports, all of which provide all services to air travelers. The Ministry of Transportation studies, designs and implements



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efficient road works and maintenance. The Ministry also participates in coordinating the work of the transport system, as it plays the role of the legislator for all the daily planning and implementation of land, sea and air transport services within the Kingdom. The Ministry is keen to link the Kingdom to the world as an international logistics center and as a link for the three continents. It also provides effective services to all beneficiaries in the Kingdom, based on a vision that aims to develop the transport sector in the Kingdom and achieve true harmony and integration between all land, sea and air transport sectors. All of this is done within clear frameworks and methodology outlined by the Kingdom's Vision 2030, which will contribute to enhancing the economic development and competitiveness of the Kingdom at the international level. The Ministry has set specific goals, the most important of which is raising the efficiency of performance and enhancing standards of quality and transparency in its activities through business automation, developing work procedures, clarifying them and then disseminating them through appropriate electronic and media means, in addition to raising the efficiency of the Ministry's workforce. Moreover, the Ministry sought to expand sources of financing for the construction and maintenance of transport facilities, to enhance the role of the private sector and its participation in financing and operating the transportation sector" (mot.gov.sa)

' In (1346 AH), when agriculture was an important source of life, wealth and economy, with the approval of His Majesty King Abdul-Aziz, may God have mercy on him, the Shura Council's decision was adopted to exempt all agricultural equipment from customs duties, in addition to supporting and developing the agricultural movement in the country by importing some agricultural machinery and equipment in 1351 AH to be distributed to farmers at low and affordable prices by the Ministry of Finance at the time. After that, the growing interest in agriculture continued through the following stages: In 1367 AH, the General Directorate of Agriculture was established and linked to the Ministry of Finance; to reclaim land, improve irrigation, distribute water machines, construct dams, canals, rebuild springs and artesian wells, give loans to farmers, and cooperate with some agricultural technical competencies to work in the field of training and guiding farmers on modern agricultural methods. In 1373 AH, the General Directorate of Agriculture



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During the reign of King Faisal - may God have mercy on him - the administrative organization was developed by establishing new ministries, agencies and government departments until the organizational structure appeared in the year 1391 AH, and established the Ministry of Justice<sup>١</sup>,

was transferred to the Ministry of Agriculture and Water under Royal Decree No. (5/21/1/4951) dated 18/4/137 AH. The Ministry began its tasks and work through six agricultural units in Riyadh, Al-Kharj, Al-Ahsa, Madinah, Jazan, Buraidah, and the creation of an office for water and dams in the Ministry. In 1381 AH, an Agency for Agricultural Affairs and an Agency for Water Affairs were created. In 1385 AH, the decision of the Supreme Committee for Administrative Reform was issued No. (8) dated 21/6/1385 AH, which divided the Ministry of Agriculture into two main sectors, the agricultural affairs sector and the administrative and financial affairs sector. In 1390 AH, the Deputy Ministry of Desalination Affairs was established, and in 1394 AH it was transformed into a public institution for the desalination of saline water. The Grain Silos and Flour Mills Organization (GSFMO) has been transferred to the Ministry of Agriculture and Water pursuant to Council of Ministers' Resolution No. (34) dated 7/2/1423 AH and approved by Royal Decree No. (M/3) on 12/03/1406 AH. In 1423, Royal Decree No. 27482 was issued on 9/7/1423 AH to separate the water sector from the Ministry of Agriculture as an independent Ministry of Water. In 1437 AH, Royal Decree No. A/133 dated 30/07/1437 AH was issued to cancel the "Ministry of Water and Electricity" and amend the name of the "Ministry of Agriculture" to become the "Ministry of Environment, Water and Agriculture" and transfer the tasks and responsibilities related to environment and water activities to [mewa.gov.sa](http://mewa.gov.sa)

<sup>١</sup> The Ministry of Commerce has been established in 1337 by the founder king Abdul-Aziz Al-Saud pursuant to Royal Decree No. 5703/5/22/10

<sup>٢</sup> King Abdul-Aziz - may God have mercy on him - laid the first building block in establishing the judiciary in accordance with the provisions of Islamic Sharia. After the unification of the Kingdom, a single presidency



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of judges was established in the western region of Makkah al-Mukarramah on 24/7/1344 AH (corresponding to 7/2/1926 AD) to supervise the judiciary of the courts of Hijaz and its annexes. As for Najd and its annexes, individual judges in the main cities take over the process of judgement in each city and village. In 21/2/1346 corresponding to 20/8/1927 a Royal Decree was issued to establish courts in Hijaz at three levels:

- 1- Urgent Matters Courts (Summary Courts)
- 2- Major courts, and accessory courts, which are general courts
- 3- The Judicial Monitoring Authority (the Court of Cassation and Conclusion), and the decree guarantees the jurisdiction of those courts.

In addition to these courts, there is a kind of specialized courts, which is the Commercial Council, which is competent to hear cases arising between merchants, and commercial and maritime issues. In 1375 AH (corresponding to 1955 AD), two presidencies of judicial departments were established as follows: The Presidency of Judges in the Western Region which the Northern Region reported to it, Asir Region, and Jazan Region, under which the Judicial Audit Commission falls, including a group of courts and notaries public departments, and the Presidency of Judges in the central region, which the eastern region, and Hail and its annexes reported to it, including a group of courts and notaries. It was unified into one presiding judge based in Riyadh to become the only body supervising the judiciary on 18/10/1379 AH (corresponding to 15/4/1960 AD). Thus, the Presidency of the Judiciary in the Western Region became a branch of it. In 1381 AH (corresponding to 1961 AD) an independent court was formed to discern judgments issued by the courts in Riyadh, and a branch of this court was opened in Makkah Al-Mukarramah.

In 1382 AH, a supreme decree was issued to establish the Ministry of Justice to supervise the courts and meet their financial and administrative needs. The Ministry began its work and tasks in 1390 AH. At the end of 1389 AH (corresponding to 1970 AD) a judicial body was formed known as the Supreme Judicial Authority, and it coincided with the commencement of its work by the Ministry of Justice in 1390 AH (corresponding to 1970 AD). This Authority was the nucleus for the establishment of the Supreme Judicial Council, which was established



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and some public institutions, such as the Salt Water Desalination Institution, and from it appears the rapid administrative growth as a result of administrative reform. The administrative development in the Kingdom continued, and the development planning system was introduced in all fields, accompanied by a reorganization of the administration at the beginning of the reign of King Khalid, may God have mercy on him - where new ministries were established, namely Ministry of Higher Education, the Ministry of Telegraph, Post and Telephone, Ministry of Industry and Electricity, Ministry of Public Works and Housing, Ministry of Municipal and Rural Affairs, transformation of the Central Planning Commission into the Ministry of Planning, and the creation of new public institutions such as the Ports

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in 1395 AH (corresponding to 1975), in accordance with the judiciary system. The council was formed into two bodies (a permanent body and a general body). The Judicial Law issued in 1395 AH included, in its fifth article, the order of courts' degrees as follows:

- 1- The Supreme Judicial Council.
- 2- The Court of Cassation.
- 3- General and District Courts.

In 1928 AH, the new Judicial Law was issued by Royal Decree No. M/78 dated 19/9/1428 AH. The law added qualitative additions, including the restructuring of the judicial system. The Law created the Supreme Court, courts of appeal, and specialized courts of first instance" (moj.gov.sa).



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Authority and the Royal Commission for Jubail and Yanbu.

The administrative organization has become integrated during the reign of King Fahd, may God have mercy on him, and stable, except for the organizational decisions issued by the Higher Committee for Administrative Reform with the aim of reorganizing and administrative development of some government agencies to improve administrative procedures, raise administrative efficiency, and increase economic efficiency by rationalizing government expenditures, especially in administrative expenses, which characterizes this modern era<sup>1</sup>.

Work on administrative development continued during the reign of King Abdullah, may God have mercy on him, and during the reign of the Custodian of the Two Holy Mosques, King Salman, may God protect him, and Crown Prince Mohammed bin Salman, may God protect him. The administrative law was completed as a number of ministries were merged and created, and in this auspicious era, the number of ministries reached (24)<sup>2</sup>, and the

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<sup>1</sup> Al-Sallum, Youssef Ibrahim, Administrative law in KSA, P. 14

<sup>2</sup> As follows: Ministry of Defense, Ministry of Investment, and Commerce, Ministry of Interior, Ministry of Communications and Information Technology, Ministry of Economy and Planning, Ministry of National Guard, Ministry of Foreign Affairs, the Ministry of Islamic Affairs, Call and Guidance, Ministry of Health, Ministry of Finance, Ministry of Environment, Water and Agriculture, Ministry of



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Education, Ministry of Hajj and Umrah, Ministry of Sports, Ministry of Tourism, Ministry of Municipal and Rural Affairs and Housing, Ministry of Industry and Mineral Resources, Ministry of Culture, Ministry of Information, Ministry of Energy, Ministry of Justice, Ministry of Human Resources and Social Development, and Ministry of Transport and Logistics.



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number of authorities reached (78)<sup>1</sup>. The number of institutions and councils reached (18)<sup>1</sup>, the number of

<sup>1</sup> As follows: The General Entertainment Authority, Saudi Standards, Metrology and Quality Organization, Saudi Commission for Data and Artificial Intelligence, Saudi Commission for Health Specialties, Saudi Tourism Commission, Saudi Commission for Auditors and Accountants, the Saudi Lawyers Commission, the Saudi Commission for Industrial Cities and Technology Zones, Saudi Commission for Accredited Residents, Literature, Publishing and Translation Commission, Saudi Authority for Intellectual Property, General Authority for State Real Estate, General Authority for Endowments, General Authority for Statistics, General Authority for Audio-Visual Media, Saudi Space Authority, General Authority for Military Industries, the General Civil Aviation Authority, the General Real Estate Authority, the Food and Drug Authority, General Authority For Survey and Geospatial Information, General Authority for Exhibitions and Conferences, General Authority for Guardianship of the Money of Minors and the Like, General Authority for Competition, General Authority for Small and Medium Enterprises, General Authority for Ports, General Authority for Transport, General Authority for Cyber Security, the General Authority for Foreign Trade, the Saudi Contractors Authority Saudi Council of Engineers, Saudi Council of Engineers Radio and Television, Communications and Information Technology Commission, Digital Government Authority, Cabinet Experts Authority, Architecture and Design Address Authority, Control and Anti-Corruption Authority, Zakat, Tax and Customs Authority, Financial Market Authority, Local Content and Government Procurement Authority, Special Cities and Economic Zones Authority, Survey Authority Geological, Red Crescent Authority, Education and Training Evaluation Authority, Water and Electricity Regulatory Authority, Imam Turki bin Abdullah Royal Reserve Development Authority, Human Rights Authority, Public Health Authority, Fashion Authority, Welfare Authority for Persons with Disabilities, Saudi News Agency Authority, Spending Efficiency Authority And government projects, the Equestrian Authority, Nuclear and Radiological Regulatory Authority, Research, Development and Innovation Development



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Authority, the Royal Civil Commission in Riyadh, Asir Region Development Authority, Hail Region Development Authority, Royal Commission for Jubail, Royal Commission in Yanbu, the Royal Commission for Al-Ula Governorate, Libraries Authority, Royal Commission For the City of Makkah and the Holy Sites, Makkah Region Development Authority, Madinah Al Munawwarah Region Development Authority, Eastern Region Development Authority, Development Authority Diriyah Gate, Theater and Performing Arts Authority, Heritage Authority, Film Authority, Visual Arts Authority, Music Authority, Museums Authority, Imam Abdul Aziz bin Muhammad Royal Reserve Authority, Export Development Authority, Culinary Arts Authority, Saudi Red Sea Authority, and General Authority for Defensive Development.

As follows: General Corporation for Saline Water Conversion, Saudi Post Corporation, General Organization for Social Insurance, General Corporation for Saudi Arabian Airlines, the General Corporation for Technical and Vocational Training, General Corporation for Grains, General Corporation for Military Industries, General Corporation for Irrigation, General Corporation for King Fahd Causeway, Central Bank, Shura Council, Family Affairs Council, Supreme Judicial Council, Saudi Health Council, Health Insurance Council, National Council for Occupational Safety and Health, Tourism Development Council, Federation of Saudi Chambers.



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centers reached (51)<sup>1</sup>, and the number of development funds and banks reached (16)<sup>1</sup>

<sup>1</sup> As follows: Saudi Center for Family Enterprises, National Center for Meteorology, National Center for Social Studies and Research, Saudi Center for Accreditation of Health Facilities, National Center for Palms and Dates, National Competitiveness Center, Saudi Accreditation Center, Entrust and Liquidation Center, Saudi Energy Efficiency Center, National Center for Wildlife Development, National Center for Performance Measurement, National Center for Privatization, the Saudi Center for Digital Content, the National Center for Water Efficiency and Rationalization, National Center for Industrial Development, National Center for Artificial Intelligence, National Center for Environmental Compliance, National Center for Documentation and Archives, Center for Legal Studies and Research, National Information Center King Abdul-Aziz Center for National Dialogue, King Abdullah Center for Petroleum Studies and Research, Saudi Center for International Strategic Partnerships, Saudi Center for Commercial Arbitration, National Center for Debt Management, National Center for the Development of the Non-Profit Sector, Saudi Business Center, National Events Center, Decision Support Center, National Cybersecurity Guidance Center, National Center for Alternative Medicine and Supplementary, Saudi Center for Organ Transplantation, National Center for Mental Health Promotion, Saudi Center for Patient Safety, National Center for E-Learning, National Center for Measurement, National Center for Academic Accreditation and Evaluation, National Center for School Evaluation and Excellence, National Center for Training Evaluation and Accreditation, National Center for Educational Professional Development King Abdul-Aziz Arabian Horses Center, Government Communication Center, National Center for Road Safety, National Center for Agriculture and Livestock Research, National Center for the Development of Plant Bidding and Livestock, National Center for Vegetation Cover Development & Combating Desertification, National Center for Health Information, National Center for Government Resources System, Saudi Center for Real Estate Arbitration, National Center for Waste Management, National Center



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The number of presidencies reached (5)<sup>٧</sup>. The number of courts and boards reached (3)<sup>٨</sup>, and the number of principalities of the regions reached (13)<sup>٩</sup>.

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for Research and Development of Sustainable Agriculture, and the Saudi Quality Center.

<sup>٧</sup> As follows: Public Investment Fund, Environment Fund, Higher Education Fund, National Development Fund, Saudi Fund for Development, Agricultural Development Fund, Real Estate Development Fund, Saudi Industrial Development Fund, Tourism Development Fund, Cultural Development Fund, Human Resources Development Fund, Events Fund, Bank Social Development, Saudi Export-Import Bank, Small and Medium Enterprises Bank, National Infrastructure Fund

<sup>٨</sup> As follows: The General Presidency for the affairs of the Grand Mosque and the Prophet's Mosque, General Presidency of the Commission for the Promotion of Virtue and the Prevention of Vice, General Presidency for Scholarly Research and Ifta, Presidency of General Intelligence, and Presidency of State Security.

<sup>٩</sup> As follows: Royal Court, General Accounting Bureau, Grievance Board

<sup>٩</sup> As follows: Principality of Riyadh Region, Principality of Makkah Region, Principality of Al Madinah Region, Principality of Eastern Region, Principality of Al Qassim Region, Principality of Hail Region, Principality of Tabuk Region, Principality of Jazan Region, Principality of Najran Region, Principality of Northern Borders, Principality of Al Jawf Region, Principality of Al Baha Region, Principality of Asir region.



### Topic Three

## Commissions and Institutions Contributing to Administrative Evolution

In the early eighteenth decade of the last Hijri century, a number of agencies and bodies were established to contribute to the development of the administrative aspect and increase its effectiveness. It has also been contracted with some foreign institutions with expertise in this field in order to contribute to administrative development, such as:

#### 1- The International Bank for Reconstruction and Development Mission:

In 1379 AH, the government of the Kingdom of Saudi Arabia submitted an invitation to the International Bank for Reconstruction and Development to send a mission to study the administrative and economic conditions. This mission made some recommendations that benefited the administrative law. The Kingdom also asked the Technical Assistance Department of the United Nations to send an expert to study the Kingdom's conditions and what its needs are. The expert made recommendations, the most important of which are the reorganization of the state's administrative agency, and the establishment of the Administration Institute.



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## 2- Institute of Public Administration:

The Institute of Public Administration was established in 1380 A.H<sup>1</sup> based on the recommendation of the United Nations expert and the mission brought by the Kingdom from the International Bank for Reconstruction and Development.

One of the Institute's tasks was to raise the efficiency of employees, study administrative problems, provide research and administrative advice, and collect and classify government administrative documents.

## 3- Ford Foundation:

At the direction of the Council of Ministers, Ministry of Finance and National Economy contracted with the American Ford Foundation in 1383 AH, with the desire of the Kingdom's government to expedite the implementation of administrative reform programs in order to implement comprehensive development programs, and to reorganize the administrative apparatus in the Kingdom. The Foundation presented its recommendations that have a significant impact.

## 4- The Higher Committee for Administrative Reform:

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<sup>1</sup> Royal Decree No. (93) on 14/10/1380 AH



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This Committee was established in 1383 AH<sup>1</sup> in order to achieve administrative reform in state agencies and interests and to approve studies submitted by the Ford Foundation.

#### 5- Central Agency for Organization and Administration:

This Agency was established in 1384 AH<sup>2</sup>, based on the recommendation of the Ford Foundation, to study the simplification of procedures and methods of work. It is affiliated with the Ministry of Finance and National Economy; due to the interrelationship between budget, organization and administration.

#### 6- Civil Service Agencies:

These agencies played a major role in the life of the state because of their responsibility to provide social services to the citizens of the state. Several important regulations have been issued under the civil service bodies:

- a. General Staff Regulation
- b. Employees Regulation
- c. Employees Discipline Regulation

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<sup>1</sup> Council of Ministers' Resolution No. (520) on 5/7/1383 AH

<sup>2</sup> Royal Decree No. (19) on 1/9/1384



d. General Employees' Court Regulation<sup>1</sup>

**Topic Four**

**Board of Grievances**

The judiciary of grievances is a type of judiciary and adjudication of disputes<sup>2</sup>. It is forcing the plaintiffs to appear before the Board. The disputants reprimanded by injustice. It is a function mixed with the power of the justice and the attribute of the judiciary, and it needs power that suppresses the unjust of the two opponents and rebukes the aggressor. It achieves what the judiciary or others were unable to achieve<sup>3</sup>.

The Board of Grievances represents a unique edifice of justice in this country that cares about justice in all its forms. The Board of Grievances is an independent judicial

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<sup>1</sup> Al-Sunaidi, Abdullah bin Rashid, Stages of Evolution of the Organization of Governmental Administration in the Kingdom of Saudi Arabia and Glimpses of Its Achievements, p. 72.

<sup>2</sup> Zaidan, Abdul Karim, The Judiciary in Islamic Sharia, Dar Al-Badr, Al-Resala Foundation, Amman, 1995, p. 299

<sup>3</sup> Al-Zahir, Khaled Khalil, Administrative Judiciary, Board of Grievances in the Kingdom of Saudi Arabia, Judgment of Cancellation, Compensation Judiciary, Comparative Study, 1<sup>st</sup> Edition, Library of Law and Economics in Riyadh, 1434 AH - 2013 AD, p. 141



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body that strives by all means and methods to establish justice, fairness and effective judicial oversight over administrative actions through the cases before it to ensure the proper application of the established laws and regulations, and to develop mechanisms of communication with the management bodies by enabling them to complain about the decisions and actions of the administration tainted by lack of jurisdiction, defect in form or reason, violation of rules and regulations, error in their application or interpretation, or misuse of authority to ensure justice and the recovery of rights and restitution of grievances to its people.

The first text of the Board of Grievances in the Kingdom of Saudi Arabia was mentioned in Article Nineteen of the first Law of the Council of Ministers in the Kingdom issued in 1373 AH, where Council decided four sections one of them is grievances.

After that, developments took place over several years, until the jurisdiction of the Board of Grievances expanded in 1407 AH<sup>1</sup> under Decree No. m/51 on 17/7/1402 which

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<sup>1</sup> Raslan, Anwar Ahmed, Saudi Administrative Law, p. 39; Al-Zahir, Khaled Khalil, Board of Grievances in the Kingdom of Saudi Arabia, p. 25.



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granted the Board wider powers and assigned it to consider all disputes in which the administration is a party, provided that it does not affect the sovereignty of the state, and does not infringe on the jurisdictions of the Sharia courts. Thus, the Board of Grievances became an independent judicial body from the rest of the other bodies and authorities in the Kingdom of Saudi Arabia<sup>1</sup>

With the passage of a period of time and during the reign of King Abdullah bin Abdul-Aziz - may God protect him - a project to develop the judiciary was established. Hence, Decree No. 78 was issued on 19/9/1428 AH, to begin an important stage in the development of the Board, and the latest qualitative and radical shift in the competencies of the Board, by adding new names and formations that were not known before, in terms of restructuring the Board, and the establishment of administrative courts for the first time in the history of the Kingdom of Saudi Arabia<sup>2</sup>.

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<sup>1</sup> Hussein, Muhammad Bakr, The Board of Grievances and the Administrative Judiciary, A Comparative Study, Al-Saada Library, Egypt, 1992, p. 175.

<sup>2</sup> Al-Shimri, Ahmed bin Muhammad, The Board of Grievances Consideration of Disciplinary Cases in the Kingdom of Saudi Arabia, Ph.D. thesis, Faculty of Law, Cairo University, 2013, p. 332.



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If we look at the history of this judiciary, we say: This type of judiciary began in the era of the Prophet, PBUH, who did that kind of judiciary. The Rightly Guided Caliphs continued to follow the path of the Prophet, PBHU, and then an independent judiciary was established in the era of the Abbasid state called the Board of Grievances.

Accordingly, the Board of Grievances in the Kingdom of Saudi Arabia is a modern application in accordance with the Islamic approach<sup>١</sup>. The Board of Grievances, as an administrative judiciary body in the Kingdom, applies the rules of the administrative law to the disputes it hears<sup>٢</sup>.

Rather, the administrative judiciary has a prominent role in laying down the rules of the administrative law as an integrated system. It has the right to set just rules that govern administrative disputes in the absence of a text, aiming to achieve a balance between the requirements of the administrative law and the public interest on the one

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<sup>١</sup> . Al-Zahir, Khaled Khalil, Administrative Judiciary, Board of Grievances in the Kingdom of Saudi Arabia, p. 25

<sup>٢</sup> Al-Fawzan, Muhammad bin Barak, The New Judicial Statute in the Kingdom of Saudi Arabia, A Comparative Study of Islamic Jurisprudence, Library of Law and Economics, 1430 AH, p. 110.



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hand, and ensuring the rights and positions of individuals on the other hand.<sup>1</sup>

With adherence to the provisions of Islamic Sharia, the Board of Grievances shall have the discretion to achieve justice if there is no regular rule governing the subject of the dispute presented to it<sup>2</sup>.

Accordingly, the administrative authorities had to apply the law and not violate it, and in case of violation, their work is subject to cancellation and a ruling to compensate those who have suffered damage<sup>3</sup>.

### **Some aspects of the development of the law of the Board of Grievances as an administrative judiciary body according to the law of the Board of Grievances**

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<sup>1</sup> Al-Humaidan, Humaidan bin Abdullah bin Muhammad, The Board of Grievances in the Kingdom of Saudi Arabia, Its Legitimate Rooting and the Diversity of its Judicial Functions, Journal of Administrative Sciences, King Saud University, Volume VII, Issue One, 1995 AD, p. 182 and next pages.

<sup>2</sup> Raslan, Anwar Ahmed, Saudi Administrative Law, p. 40

<sup>3</sup> Al-Zahir, Khaled Khalil, Administrative Judiciary, Board of Grievances in the Kingdom of Saudi Arabia,, p. 26



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**for the year 1428 AH compared to the law of the Board of Grievances issued in 1402 AH<sup>1</sup>:**

- The jurisdiction of the Board of Grievances as an administrative judicial body in accordance with the Law of the Board of 1428 AH is broader than the jurisdiction of the Board in accordance with the law of 1402 AH; because it recognized the jurisdiction of the Board in many disputes that were not established by the Board under its law of 1402 AH, which is to settle disputes related to the rights established in military service regulations, and to consider appeals against decisions of disciplinary councils, decisions of quasi-judicial committees, and decisions of public benefit associations , and the like related to its activity.

- The Saudi regulator did the best in adding the text of Paragraph (f) to Article Thirteen of the General Court Law 1428 AH, which stipulates the jurisdiction of the Board to settle other administrative disputes to avoid the possibility of disputes to which the administration is a party that do not fall within the other paragraphs of Article Thirteen (a, b, c, d, e). In addition, with the issuance of the Judicial

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<sup>1</sup> Al-Jarbou', Ayoub bin Mansour, The Competence of the Board of Grievances as an Administrative Judiciary Authority, a comparative analytical study between the two laws of the Board of Grievances 1402 AH, 1428 AH, Journal of Justice, Volume 13, Issue 51, 2011 AD, Rajab 1432 AH. p. 261 and next pages.



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Law and the General Board of Grievances Law 1428 AH, all judicial competencies were defined, which does not require the survival of such a text.

The Board of Grievances states that: It seeks to achieve the lofty message for which it was established, by adjudicating people's grievances and achieving the desired justice, since it was a division in the Council of Ministers' Bureau in 1373 AH until the present time. The Board of Grievances is currently witnessing a growth in line with the aspirations of the leadership of the Kingdom of Saudi Arabia, as the Courts of the Board have been expanded, which have reached today (16) administrative courts and (5) administrative courts of appeal in all regions of the Kingdom, which are pleaded according to a judicial work system that seeks integration to achieve justice and redress grievances.

**Stages of the Establishment of the Board:**

**First Stage:**

Establishment of the Grievances Division in the Council of Ministers Court under the Council of Ministers Divisions' Law issued on 12/7/1373 AH, which stipulates in Article (17) that: In the Council of Ministers Court, a general administration shall be formed in the name of: (The Board of Grievances), and this administration is supervised by a chief appointed by a royal decree, and is



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responsible before His Majesty the King as is the supreme reference for the Board.

#### **Second Stage:**

After a period of time had passed since the establishment of the Grievances Division, the rulers - may God protect them – issued Royal Decree No. (7/13/8759) on 17/9/1374 AH to establish the Board of Grievances to be headed by a president with the rank of minister appointed by royal decree.

#### **Third Stage**

On 17/7/1402 AH, Royal Decree No. (M/51) was issued to consider the Board of Grievances an independent judicial body directly reported to the King, in accordance with its Law issued by the same decree.

The competencies of the Board at that time were as follows: The administrative judiciary, the disciplinary judiciary, the criminal judiciary, the commercial judiciary, requests for the implementation of foreign judgments, in addition to adjudicating what is referred to the Board by a decision of the Council of Ministers or the texts contained in some regulations based on the settlement of disputes submitted to the Board.

#### **Fourth Stage:**



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At this stage and after the official announcement of the largest national project adopted by the Custodian of the Two Holy Mosques King Abdullah bin Abdul-Aziz - may God have mercy on him - to define the new frameworks for the administrative judiciary in the Kingdom of Saudi Arabia; the Law of the Board of Grievances and its executive mechanism of action was issued pursuant to Royal Decree No. (M/78) dated 19/9/1428 AH, and the Law of Pleadings before the Board of Grievances issued by Royal Decree (M/3) dated 22/1/1435 AH. The most important contents of the new law: Converting the branches of the Board to administrative courts, transforming the auditing body of the Board into an administrative appeals court in Riyadh, establishing administrative appeals courts in the rest of the Kingdom, establishing the Supreme Administrative Court, establishing the Administrative Judicial Council, defining its competencies, and transferring commercial and criminal judges and their auditing bodies with judges and agents from the Board to the general judiciary, and looking into cases related to the rights established in the military service systems.

#### **Current Stage:**

This stage began on 14/6/1437 AH, when His Excellency the President of the Board of Grievances, Chairman of the



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Administrative Judicial Council, signed with His Excellency the Minister of Justice, Chairman of the Supreme Judicial Council, a document to include the criminal and commercial judges to the general judiciary, in accordance with Royal Decree No. (M/78) dated 19/9/1428 AH, which judges the incorporation of the criminal and commercial judiciary into the general judiciary. All criminal departments began their work in the general judiciary on 8/8/1437 AH. All commercial departments began their work in the public judiciary on 1/1/1439 AH, forming a complete transition to the commercial judiciary.

Thus, the Board of Grievances became an independent administrative judiciary body, whose work is represented in the effective judicial oversight of the work of the administration in accordance with its Law<sup>1</sup>

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<sup>1</sup> Bog.gov.sa



## Conclusion

Main findings of this research:

1. The emergence of the administrative law in the Kingdom was early, due to the need for it with the establishment of the state, although in its beginnings it was simple.
2. All administrative laws in the Kingdom do not depart from the framework of Sharia, as stipulated in the Basic Law of Governance.
3. At the beginning of the reign of King Abdul Aziz, there was no administrative law in Najd, but the governor of the region was considered an administrative ruler with all the powers to implement the rulings in accordance with the requirements of the public interest of the region, and there was no form of central administration.
4. Al-Ahsa region was not much different from the Najd region, but after the discovery of oil, the administration began to take on the nature of organization when specialized departments were established, namely the police, customs, coast guard, finance department, and the Works and Minerals Office.



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5. As for the situation in Hijaz, it was different due to the presence of the holy places where there were some administrations.
6. After the announcement of the unification of the Kingdom, two things happened: The selection of a crown prince, the development of the level of services, and its impact on the administrative organization
7. The development of administrative organization after the establishment of the Council of Ministers.
8. In each of the reigns of the kings of the kingdom, there was a development by the establishment of new ministries and bodies that would help in the organization.
9. During the era of the Custodian of the Two Holy Mosques King Salman bin Abdul-Aziz and his Crown Prince, the administrative law has developed remarkably and distinctly and keeps pace with global developments.
10. The Kingdom established an administrative judiciary represented by the Board of Grievances in 1373 AH.



**Main Recommendations:**

1. That the Center for Legal Studies and Research should conduct historical studies for all Saudi regimes.
2. Saudi universities, in turn, should highlight the role of judgmental leadership through their enactment of regulations and their direct impact on justice, and how the systems began and their administrative development.
3. To add a word in the descriptions of the systems courses to talk about the emergence and development of each system according to each course

In conclusion, we hope that this research will be acceptable and beneficial to all



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