



Egyptian Law and Protection of the People's Money and Property



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Whoever reviews legislation in the Egyptian state can recognize the extent of the state's power and deep-rooted legal concepts, the most important of which is the concept of public money and property, seen as the support for all citizens and the means of providing public services to them. This appears clearly in the Egyptian constitution conclusions reached over the course of many years, through dividing ownership into three types: public property, private property and cooperative property. Both private and cooperative property always have an apparent owner who manages, protects and takes care of them, while public money and property always need a constitutional and legal will to protect them, and even a political will and popular awareness to preserve them.

The Egyptian successive constitutions contain explicit provisions on the obligation to respect and protect public money and property. The constitutions of 1964 and 1971 establish that public money and property are inviolable because they are the property of people and the support of the nation's strength, so their protection is obligatory for all citizens. The current constitution developed in 2014 has brought provisions that obligate the state to protect public money and property with expressive stipulations on the impermissibility of disposing of them.

According to the legislative hierarchy, the law set executive rules for defining, regulating and protecting public money and property. The depth of the Egyptian state appears clearly in its legal history, as the civil law issued on 101883/18/ stipulated that the public money and property allocated for public benefit were not to be expropriated or sold. In addition, the current civil law issued on 71948/29/ and amended in 1954 stipulates that the real estate and movables belonging to the state or public legal persons and designated for public benefit were considered public property by law, by decree or by a decision of the competent

minister. Such property would not be disposed of, seized or owned by statute of limitations.

Thus, the legal concept of public money and property in civil law is the property owned by the state or public legal persons and allocated for public benefit such as seas, beaches, rivers and roads, or by laws or decisions such as government buildings, real estate and movables established, purchased or allocated for public benefit by laws or decisions. In light of the legal thought establishing that public property is owned by all people and is dedicated to serving them, no one has the power to sell it, seize it or own it by the statute of limitations, so that it may continue to provide public service until it ceases to be public property. This includes the cases of vehicles or equipment depreciation, evacuation of old buildings or replacing old roads with new roads as per city planning. The civil law has specified a mechanism for ending the status of public money and property by terminating their allocation to the public benefit, using the same mechanism of their allocation by law, decision or action.

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The provisions of penal laws in Egypt, since 1883, regularly established the rules and forms of aggression against public money and property. The penal code was issued and was implemented by the civil courts, and it described the "acts of embezzlement of public funds," as crimes and forbade "civil servants to gain money in any illegal way or facilitate same for others". That code forbade the holders of government positions to benefit from their positions or the duties assigned to them directly or indirectly. In addition, it forbade the people entrusted with buying, selling or manufacturing something for the government from making any gains or profits for themselves or for others through cheating, and covered other acts constituting forms of encroachment on public money and property. After that, the current penal code was issued on 51937/8/ and its amendments on 71975/31/, with chapter four of Part II addressing the embezzlement of public money and encroachment on it and providing articles to criminalize many forms of civil servants' aggression against public money. These included acts of embezzlement and appropriation, facilitating the appropriation of public money, obtaining or attempting to make a profit or obtain a benefit for oneself or others, and willful or unintentional damage to the employer's money by causing serious damage to the business entity or encroachment on lands owned by any party whose funds are considered public funds.

Here, we should discuss what constitutes public money and property and the aggression against them or damage caused to them according to the legislator's vision in the penal code. It is clear that public money and property refer to the money and property wholly or partially owned by one of the parties specified by the penal code or subject to its supervision or management. These parties include the state, local administration units, public authorities, public institutions, public sector units, syndicates, federations, private institutions and associations of public interest, cooperative societies, companies, associations, economic units and the establishments involving any of the aforementioned entities as stakeholders, or any other entity, stipulated in the law as constituting public money and property.

It is noted from the foregoing that the Egyptian legislator expanded the concept of public money and property in the

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Given the fact that the protection of public money and property is a constitutional obligation for the state, the civil legislator sought to protect them from civil actions through prohibiting their sale, seizure or ownership by the statute of limitations, while the criminal legislator imposed stricter penalties for aggression against them or damaging them for protecting the people's money

penal code beyond its concept in the civil law, which limited their concept to money and property of the state and public legal persons, which are allocated for the public benefit. The penal code focused on the criterion of ownership without including public benefit, depending on their being owned by any of the aforementioned parties or subject to their supervision or management. It expanded the concept of public money and property by considering some types of privately owned public money and property, based on their origin, as public property in the event of aggression against them in any way stated under the embezzlement and aggression against public money and property section in the penal code. These include the money and property of syndicates and unions, which are considered private persons, according to their origin, and their money and property are considered private property belonging to their members and are allocated to meet their needs. The same applies to the money and property of companies and associations that are subject to management or supervision of the state, or in which the state is one of the aforementioned parties. They are, according to origin, private money and property. However, the legislator found it necessary to provide protection for them equal to the protection provided for public money and property owned by the state or public legal persons because they provide public services. Thus, the legislator used the criterion of importance of the interest to be protected, and protected them through imposing severe punishments for anyone who tries to transgress against them or damage them intentionally or out of negligence, making them equal to the money and property owned by state.

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The legislator provided the rules to the officials of the state, with its control, executive and judicial agencies, as well as to the people to put these rules into practical application so that every citizen feels that his share in the public money and property is protected. Through legal and actual application, public money and property will have an apparent owner who protects and develops them, just like private money and property.