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# **Using of Public Money in Palestine**

**Prepared by**

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**Supervisor:**

**Dr. Adnan Amr**

Submitted in Partial Fulfillments of the Requirements for the Degree  
of Masters of law, Faculty of Graduate Studies, at Al- Quds  
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**2011**

## **Abstract**

Public funds require a special legal regulation, to ensure its use, force protection against the handler, whether administration or individuals; and there are different ways to use of public funds depending on who use it, or based on the nature of this fund whether it is movable or not. Due to determination of the scope of research in the using of public funds in the Palestinian Legislations, the study has addressed this subject by the comparative study and analytical approach was used, in order to analyze legal texts and show the relation between them and highlight what was aimed by the legislator about rules and provisions that are related to the public fund.

Based on the title that was chosen to be the subject of research, the general plan of research must be consistent with this title. Accordingly, the research was divided to an introductory chapter, and two chapters and a conclusion.

Introductory chapter has presented the concept of public funds, through clarifying the legal regime of public funds in the first section, and the second section has presented methods by which public funds acquire public status and ways of removing this status. The first chapter deals with the routes of using the public funds, it shows using public funds by administration in the first section, and by individuals in the second section.

The second chapter dealt with the decided legal protection for the use of public funds, and the aspects of this protection are either as a criminal protection in the first section, or civil protection in the second section, or administrative protection in the third section.

The conclusion included a concentrated clarification of main research ideas, and the results of study, one of the most important results, that there is no specific definition of public funds in the used Palestinian legislation, with the presence of a jurisprudential dispute about the nature of the State's right on the public funds, and there are special legal rules to acquire the public funds and removing it, and the absence of sufficient adequate legal provisions in the used Palestinian legislations to protect the of public funds.

The conclusion included proposals and recommendations that present solutions to the research problem, the most important one was issuing a Palestinian legislation related to legal handling of public funds that are consistent with the developing life and scientific needs.

Because any work has to face obstacles and difficulties, the lack of references and textbooks related to this subject where the most prominent problem the researcher has faced during preparation of this study. Since this subject has been addressed in many publications of administrative law but in a brief and non-detailed style, especially in the Palestinian level, where there is a scarcity in administrative jurisprudence in this subject, except some contributions that their owners deserve thanks and appreciations. In addition to the scarcity

of Palestinian court rulings related to public funds, and another difficulty resulted from the scattering of rules related to public funds in different and diverse laws and legislations.

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Lucien Sfez, Essai sur la contribution du Doyen Hauriou These Paris. 1964. p. -1

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Ducrocq: Cours de droit administratif, Tome 4, p. 95 -1  
Berthelemy: Traite elementaire de droit administratif, 13e ed. p.473

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		2005	(43)		.35
	1964	(60)			.36
	.1964	(60)			.37
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.2002					.3
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.1998	1	.9
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71	52 -	.14
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	.1991 5		.21
	1979		.22
			.23
		1973	
	.1952 1		.24
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1994		1	.26
1966			.27
(1918 -1700)			.28
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2004		2	.33
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			.1987			
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1993		3	2			.52
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	2007		2006		
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-		2009		.14
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	2	1994.1998		.1
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		7 1992 1989		
	1992	3		.3
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		(2008/02/07)		.1
		11985 2003	1	.2
		11985 2003	1	.3
	1	12400 2004/2/29		.4
			2005/8/25	.5

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## قائمة المحتويات

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