

Conflict of interests of the shareholders in the Public joint Company

Comparative Study

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Abstract

This study deals with the conflict of interests of the shareholders in the Public joint Company, in light of the corporate Law No. 12 of 1964, and the Palestinian Companies Law of 2019 in particular, with a comparison between the Egyptian Companies Law No. 159 of 1981 and the Jordanian Companies Law No. 22 of 1997 and the UAE Law No. 2 of 2015 and Kuwaiti Law No. 1 of 2016 in general. It also records and sorts the cases in which shareholders' interests in a public joint company could contradict, and provides the resolution to this contradiction as recommended in these laws.

This study includes two chapters. The first chapter is about the management of the joint-stock company and the protection of interests. I divided it into two sections, in the first chapter; I discussed the management of the public joint company and the aspects of conflict of interest during the lifetime of the company. In the second chapter, I discussed the protection of the minority of shareholders and the conflicting interests in the public joint company and protecting shareholders through the application of the governance principles.

As for the second chapter, was about the aspects of conflict of interests of shareholders at the expiry of the company. by dividing it into two sections: the first topic dealt with the integration of companies, and the resulting conflicts of interest. However, the second topic dealt with the transformation of companies and the resulting conflict of interest.

This was followed by a conclusion that included the most important conclusions, recommendations and suggestions reached by the researcher through this study

So, the result that I reached of my study is that it is possible to conflict interests in a public joint-stock company between founders and subscribers.

In addition, corporate governance rules address conflicts of interest between board members and the company. One way in which the legislator protected minority rights was

that it created protection through the enforcement of the norms of abuse of power by the majority and by the members of the Governing Council. As well as, the implementation of the rules of corporate governance to reduce the majority control of the minority

One of the most important recommendations that we recommend that the best ways to remedy the conflict between a member of the board of directors and the company in the event of a contract with the company is the ratification by the member request approval of the Board of operations before entering, Thus the Board estimates whether this contract is against the interest of the company or not.