

Judicial Review of Administrative Official's Error of Law in Iranian Administrative Law with a Comparative Approach to the Legal Systems of England and France

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Received Date: 17/06/2019 - Accepted Date: 12/04/2020

DOI: 10.22096/LAW.2020.109327.1468

Abstract

Error of law of an administrative official means ignorance of the law in the sense that the administrative official has a misunderstanding of the law or gives an interpretation contrary to the purpose of the legislator. But the important issue is how the judicial review occurs. In English law, in the traditional approach, only jurisdictional errors and error of law on the face of the record were reviewable from all types of Intra vires errors, but in the new approach, error of law in the broad sense of ultra vires is one of the causes of judicial review and was abrogated the distinction between jurisdictional and non-jurisdictional; so all the errors of law are reviewable. In French law, all types of administrative official's error of law are reviewable, too. In Iranian administrative law, judicial review on error of law has not been explicitly provided, but it seems that it is possible to use the two bases that provided in the law for judicial review: "legality" and "departure from the limits of authority", although this is not same in the competence of the General Assembly and the branches. In the present research, by studying England and France legal systems in judicial review on error of law, rules and judicial procedure of Iran have been studied and to identify this concept and judicial review on it, a solution from other legal systems is presented to provide the possibility of judicial review of the administrative official's error of law in the administrative law of Iran in full.

Keywords: Judicial Review; Error of Law; Administrative Official; Administrative Law of Iran; English Law; French Law.

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