

## THE LEGAL BASIS OF THE PRINCIPLE OF LEGALITY IN FACING DIGITAL ADMINISTRATION DEVELOPMENT

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### Abstract

The world today is witnessing an unprecedented technological revolution, as digitization and digital transformation have become an integral part of daily life. One of the most prominent areas affected by this transformation is public administration. Digital administration is no longer merely a tool to facilitate traditional administrative procedures. Rather, it has become a new model for managing government resources and services, relying on information systems, digital platforms, and smart applications. This transformation imposes significant challenges on administrative law, particularly in ensuring that administrative actions remain compliant with the laws and principles of justice and transparency, most importantly the principle of legality. The importance of this research lies in ensuring legal legitimacy: examining how the principle of legitimacy is applied in an advanced digital environment to ensure that administrative authority is not exceeded. The research aims to clarify the legal basis for the principle of legitimacy in traditional and digital administrative work. The research problem revolves around the main question: How can the principle of legitimacy remain effective and binding on management in light of the accelerating digital transformation? The research reached key findings, including the continued importance of the principle of legality despite the digital transformation. The principle of legality remains the foundation for ensuring the legitimacy of administrative actions and protecting rights. The research relies on a descriptive analytical approach, examining legal texts related to the principle of legality and digital administration.

**Keywords:** Digital governance, digital transformation, legality principle, administrative law, transparency, and rights.

### Introduction:

The world today is witnessing an unprecedented technological revolution, where digitization and digital transformation have become an integral part of daily life. One of the most prominent fields influenced by this transformation is public administration. Digital administration is no longer merely a tool to facilitate traditional administrative procedures; rather, it has become a new model for managing governmental resources and services, relying on information systems, digital platforms, and smart applications. This transformation imposes major challenges on administrative law, particularly in ensuring that all the administrative actions remain committed to laws and to the principles of justice and transparency, the most important of those is the principle of legality. The principle of legality is one of the fundamental principles on which the rule of law is based, as it ensures that all actions of public administration must rest on a clear legal foundation and not exceed the authority granted to it. It also contributes to protecting individuals' rights and freedoms from any administrative abuse or misuse of power. With the actual implementation of digital

administration, the question arises as to the extent to which this principle can adapt to new administrative methods that rely heavily on digital data, intelligent analytics, and automation in decision-making.

Digital development raises multiple issues related to legal responsibility, decision-making transparency, the protection of personal information, and safeguarding citizens' rights in the face of automated decisions. Hence, the need arises to study the legal basis of the principle of legality in light of this transformation, with the aim of analyzing the extent to which traditional administrative laws are compatible with the requirements of the digital age, and proposing ways to enhance the protection of legal rights and ensure the integrity of administrative procedures.

### **Significance of the Study:**

The significance of this research study lies in the following points:

1. Ensuring legal legitimacy: Studying how the principle of legality can be applied in a developed digital environment to guarantee that administrative authority does not exceed its limits.
2. Protecting individual rights: Highlighting the challenges citizens may face when digital administration is adopted, and how laws can safeguard their rights.
3. Developing legal frameworks: Providing a vision of how traditional administrative laws may be modified and adapted to keep pace with digital transformations.

### **Research Objectives:**

The research aims to:

1. Clarify the legal basis of the principle of legality in both traditional and digital administrative work.
2. Analyze the legal challenges imposed by digital administration on the application of the principle of legality.
3. Propose legal solutions and mechanisms to ensure compliance with the principle of legality amid digital transformation.
4. Provide a comprehensive vision of how to integrate traditional legal principles with modern digital administrative tools.

### **Research Problem:**

The research problem revolves around the following central question:

**How can the principle of legality remain effective and binding on the administration in light of the accelerating digital transformation?**

This problem stems from several sub-questions:

1. Are the current administrative laws sufficient to regulate digital procedures?
2. What legal risks might arise from full reliance on digital systems?
3. How can technological advancement be reconciled with respect for citizens' legal rights?

### **Research Methodology:**

The study adopts the descriptive-analytical approach. The study examines the legal texts related to the principle of legality and digital administration, and deducing the necessary legal mechanisms to ensure the application of the principle of legality in the digital environment.

### **Study Plan:**

The subject will be addressed according to the following structure: Chapter One: The principle of legality and its legal basis. Chapter Two: The principle of legality in light of digital administration.

### **Chapter One**

### **The Principle of Legality and Its Legal Basis**

The essence of the principle of legality is the subjection of administration to the law. However, legal scholars have not agreed upon a unified definition of this subjection. Some scholars use the terms “legality” (mashru‘iyya) and “legitimacy” (shar‘iyya) interchangeably, though such usage lacks precision.

The principle of legitimacy usually refers to the administration’s subjection to positive law, whereas the principle of legality has a broader meaning: it does not only encompass compliance with positive law but also adherence to the principles of natural law and other rules of justice.

Another perspective holds that the principle of legality has two meanings:

**A broad meaning:** The subjection of the state, with all its authorities (legislative, executive, and judicial), to the law.

**A narrow meaning:** Limiting the principle to the subjection of the administration alone to the law. Some scholars trace the principle back to what is known as the “rule of law” or the “concept of the legal state,” which is founded on the requirement that all acts of the state—by all its authorities—must conform to and operate within the framework of the law (Jamil, 2011, p. 12).

The principle of legality thus means the sovereignty of the rule of law, or the principle of subjection to it. Since the modern state is a legal state, this principle implies that both rulers and the ruled are equally subject to the law.

The principle of legality is considered an extension and offshoot of a higher principle—the rule of law—which the modern state has embraced. From this commitment arises the necessity that all public bodies in the state, along with their final decisions, must comply with the provisions of the law.

It is worth distinguishing here between the principle of legality and the principle of the state’s subjection to the law. The latter means the absolute subjection of all members of society—rulers and ruled alike—to the law. However, for the state to fully attain the status of a “legal state,” the public authority, in all its governing bodies, must be subject to prevailing legal rules (Jamil, 2011, p. 13).

### **Section One**

#### **The Concept of the Principle of Legality and Its Legal Sources**

The principle of legality is considered one of the fundamental constitutional principles and has received wide attention from constitutional law scholars, as it represents a core pillar that distinguishes the rule of law.

##### **- Definition and Meaning of the Principle of Legality**

**Linguistic meaning:** Legitimacy (shar‘iyya) and legality (mashru‘iyya) in Arabic are two terms derived from the same root, “shar” (law, sharia, or ordinance), which denotes custom, tradition, or method.

**Terminological meaning:** This principle is known in England as the “rule of law,” in France as the “principle of legality,” and in the former Soviet Union and socialist states as “socialist legality.” In general, the principle of legality means the supremacy of the rule of law within the state, such that its rules and provisions prevail over any will, whether the will of the ruler or the ruled. It refers to any binding legal rule, regardless of its source—be it the constitution, ordinary legislation, or any other legal source.

Despite the differences in terminology among constitutional law scholars, most agree on its meaning, namely, that the subjection of the state to the law is one of the principles currently recognized. This principle is not limited to the subjection of the governed to the law in their relations but also includes the rulers' subjection in the exercise of the powers vested in them by law (Kamel, 1968, p. 16).

#### - Sources of the Principle of Legality

**The sources of legality are divided into two categories:**

##### **Category One: Written Sources**

The written sources of the principle of legality include three types of legislation, as follows:

##### **First. Constitutional Legislation:**

The constitution is considered the supreme authority in the legal system and the highest legislation in the state. It contains a set of legal rules issued by the constituent authority to regulate the governing powers of the state, define their jurisdictions, and establish their relationship with individuals (Medhat, 1978, p. 10).

Accordingly, the three branches of state authority are bound to comply with the provisions of the constitution; otherwise, their actions are deemed unlawful or, more specifically, unconstitutional. The Egyptian Administrative Court confirmed this principle in its ruling of June 30, 1952, where it held:

“If a state has a written constitution, it must adhere to it in its legislation, its judiciary, and in the exercise of its administrative powers. The constitution, with its texts and principles, is the supreme law that prevails over all other laws, and the state is bound by it based on one of the foundations of democratic governance, namely subjection to the principle of constitutional supremacy.” (Tu‘aymah, 1970, p. 14).

##### **Second. Ordinary Legislation (Ordinary Laws):**

Modern constitutional jurisprudence agrees that laws issued by the competent legislative body are the primary governmental tool for defining the rules of general legal conduct within the framework of the constitution, both for rulers and the ruled alike.

The constitution may determine the jurisdiction of the legislative body in two ways:

The first method, adopted by most countries, including Egypt, provides that parliament has general and primary authority in the field of legislation (Ramzi, 1975, p. 230).

The second method emerged in France, particularly in the Constitution of 1958, which restricted the powers of the legislative authority to those explicitly provided for, limiting parliament's role to matters expressly stipulated in the constitution.

##### **Third. Subordinate Legislation (Administrative Decisions):**

These are divided into two types: regulatory administrative decisions (regulations) and individual administrative decisions.

##### **1. Regulatory Administrative Decisions (Regulations):**

Issued by the executive authority, these decisions contain general and binding rules applied to an indefinite number of individuals, regardless of the number of cases, so long as they comprise general objective rules addressed to persons by their characteristics and not their identities. Although these regulations or subordinate legislations resemble laws substantively, they may not contradict the law or ordinary legislation enacted by the original authority vested with general

legislative jurisdiction, namely the legislature (parliament). This is in compliance with the principle of legal hierarchy and the primacy of law.

## **2. Individual Decisions:**

These represent the second type of administrative decisions issued to address individual cases, directed at specific persons. It is important to note that while the administration has the authority to issue both types of decisions, it does not have the power to amend or alter individual decisions as it does with regulatory decisions. The administration retains the right to amend or revoke regulatory decisions based on public interest considerations, but it is restricted in its authority concerning individual administrative decisions. Hence, scholars emphasize that respecting the legal positions created by individual decisions constitutes one of the fundamental pillars of the rule of law and reflects adherence to the principle of legality (Fu'ad, 1963, p. 46).

### **Category Two: Unwritten Sources**

These can be summarized in two main sources:

**The First Source: Custom ('Urf):** In general, custom is a practice that people become accustomed to in regulating their relations until they recognize its binding nature. Custom consists of two elements:

The material element, represented by the habitual following and repeated, continuous application of a given rule without interruption, provided that its general conditions are met by all or most concerned parties and that it has endured long enough to become established.

The moral element, which lies in the sense among the parties governed by the customary rule that it is binding and must be observed (Muhsin, 1987, p. 87).

Constitutional custom takes three forms:

**Interpretive custom:** Its role is limited to interpreting ambiguous constitutional texts, and it is considered an integral part of the constitution.

**Supplementary custom:** Its purpose is to fill gaps in constitutional provisions.

**Modifying custom:** It alters the provisions contained in the constitution, whether by addition or omission.

### **The Second Source: General Principles of Law:**

Although classified as an unwritten source of legality, this is one of the most significant sources.

**1. Definition of General Principles of Law:** Scholars of public law in France and Egypt have provided various definitions. In France, jurist Carré de Malberg in his writings on administrative law noted that general principles of law are the most important unwritten source of legality. He defined them as:

“The term ‘general principles’ refers to a set of principles not expressed in written form but recognized by the judiciary as norms that the administration must respect, and any violation of them constitutes a breach of the principle of legality.” (Rif at, 1992, p. 15).

In Egyptian jurisprudence, several public law scholars paid particular attention to defining the theory of general principles of law. Among them was Dr. Fu'ad al-'Aṭṭār, who, after discussing unwritten sources of legality and addressing custom, examined general principles of law, stating:

“This represents the second type of unwritten sources, namely the general principles of law, which are not based on any written text but are derived by the judge from the body of rules governing society in a given country and time. The administration is bound to respect them, and any act issued in violation thereof is annulled. These principles find their natural limit in the spirit of the

general legislation regulating society, reflected in its political, economic, social, intellectual, and even spiritual circumstances. Examples include general constitutional principles, the Declaration of Human Rights, and the rules of natural law. Thus, any society founded on the principle of the rule of law must have these principles, even if not expressly codified.” (Fu’ad, 1963, p. 47).

## **2. The Legal Force of These Principles:**

Until the promulgation of the 1958 Constitution, the French Conseil d’État regarded these principles as having the same legal force and value as ordinary laws enacted by parliament. Most French jurists adopted the same position. After the 1958 French Constitution, however, these principles acquired legal status equivalent to that of the constitution itself.

## **Section Two**

### **Conditions of the Principle of Legality**

One of the essential guarantees for the establishment of the principle of legality and the rule of law is that the state must possess a constitution that defines the legal framework for exercising political authority, stipulates the various rights and freedoms enjoyed by individuals and groups, ensures the separation of powers, and subjects the actions and conduct of the administration to judicial review. If any of these elements are absent from the state’s legal system, the principle of legality and the authority of law are undermined. This is precisely what Article 16 of the Declaration of the Rights of Man and of the Citizen, issued during the French Revolution, affirms:

“Any society in which guarantees of rights are not secured, nor the separation of powers established, has no constitution at all.”

### **1. The Necessity of a Constitution**

The constitution is regarded as the supreme law of the state, from which all other constitutional institutions emanate and on the basis of which political authority is exercised. It is defined as:

“A set of fundamental rules that define the form of the state, establish the principles of governance, provide the basic guarantees for individual rights, and regulate public authorities, outlining their powers and competences.” (Al-Karim, 2001, p. 255).

The constitution thus determines the different authorities within the state, clarifies their competences, the scope of their intervention, and the procedure for their formation, in addition to setting out the rights and freedoms of individuals and groups.

Emphasizing the necessity of a constitution as a guarantee for fulfilling the conditions required for legality stems from the constitution’s superior legal status within the state’s legal framework. Any encroachment by one authority on the competences of another is considered unlawful and subject to annulment by the constitutional judiciary. Likewise, legislation enacted by the legislature that restricts individual rights or infringes upon freedoms is deemed unlawful.

This supremacy of the constitution over all other legal norms—whether enacted by the legislature in the form of laws or by the executive in the form of decrees or regulations—obliges these authorities to respect its rules and provisions. Otherwise, any act issued in violation of constitutional provisions is void and devoid of any legal value (Nazih, 2008, p. 110).

### **2. The Principle of Separation of Powers**

The principle of separation of powers is a fundamental condition for the establishment of legality, a cornerstone of liberty, and an effective safeguard against despotism, arbitrariness, and monopolization of power. It is one of the principles upon which democratic systems are built.



This principle is associated with the French thinker Montesquieu (1684–1755), one of the most prominent Enlightenment philosophers and a founder of the general political principles of democratic societies.

Montesquieu argued that the concentration of public powers in the hands of a single body or individual inevitably leads to tyranny and the erosion of individual freedoms, even if that body were a democratically elected parliament. He affirmed that concentrating powers in such a body would result in absolute rule and the destruction of liberties. Montesquieu's view was based on a historical observation: whenever power is concentrated in one person or authority, the inevitable result is dictatorship and tyranny, culminating in the disappearance of individual freedoms. Hence his famous dictum: "Power should check power." (Al-Wahhab, M., 2002, p. 199).

Adopting the principle of separation of powers entails both functional and organic separation of state authorities.

Functional separation means distinguishing between the three functions of the state: legislative, executive, and judicial.

Organic separation means assigning each of these functions to an independent body: the legislative function to the legislature, the executive function to the executive authority, and the judicial function to the judiciary.

This separation, both functional and organic, prevents one authority from encroaching on another, ensuring that each authority performs its role within the limits of its designated competences.

Although some jurists argue that the separation of powers is not an essential condition for the establishment of the rule of law—since, according to Professor Tharwat Badawi, the state's subjection to law occurs once governing bodies respect their competences and remain within their limits, which can happen without a strict separation of powers—most states nonetheless enshrine this principle in their constitutions as a political mechanism for good governance and as a fundamental guarantee of rulers' compliance with the law (Tharwat, 1975, p. 182).

For example, the Moroccan Constitution states in the first paragraph of Article 1 that:

"The constitutional system of the Kingdom is founded on the separation, balance, and cooperation of powers; participatory and citizen democracy; principles of good governance; and the correlation of responsibility with accountability."

Similarly, the 2012 Egyptian Constitution provided in Article 6 that the political system of the Arab Republic of Egypt is based on the separation and balance of powers, the rule of law, and respect for human rights and freedoms.

In this respect, the judiciary is directly responsible for protecting rights and freedoms, safeguarding fundamental values and achievements, and acting as the vigilant guardian of legality, ensuring it is not violated under any guise or by any source. This reflects the application of the rule of law, which constitutes the foundation of guarantees ensuring security, stability, and the principle of equality before the law, through which citizens can feel assured that their property and dignity are protected against injustice and tyranny (Al-Wahhab, M., 2002, p. 18).

### **3. The Subjection of Administration to Judicial Review**

Legal doctrine has established that the principle of legality lacks practical effectiveness unless accompanied by an effective sanction guaranteeing the compliance of public authorities with its content and limits, despite the variety of sanctions and safeguards contributing to its observance.

Different legal systems recognize that the real and effective guarantee of this principle lies in another complementary principle: granting an authority independent from political power the task of ensuring that public authorities respect legality in all its dimensions. Constitutional or legal restrictions limiting administrative activities are futile unless executive authorities are subject to judicial bodies empowered to monitor compliance with such restrictions (Nakaoui, S., 2009, p. 157).

Accordingly, many states provide in their legislation that individuals harmed by administrative acts or decisions have several remedies to challenge the harm they have suffered. These include administrative appeals and judicial review. The judiciary possesses two main mechanisms to remedy such harm:

1. The annulment of administrative decisions tainted by illegality.
2. What is termed “full administrative jurisdiction,” which allows for ordering the administration to compensate individuals materially or morally harmed by an administrative act.

The 2011 Moroccan Constitution, in Article 118, guaranteed the right of litigation for all persons to defend their rights and interests protected by law, making every administrative decision—whether regulatory or individual—subject to challenge before administrative courts. The Egyptian Constitution followed the same approach, stipulating in Article 75 that the right to litigation is guaranteed to all, obligating the state to ensure access to justice and the prompt resolution of cases, and prohibiting any administrative act or decision from being immune from judicial review (Hussein, 2008, p. 196).

Furthermore, the administration itself has the right to withdraw unlawful decisions, with the legal consequence of nullifying the unlawful decision retroactively from the date of its issuance.

When adjudicating cases concerning the legality or illegality of administrative actions, the administrative judge considers the entire body of legal norms in force in the state, whether written, customary, constitutional, statutory, or regulatory, as well as legal rules contained in international treaties ratified by the state and published in the Official Gazette. Collectively, these legal norms constitute the sources of legality (Al-Wahhab, M., 2002, p. 35).

## **Section Two**

### **The Principle of Legality under Digital Administration**

The principle of legality is the cornerstone of any administrative and legal system. It means that all administrative decisions and procedures must be based on clear and specific legal provisions and must fall within the scope of the authority granted to the administrative body. This principle ensures that the administration does not exceed its powers and guarantees the protection of the rights of individuals and institutions against any arbitrary administrative action. Under traditional administration, the application of the principle of legality relied on the existence of regulations, laws, judicial or supervisory review, the documentation of procedures in paper form, and their inspection by competent authorities (Khalil, 2019, p. 161).

With the digital transformation of the state and public administration, the principle of legality has acquired new dimensions relating to digitization, data protection, automation of procedures, and the use of artificial intelligence. Digital administration does not merely mean converting documents into electronic form; rather, it involves redesigning administrative processes to become more transparent, efficient, and responsive to citizens. Here, applying the principle of legality is linked not only to compliance with the law but also to adherence to principles of digital governance,



such as safeguarding privacy, ensuring cybersecurity, and guaranteeing the accuracy of information and electronic transactions (Noufan, 2011, p. 64).

One of the most significant challenges in this context is how to ensure that digital administration systems—such as smart government platforms or AI-based software—operate in accordance with existing laws and do not exceed their conferred powers. Issues such as encryption, digital authentication, and mechanisms for tracking digital transactions must be designed in a way that ensures transparency and allows for subsequent legal verification, so that any electronically executed procedure or decision can be reviewed before the judiciary or supervisory bodies if necessary.

Moreover, the principle of legality acquires additional importance in safeguarding the digital rights of citizens, such as their right to access information, their right to correct data, and their right to appeal or contest electronic administrative decisions. This requires the development of modern legal frameworks that keep pace with the rapid pace of digital transformation, including laws on personal data protection, the regulation of artificial intelligence, and cybercrime (Riyad, 2018, p. 846).

### **First Requirement**

#### **Manifestations of the Impact of Digitization on Administrative Work**

Digitization has brought about profound changes in the administrative work environment and has completely reshaped the way institutions are managed. It is now difficult to imagine any modern institution functioning without relying on digital technology in the performance of its daily tasks. Digitization is no longer merely an auxiliary tool or a means of facilitating certain processes; it has become an essential part of the infrastructure of administrative work, affecting all aspects of operations—from planning and organization to supervision and decision-making. It also greatly influences the role played by administrative employees within institutions (Mohammed, 2017, p. 40).

One of the most prominent effects of digitization is the increased efficiency and speed of administrative processes. In the past, administrative work depended on paper-based procedures and manual correspondence, such as filing, tracking transactions, and preparing reports—tasks that were time-consuming and prone to human error. With the advent of digitization, these processes are now conducted through advanced electronic systems, such as document management software and electronic databases, which allow for rapid and highly accurate storage and retrieval of information. For example, processes such as tracking internal files or approving decisions are now available to employees through digital platforms, where every step in the process can be monitored in real time. This reduces the need for physical movement between offices or repetitive meetings, enabling management to focus on strategic tasks instead of being burdened with daily routine work (Ali, 2021, p. 12).

The impact of digitization has not been limited to speed and efficiency but has also extended to improving the quality of communication within and outside institutions. Instant communication among employees—whether in the same office or dispersed across different locations—through email, instant messaging, or digital collaboration platforms has enhanced coordination between different teams and accelerated decision-making. This capacity for instant communication and seamless information exchange increases the transparency of administrative processes and reduces errors arising from delayed data transmission or loss of documents. It also contributes to creating

a more interactive work environment in which employees feel part of a connected and integrated information network.

Another important aspect of digitization's impact lies in the use of digital data to support administrative decision-making. Institutions have become capable of collecting vast amounts of data on various operations and analyzing them using advanced software to forecast future trends, detect problems before they occur, and design strategies based on empirical evidence rather than solely on personal expertise or intuition. For example, through management information systems, administrations can analyze departmental performance, identify strengths and weaknesses, and precisely determine required resources. This enhances an institution's ability to adapt to sudden changes in the market or operational environment (Jabbar, 2024, p. 5).

In addition, digitization has affected the skillset required of administrative employees. Traditional skills such as organization, time management, and verbal communication are no longer sufficient on their own. It has become necessary to possess technical skills that enable employees to handle different computer systems, data management programs, digital collaboration platforms, and advanced analytical tools. This evolution requires continuous training programs and a commitment to lifelong learning, so that employees can keep up with rapid changes in the digital work environment and remain capable of performing their tasks efficiently. At the same time, this development enhances opportunities for innovation and creative thinking, as employees can use technology to devise new solutions, improve processes, and propose innovative methods to streamline workflows—thus raising the overall performance level of the institution.

The organizational and cultural impact of digitization on administrative work has also been significant. Digital technology has fostered a more flexible work environment, enabling remote work, flexible scheduling, and the use of digital tools for coordination between teams without requiring constant physical presence in the office. This kind of flexibility not only increases employee satisfaction and reduces stress from routine work but also allows institutions to expand their operational scope and tap into remote talent, making them more competitive in global markets. Moreover, digitization encourages a culture of innovation and experimentation, where employees are motivated to explore new ways of performing tasks and improving processes, with the possibility of testing these methods digitally before applying them on a larger scale—thus reducing risks associated with change (Rimaysa, 2025, p. 7).

From an economic perspective, digitization has significantly helped institutions reduce operational costs. Reliance on digital systems decreases paper consumption, reduces the need for large storage spaces for files, and minimizes the time employees spend on routine procedures. Digitization also enables institutions to monitor financial and administrative performance in real time, facilitating the detection of irregularities or resource wastage and the prompt adoption of corrective measures. The psychological and behavioral effects of digitization on employees and management cannot be ignored. Digitization helps reduce the stress caused by repetitive tasks and enhances employees' sense of efficiency and control over their responsibilities. However, it can also generate new challenges, such as excessive reliance on technology, the continuous need to update technical knowledge, and the pressures of constant and immediate communication. For this reason, digitization also requires clear policies for time and information management, as well as a balance between the use of technology and the protection of employees' mental health (Rimaysa, 2025, p. 13).

Digitization has also influenced the relationship between institutions and their clients or service beneficiaries. It has enabled the provision of integrated digital services—such as submitting applications, issuing documents, or tracking procedures—in a rapid and transparent manner. This transformation increases client satisfaction and enhances the institution’s reputation as a modern and efficient organization, while also providing accurate data on client preferences and needs, enabling administrations to develop services and products that align with expectations.

In conclusion, digitization is no longer a secondary option for administrative work; it has become a fundamental element for enhancing institutional performance, improving service quality, and strengthening competitiveness. It increases the speed and efficiency of operations, improves internal and external communication, empowers management to make data-driven decisions, necessitates the development of new employee skills, and drives important organizational and cultural changes. It also impacts the economic, psychological, and social dimensions of administrative work. Hence, digitization can be considered a comprehensive transformative factor that redefines the concept of traditional administration and places institutions on a more modern and effective trajectory (Rimaysa, 2025, p. 15).

## **Second Requirement**

### **Legal Safeguards for Achieving Legality in the Digital Environment**

In today’s digital age, the digital environment has become an integral part of the lives of individuals and societies, as commercial, educational, and social activities have shifted into a space that relies on technology and electronic communication. Despite its considerable advantages in terms of speed of access to information and the facilitation of transactions, this transformation carries within it significant challenges concerning the achievement of legality and the guarantee of compliance with laws and regulations. Digital activity can be fraught with risks if there is no clear legal framework to regulate this activity and protect the rights of all parties. For this reason, the discussion of legal safeguards for ensuring legality in the digital environment has become an urgent necessity, as they constitute the foundation for ensuring that the digital system operates lawfully in a manner that protects individuals, institutions, and the state alike (Fawzi, n.d., p. 69). The first distinctive feature of the digital environment is its complex virtual nature, where individuals can conduct transactions and interact with others without direct physical presence. This poses major challenges to traditional legislation, as conventional laws were not designed to address complex digital transactions involving personal data, electronic contracts, digital payments, and cross-border activities. Consequently, it became necessary to develop specialized legislation for the digital sphere that defines rights and obligations, identifies digital crimes and ways of punishing offenders, and establishes a clear legal framework for electronic transactions. Such legislation is not limited to protecting individuals from violations but also extends to regulating the operations of digital institutions and ensuring their compliance with legal and ethical standards. In addition to legislation, judicial and administrative oversight plays a central role in ensuring digital legality. Judicial authorities, through specialized courts, review disputes arising in the digital sphere, such as cases of electronic fraud, intellectual property rights violations, and digital espionage. Such oversight also provides mechanisms to protect victims and apply sanctions against violators, which strengthens trust in the digital environment and reduces abuses (Thuraya, 2014, p. 12).

Administrative oversight, carried out by specialized bodies such as data protection authorities or telecommunications regulatory agencies, is another tool for ensuring that digital institutions comply with the law. This is achieved by imposing specific standards for digital practices and supervising their implementation. On the other hand, legality in the digital environment cannot be achieved without mechanisms for transparency and accountability. Transparency grants individuals the right to know how their personal data is being used and how their digital transactions are handled, thereby reducing the risk of exploitation or unlawful violations. Accountability, on the other hand, requires institutions and users alike to bear the consequences of their digital actions, whether through legal sanctions or compensation for damages resulting from violations. This integration of transparency and accountability creates a safer and fairer digital environment, in which each party is aware of its legal boundaries and obligations toward others (Abdu, 2007, p. 62).

Furthermore, the protection of fundamental rights forms an inseparable part of legal safeguards in the digital environment. Rights such as privacy, freedom of expression, and intellectual property are under constant threat in the digital sphere due to the ease of access to information and its rapid dissemination. Therefore, modern digital laws seek to create a delicate balance between protecting these rights and the requirements of security and public order. This enables individuals to exercise their rights freely within the bounds of the law, without infringing upon the rights of others or threatening the interests of society. This necessity has led to the emergence of advanced legislation, such as personal data protection laws, which regulate the collection, use, and storage of digital information and require institutions to adopt strict measures to ensure the confidentiality and security of data (Sharif, 2014, p. 48).

Legal safeguards are not confined to legislative texts alone but also extend to the technical support of the law. Technical tools such as encryption, digital authentication systems, and electronic transaction records have become essential components of legality, as they provide practical means to verify user identities, confirm the validity of transactions, and protect data from unlawful access. The use of these tools creates an additional layer of legal and practical protection by combining compliance with the law and the safeguarding of rights at the same time. Moreover, legal education and awareness play a crucial role in strengthening digital legality. Users who are informed about their digital rights and responsibilities are better able to comply with laws and avoid unintended violations. Awareness efforts also raise public understanding of cybercrime risks and methods of prevention, while enhancing trust in the digital system as a whole. Thus, legality in the digital environment is not achieved merely through the existence of laws but also requires the continuous awareness of individuals and institutions, so that compliance with the law becomes part of digital culture (Abdulaziz, n.d., p. 13).

The international dimension cannot be overlooked in ensuring digital legality, especially given the cross-border nature of the internet. The need for harmonizing laws and international agreements has led to the development of treaties and conventions regulating the fight against cybercrime, protecting digital intellectual property rights, and ensuring the lawful and secure exchange of data among states. Such international cooperation enhances the ability of countries to confront shared digital challenges and ensures the protection of rights across borders, making digital legality a global issue rather than merely a national responsibility. Legal safeguards for ensuring legality in the digital environment therefore rely on an integrated system that combines specialized legislation,

judicial and administrative oversight, transparency and accountability, protection of fundamental rights, technical support, awareness, and international cooperation. All these elements work together to ensure that digital activity is conducted in accordance with the law and that individuals and institutions enjoy comprehensive protection enabling them to exercise their rights freely and securely. In the absence of any of these safeguards, the digital environment becomes more vulnerable to disorder, violations, and exploitation of legal loopholes, which undermines trust in the digital sphere and weakens the effectiveness of digital transactions (Fahd, 2021, p. 112).

## **Conclusion**

The research shows that the digital transformation of public administration represents an opportunity to improve administrative performance and increase service efficiency, but at the same time, it imposes significant legal challenges relating to ensuring respect for the principle of legality and protecting individual rights. The principle of legality remains the cornerstone in regulating the relationship between administrative authority and citizens. However, modern digital tools necessitate a re-evaluation of legal oversight mechanisms and the adaptation of legislation to keep pace with the rapid pace of technological change. Through analyzing the legal framework, it can be affirmed that balancing digitization with the protection of legality is not impossible, but requires clear policies, precise legal texts, and effective mechanisms of accountability and oversight.

### **First – Findings**

1. The continued importance of the principle of legality: despite digital transformation, legality remains the foundation for ensuring the legitimacy of administrative actions and protecting rights.
2. Challenges of legal oversight: difficulties in monitoring digital and automated decisions represent one of the most significant obstacles to applying the principle of legality.
3. Inadequacy of traditional legislation: current administrative laws need amendments to cover digital procedures and automated decisions.
4. Increased risks to individual rights: intensive use of digital data may lead to violations of privacy or citizens' rights if legal safeguards are not in place.
5. Necessity of integrating technology and law: achieving a balance between digital transformation and the principle of legality requires the development of flexible legal frameworks that adapt to technological innovations.

### **Second – Recommendations**

1. Update legal frameworks: amend administrative laws to include all forms of digital procedures and automated decisions.
2. Strengthen oversight and transparency: establish authorities or mechanisms to monitor digital decisions and ensure their compliance with the principle of legality.
3. Protect personal data: enact strict laws to ensure the confidentiality of information and the rights of citizens in a digital environment.
4. Legal and technical training for administrative staff: develop employees' abilities to handle digital tools with a precise understanding of legal obligations.
5. Apply comparative experiences: benefit from other countries' models in integrating digitization with the respect for legality to improve local performance.



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