

THE IMPACT OF JUDICIAL CONSTITUTIONAL COURT REVIEW OF LEGISLATIVE OMISSION ON CONSTITUTIONAL AUTHORITARIANISM

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Abstract

How to cite this paper: Aboelazm, K. S., Raafat, R., Sharif, H., & Ibrahim, E. (2025). The impact of judicial constitutional court review of legislative omission on constitutional authoritarianism. *Corporate Law & Governance Review*, 7(4), 17–29. <https://doi.org/10.22495/clgrv7i4p2>

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ISSN Online: 2664-1542

ISSN Print: 2707-1111

Received: 11.03.2025

Revised: 27.06.2025; 10.09.2025;
19.11.2025

Accepted: 24.11.2025

JEL Classification: K10, K15, K19, K24

DOI: 10.22495/clgrv7i4p2

This paper aims to provide an analysis of the impact of constitutional review on legislative omissions, their impact on constitutional authoritarianism by the Supreme Constitutional Court, and how constitutional review affects rights and freedoms, as well as the validity of legislation. The paper also aims to present the effects of constitutional review on the relationship between authorities (Al-Dughili, 2018). In light of the principle of separation of powers, and the potential for tension between the judiciary and the legislature. The paper employs an analytical approach to examine judicial rulings issued by the Supreme Constitutional Court, aiming to determine the criteria for ruling on the unconstitutionality of legislative omissions, the extent of constitutional judicial intervention in the legislative process, and the potential repercussions of such rulings on all aspects. The paper reached several conclusions, the most important of which is that the Supreme Constitutional Court, with its authority to exercise constitutional oversight over legislative actions, can maintain legal security. However, constitutional judicial oversight over legislative omissions has some adverse effects, which are represented by tension in the relationship between the constitutional judiciary and the legislative authority, which may lead to exposing the powers of the constitutional judiciary to constitutional judicial oversight over legislative omissions to danger. It may also contribute to legislative tyranny and the seizure of legislative authority by the constitutional judiciary.

Keywords: Constitutional Court, Judicial Review, Constitutionality, Legislative Omission

Author's individual contribution: Conceptualization — K.S.A., R.R., H.S., and E.I.; Methodology — K.S.A., R.R., H.S., and E.I.; Writing — Original Draft — K.S.A., R.R., H.S., and E.I.; Writing — Review & Editing — K.S.A.; Supervision — K.S.A.; Project Administration — K.S.A.

Declaration of conflicting interests: The Authors declare that there is no conflict of interest.

1. INTRODUCTION

The effects of judicial oversight over legislative omission vary depending on the extent to which the constitutional judge adheres to the limits and

controls of this oversight (Al-Aboudi, 2010). Suppose the constitutional courts adhere to the limits and controls of exercising this oversight. In that case, they will become an effective tool for confronting the negativity of the legislative authority, preserving

the quality and integrity of legislation. They will also become effective in fostering a democratic dialogue between the constitutional judiciary and the three branches of government, comprising legislative, executive, and judicial authorities (Al-Dughili, 2018). However, if the constitutional judge exceeds the limits of his oversight authority and its controls, this would be enough to cause several imbalances in the entire legal system of the state, which leads to tension in the relationship between the constitutional oversight authority and other public authorities, especially the legislative authority, which may seek to undermine the jurisdiction of the constitutional judiciary, which ultimately reflects negatively on individual rights and freedoms (Abdullah, 2023; Ali, 1999).

Therefore, constitutional judicial oversight of legislative omission remains a matter of judicial jurisprudence that appears and recedes according to the circumstances and will continue to do so until a legislative text explicitly approves it (Mohammed, 2019; Al-Sanhouri, 1992). The emergence and decline of constitutional judicial oversight over legislative omissions are due to the alertness of the constitutional judge's conscience and its decline, as well as the strength of the judicial body that undertakes oversight of constitutionality. Alternatively, its disintegration and the diminishing of its role between the will to develop the constitution and the warnings of deviating from it, even if that is indirect (Shaban, 2021; Al-Sayed, 2009).

Although all the jurisprudential attempts made so far have been unable to adequately address the mechanism of constitutional judicial oversight of legislative omissions, it cannot be denied that constitutional judicial oversight of legislative omissions creates a unique dynamic for countries that aspire to approach the model of continuous participatory democracy (Aboelazm, 2024a; Al-Shennawy, 2017). It is also a tool for balancing public authorities, facilitating democratic dialogue between the constitutional judiciary and other public authorities, and promoting the stability of legal relations. It also ensures that the legislative authority is held accountable for failing to activate constitutionally stipulated rights and freedoms. Additionally, it serves as a tool for maintaining the quality and integrity of legislation (Al-Shimi, 2003).

The exercise of constitutional judicial oversight over legislative omissions is surrounded by many concerns, given that the judge's overstepping in exercising that oversight will significantly weaken societal confidence in the rulings of the constitutional judiciary, in addition to the legislative authority lurking in it to undermine and limit its jurisdiction, which is what. It will lead to the relationship between the constitutional judiciary and the legislative authority becoming increasingly tense and conflicting (Aboelazm, 2024b).

Accordingly, the study will examine the positive and negative effects of constitutional judicial oversight on legislative negligence by presenting the impact of constitutional judicial oversight on legislative negligence regarding the protection of rights and freedoms, and also regarding the quality and integrity of legislation, as well as its impact on the relationship between the constitutional judiciary and the legislative authority, and finally, the effects related to the jurisdiction of the constitutional judiciary (Abu Halima, 2015).

Furthermore, constitutional judicial oversight of legislative omissions produces numerous effects and repercussions on multiple parties, some of which relate to individual rights and freedoms. In contrast, others relate to the integrity and quality of legislation. This is in addition to the effects it has on the relationship between the legislative authority and the constitutional judiciary, as well as the impact of this oversight on the powers of the constitutional judiciary, which results from its exercise of this type of oversight. Accordingly, the research problem is represented in the following question: What are the repercussions and effects of constitutional oversight of legislative omission?

Several other research questions branch out from the main research question, which are as follows:

RQ1: What are the effects of constitutional judicial oversight on legislative omissions regarding the constitutional protection of rights and freedoms?

RQ2: What are the effects of constitutional judicial oversight on legislative omissions regarding the quality and integrity of legislation?

RQ3: What are the effects of constitutional judicial oversight on legislative omissions regarding the relationship between the constitutional judiciary and the legislative authority?

RQ4: What are the effects of constitutional judicial oversight on legislative omissions regarding the jurisdiction of the constitutional judiciary?

The rest of this paper is structured as follows. Section 2 reviews the relevant literature. Section 3 provides the methodology employed in conducting the research. Section 4 presents the study's results. Section 5 concludes the research paper, outlining future research directions.

2. LITERATURE REVIEW

2.1. Legislative omissions vs. human rights

2.1.1. Constitutional judicial oversight of legislative omissions reinforces the principle of legal security

The principle of legal security in society depends on the method chosen by the legislator to organize the protection it adds to rights, freedoms, and the public interest (Bustamante & Bustamante, 2011). This security is available whenever this interest is legally protected in a manner that ensures consistency and stability, and secures citizens' rights and freedoms against unforeseen events that could endanger their legal positions. The balance between the requirements of the public interest and the protection of rights and liberties is considered the primary guarantor of legal security, in addition to being the responsibility of the legislative authority (Nassar, 2011).

According to the doctrine of practical philosophy, the function of law is to protect public rights and freedoms. The state bears the burden of providing security, justice, and reassurance, coordinating individual activities in a way that prevents them from conflicting, and satisfying the basic needs of individuals (Zahra, 2013). Therefore, inadequate regulation of these issues or neglecting certain aspects would have a severe impact on society. Thus, constitutional oversight must be compatible and balanced with considerations of legal security by choosing a solution that does not result in a legislative

vacuum or other consequences that could sacrifice legal stability in the country (Aboelazm, 2025; Idris, 2011).

The primary goals and objectives of legislation are to maintain security and order in social, political, and economic life and to ensure the stability of relations and transactions within society. The existence of the law, the quality of its rules, the accuracy of its formulation, and the treatment of cases for which it was intended to regulate are what achieve that goal (El-Sawy, 2003). It ensures the regularity of society's political, social, and cultural life. Additionally, this enhances security in individuals' relationships with one another. There is no doubt that inadequate regulation of a particular legislative issue, or neglecting its regulation despite its importance, leads to societal destabilization (Csink & Pasczoly, 2008).

The Constitutional Court, in its role within the state system, must exercise its powers effectively amid a network of conflicting challenges (Belgilaly, 2017b). Among these challenges is the stability of the contested legislative texts for some time according to a specific meaning, the communication of everyone's knowledge with this meaning, and the arrangement of their affairs accordingly. This creates a fence of legal security that revolves around this meaning. Therefore, ruling these texts completely unconstitutional yields unfortunate consequences regarding the principle of legal protection. The principle serves as the basis for protecting citizens' fundamental rights and freedoms, and is a significant element in establishing the rule of law (Blondio-Mondoloni, 2014).

Accordingly, legislative negligence leads to compromising the principle of legal security, which is based on the existence of model legal rules that are easy to understand, access, and apply, and to anticipate their results and effects in a way that guarantees the stability of legal relations between individuals and between them and the state (Al-Ghafloul, 2003). This is because the legislative omission contradicts the legitimate expectations of individuals, given that the legislator did not cover all aspects of the subject being regulated; that is, it approved the right or freedom being regulated for one group over another, despite the similar legal status of each (Aboelazm, 2024a).

Therefore, the constitutional judge's approach to abstract oversight does not suit the case of legislative negligence. On the one hand, canceling the right or benefit granted by the legislator through the contested text harms the group for whose benefit it was decided (Al-Aboudi, 2010). On the other hand, repealing the legislative text does not guarantee complete protection of the principle of equality. At the same time, a particular group may enjoy the right or benefit decided by the legislator during the period preceding the issuance of the ruling or constitutional decision to cancel the legislative text assigned to them to exclude other groups (Al-Janabi, 2022). On the final point, canceling the text subject to constitutional judicial oversight for legislative omissions harms the appellant, as the invalidity applies to the text entirely, depriving the stipulated and omitted categories of the legally stipulated right, rather than establishing the right by analogy with the specified category (AbdelRahman, 2016).

Therefore, following constitutional judicial oversight mechanisms over legislative omissions ensures that the principle of legal security is not

wasted by avoiding the execution of the text subject to oversight due to omission after it has been declared a right or freedom for a group of individuals (Abdelkarim & El-Emara, 2019; Aboelazm, 2024a). Its application is stabilized for a period during which legitimate legal positions and positions are arranged based on it (Abboud, 2019). Therefore, ruling this text unconstitutional due to its retroactive effect leads to the creation of a legislative vacuum on the one hand and the destabilization of those legal conditions and positions on the other hand, which negatively affects the achievement of the principle of legal security, which requires achieving a degree of consistency and stability of the legal base, and respecting the resulting rights and legal positions of individuals (Abdel-Badi, 2019).

Through mechanisms for monitoring legislative omissions, the constitutional judge can extend the advantages or benefits granted to the category stipulated in the text, subject to oversight of the category or categories that the legislator did not mention in this text, to implement the constitutionally established principle of equality. In a manner that preserves the stability of the legal centers and situations, and guarantees the supremacy of constitutional provisions (Aboelazm, 2025). This aims to strike a balance between the effectiveness of constitutional oversight on the one hand and the requirements of legal security on the other by mitigating the judiciary's tendency to overrule total unconstitutionality, which applies retroactively, thereby preventing severe disturbances that violate the principle of legal protection (Al-Dulaimi, 2018).

Therefore, the only most appropriate way before the constitutional judiciary is to restore the principle of equality and avoid the constitutional defect arising from the omission of legislation, which is represented in extending the advantage or benefit to other groups that were overlooked by the contested text, instead of ruling that the text is entirely unconstitutional, which results in a violation of the positions that it has been formed since the issuance of this text (Al-Murr, 2003). From this standpoint, oversight of legislative negligence is necessary, as it contributes to strengthening and developing legal security on the one hand and maintaining the stability of legal institutions on the other (Al-Najjar, 2010).

2.1.2. Legislative omission vs. the integration of authorities

Constitutional judicial oversight of legislative omissions represents a development of constitutional oversight. A creative role enables the constitutional judge to devise technical mechanisms for balancing conflicting interests within society (Al-Turkmani, 2022). Although the new mechanisms or approaches to judicially address legislative oversight represent a departure from the usual framework of constitutional oversight, they lead to avoiding many practical problems resulting from a ruling of unconstitutionality and the resulting instability of legal centers (Brewer-Carias, 2011). It is also a means of dialogue with various political forces and institutions, especially the Parliament and the executive authority, to reduce the intensity of political conflicts between them (Haji, 2012).

The new mechanisms for constitutional judicial oversight of legislative omissions enable the constitutional judge to effectively address this omission, as it is a particular type of constitutional defect, and are more respectful of Parliament's powers than traditional techniques of constitutional oversight (El-Gamal, 2000). The ruling issued on the unconstitutionality of the text subject to censorship in what it did not include or in what it omitted has a retroactive effect and, therefore, entails correcting the defect in the text and restoring the necessary balance between the different categories or cases, stipulated and unstated, in a way that is consistent with the legitimate expectations of individuals from On the one hand, it guarantees the preservation of the legislative text issued by the legislative authority on the other hand (Halmai, 2019).

Therefore, oversight of legislative negligence is necessary, as it enables the implementation of constitutionally guaranteed rights and freedoms, particularly those whose effectiveness depends on legislative rules (Melchior & Courtoy, 2007). It also contributes to clarifying how the competent authorities correctly apply legislative texts. Therefore, the intervention of the constitutional courts to fill the legal gaps resulting from legislative negligence creates a kind of democratic dialogue with the legislator by addressing some of the guiding principles that must be adhered to when amending the contested law, which the court ruling saved from the constitutional challenges directed at it (Melchior & Courtoy, 2007).

Allowing constitutional judicial oversight of legislative omissions opens the way for developing mechanisms and outcomes of constitutional oversight (Legislative omission in constitutional jurisprudence, 2008). This is done by avoiding excessive rulings issued that are unconstitutional without wasting the essence of the constitutional judiciary by not allowing the application of texts that contradict the provisions of the Constitution in a way that preserves the balance between the authority of the oversight body and the function of Parliament especially since it does not appear to be the supreme legislator in practice, which would avoid a clash between them because it allows the constitutional judge the authority to revise the legislative text without the need to rule that it be entirely invalidated by giving an interpretation of this text that is consistent with the provisions of the Constitution to preserve it and avoid declaring it unconstitutional (Mohammed, 2019).

The mechanisms developed to address legislative omissions have enabled the constitutional courts to establish their relationships with the legislative authority on the one hand and with the judiciary on the other, thereby upholding the constitutional rules within the legal system (Salman, 2021). One of the most important of these mechanisms is the provisions hosting the principles, through which the constitutional judge begins a democratic dialogue not only with the legislative authority called upon to avoid unconstitutional omission but also with the judges of the subject who are entrusted in the event of legislative failure to apply the principle contained in the ruling or decision issued regarding unconstitutionality to the relations or the issues that are presented to them as well (Salman, 2019).

This transformation leads to an active relationship between the constitutional judiciary and

the legislative authority, which merely abolishes laws and directs the legislator to establish some legislative rules (Shaban, 2021). The constitutional judge does not seek to oppose the political authority but instead aims to restore it to the constitutional principles that are binding on all authorities, including the elected authority, thus avoiding a sharp clash with the parliamentary majority that voted in favor of the legislation if the constitutional judiciary were to abolish it altogether. Through this oversight, the constitutional judge can balance respecting the majority's will on the one hand and not violating rights and freedoms on the other hand (Shandy, 2017). There is no doubt that this democratic "legislative-judicial" dialogue contributes to bringing the views of the legislative and judicial authorities closer together, thus avoiding conflicts and clashes between them (Al Dalaïen & Aladaseen, 2025; Sólyom, 2003).

Accordingly, the constitutional provisions and decisions that address legislative omissions are a very fertile and rich means of dialogue between the constitutional judiciary on the one hand and legislative authority and the subject judge on the other hand (Shahat, 2004). Examining the Egyptian case, it is evident that the Egyptian legislator's interaction with constitutional rulings declaring legislative omissions unconstitutional appears minimal (Serra et al., 2008). Anyone who follows the rulings issued by the Supreme Constitutional Court in this regard, and the behavior of the legislative authority towards them, can quickly notice the rarity of the legislator's response to the constitutional rulings that lead to the unconstitutionality of the legislative omission related to the text challenged before the court. After the verdict was issued, the subject court was instructed to apply its rulings to the individual cases presented, and it left the issue. It is necessary, given that constitutional provisions enjoy absolute authority vis-à-vis everyone and all state authorities (Belgilaly, 2017a).

2.1.3. Legislative omission and the unconstitutionality

Constitutional judicial oversight of legislative omissions enables constitutional courts to imbue legal rules with a constitutional character, thereby ensuring the supremacy of constitutional legitimacy (Arlettaz, 2015). Through it, the court can hold the legislator accountable for their legislative responsibilities and enhance the trial judge's role in upholding constitutional values (Azawi, 2011). This oversight helps determine the foundations and controls that must be adhered to by the legislative authority when exercising its powers to develop these powers. The legislative authority cannot avoid the principles and foundations in judicial precedents issued by the constitutional judiciary (El-Din, 1986).

The constitutional oversight body reveals the areas of unconstitutional legislative omissions through its rulings or decisions. It leaves it to the legislative authority to avoid the effects of unconstitutionality related to this oversight (Hasan, 2015). The executive authority and the subject judge are also obligated to implement and apply the legislative text in conjunction with the cases or conditions mentioned by the constitutional oversight body to guarantee its constitutionality in implementing the absolute authority enjoyed by the rulings and decisions issued in constitutional cases (Al-Dughili, 2018). Suppose the legislator does

not intervene to find the legal rule that meets the constitutional requirements. In that case, the trial judge can rely on the “principle” established by the Constitutional Court to deduce the legal rule applicable to the cases presented before him from the legal system (Al-Shennawy, 2017).

Therefore, by using this tool, the constitutional judge can get out of the rigid framework for monitoring the constitutionality of laws, which is represented by deciding the constitutionality or unconstitutionality of the contested legislative text, which leads to not expanding the issuance of rulings of unconstitutionality, biasing the established principle of constitutionality in favor of the legislative text (Al-Janabi, 2022). Furthermore, it avoids a clash between the constitutional judiciary, the state authorities in general, and the legislative authority in particular. This represents a barrier to all attempts to reduce the scope of constitutional oversight in quantity and quality (Al-Aboudi, 2010).

Accordingly, the goal of constitutional judicial oversight of legislative omissions is to evaluate the process of making legislation in a way that makes it more compatible with the overall objectives of the constitutional document “the Constitution”, by imposing restrictions or conditions that depend on the constitutionality of the legislative text under oversight to the extent and limits of its respect, instead of resorting to deciding that it is entirely unconstitutional, which leads to widening the legislative gap contained in the legal system (Abdel-Badi, 2019). Suppose legal motives govern the rulings and decisions of the constitutional courts, and they cannot consider the political, economic, and social aspects except through the principles or provisions contained in the constitutional texts. In that case, however, the contributions of the constitutional judiciary over the years to improving the quality of laws cannot be denied (Abdulkareem & Al-Amarah, 2019).

Therefore, constitutional judicial oversight of legislative omissions is one of the determinants of constitutional oversight (Abboud, 2019). Through it, the constitutional judge can reconcile two conflicting considerations (Abu Halima, 2015). The first is to respect the legislator’s will, not cancel the legislative text within the framework of his appreciation of society’s need for this text. The second is the necessity of conforming legislative texts to the provisions of the Constitution (Al-Sayed, 2009). The Constitution sets conditions that guarantee the constitutionality of the contested text. This represents a new dimension to the presumption of constitutionality established in the interest of legislation, which constitutional judicial oversight supplements legislative oversight (Al-Ghafloul, 2003).

The bottom line is that constitutional judicial oversight of legislative omission achieves several goals and various benefits for the legal system in a modern democracy (Blondio-Mondoloni, 2014). On the one hand, it allows the constitutional judge to preserve the sovereignty of the Constitution’s provisions and constrain them from forms of aggression against these provisions, even if breaching them is masked by a negative guise, such as Parliament’s failure to implement these provisions (Halmai, 2019). On the other hand, it enables the constitutional judge to alert Parliament to the need to address unconstitutional legislative omissions and to oblige or force it to address these omissions within a specified period. On the other hand, it opens the way for the constitutional judge

to provide a helping hand to the legislative authority by addressing legislative omissions that contradict the Constitution and constitutional guidelines, and by presenting proposed solutions in the ruling issued regarding the omission (Melchior & Courtoy, 2007). The fourth and final aspect reveals to citizens some of the aspects of Parliament’s violation of their rights and freedoms and its waste of their will by not complying with its legislative obligations stipulated in the Constitutional Document, which enables them to place a vote of confidence in the members elected by them and to elect new members who submit their will and work to take care of their interests. Moreover, protect their rights, freedoms, and constitutional values (Nassar, 2011).

2.2. The effects of constitutional judicial oversight on legislative omissions regarding the quality and integrity of legislation

2.2.1. The unjustified inertia of legislative power issue

The impact of legislative negligence in the laws regulating public rights and freedoms is evident. This occurs when the legislator’s regulation of these rights and freedoms is not comprehensive in its aspects and does not encompass the full dimensions of the right or liberty being regulated, which would prejudice it or diminish its effectiveness or the guarantees for benefiting from it (Salman, 2019). The violation of public rights and freedoms also occurs when the legislator remains silent about issuing legislation that regulates them for an extended period, resulting in the constitutional texts losing their value and effectiveness (Shahat, 2004; Shandy, 2017).

Therefore, the vast majority of contemporary state legislation has enshrined individual rights and freedoms at the core of the constitutional document, “the Constitution”, which gives these rights and liberties the force and status of the constitutional texts themselves (Sólyom, 2003). Therefore, the legislator must commit not to infringe upon or detract from them once regulated legislatively. The legislator must implement the constitutional rules by enacting the necessary legislation to activate these rules (Zahra, 2013). Legislation is the primary tool for controlling a specific legislative issue in a sound legal manner, given that ensuring constitutional rights and freedoms requires their regulation by democratically elected bodies (Mohammed, 2019).

Therefore, the ruling or decision issued by the constitutional judge declaring the existence of an unconstitutional legislative omission can be used as a means to open the door toward determining the state’s responsibility, given that the legislator’s failure to address the legislative omission creates a legislative gap that represents an error on the part of the legislative authority, which the courts can rely on in the judiciary to compensate the concerned parties who are harmed by this omission (El-Gamal, 2000; El-Sawy, 2003).

There is no doubt that the legislator’s violation of the constitutional provisions that impose on him an obligation to legislate and do not leave him any room for freedom of discretion represents an error on his part that justifies the ruling on compensation (Csink & Pasczoly, 2008), even though the ruling unconstitutionality does not necessarily mean that

the legislator committed a mistake that requires compensation. The judge in the matter must verify the proof (Bustamante & Bustamante, 2011). The legislator made a mistake, and he is not satisfied with merely referring to the ruling of the constitutional judge (Al-Najjar, 2010).

Therefore, the constitutional judge's oversight of legislative negligence ensures that the legislator is not negligent in adopting the necessary legal provisions to guarantee and protect the rights and freedoms stipulated constitutionally by obliging the legislative authority to adopt the legislation required to protect them; otherwise, it is obligated to provide compensation to the affected parties (Al-Sanhouri, 1992).

Additionally, in the absence of a mechanism that holds the legislative authority accountable for its failure to perform its function, creating a new mechanism specifically designed to address legislative negligence would enhance the effectiveness of constitutional rules that do not permit direct application (Al-Dulaimi, 2018). In this case, parliamentary stagnation leads to an imbalance in the legal system. Therefore, the ruling or decision to add the missing legal rule is the ideal solution to restore the integrity of the legal system and achieve sovereignty for constitutional requirements, which leads to the normative enrichment of legal texts (Al-Najjar, 2010).

Hence, this oversight allows the constitutional judge to temporarily maintain, by a systematic plan, the perfection of the legal system until the legislator intervenes to address the state of unconstitutionality arising from legislative negligence. This is done by adopting the new legal rule and meeting constitutional requirements (Al-Shimi, 2003). The legislator's abstention from enacting laws related to the stability of society and achieving social tranquility for prolonged periods would take the subject of legislation from the scope of appropriateness or discretion of the legislative authority to the scope of the legislative obligation to uphold the principle of the supremacy of the constitution, which is the basis for monitoring the constitutionality of laws in general, and judicial constitutional oversight, especially the legislative omission (Arletaz, 2015).

Accordingly, constitutional judicial oversight of legislative omissions enables the constitutional judge to address legal gaps in the system, ensuring respect for the rights and freedoms of constitutional value (Brewer-Carias, 2011). The judge highlights the objective deficiencies in the text subject to oversight and works to confront them to remove suspicion of its unconstitutionality and ensure the effectiveness and clarity of the law (Belgilaly, 2017b). This represents a powerful tool for confronting political authorities that exceed the limits of constitutional provisions (Hasan, 2015).

This positive intervention by the constitutional judge leads to the completion of legislative work by monitoring its quality, clarity, and comprehensiveness to ensure that the shortcomings or shortcomings in legislation that constitute a diminution or violation of public rights and freedoms or a waste of their guarantees, which it is the responsibility of the legislator to maintain their existence or increase their effectiveness, are filled and enjoy (Belgilaly, 2017a). Therefore, the constitutional courts are rushing to enhance their prominent role in constitutional judicial oversight of legislative omissions. The pioneering

role of the constitutional judge can be justified by the necessity of having a specialized body that can identify legislative omissions and the factor of time required to consider the legislator's failure to enact the overlooked legal rule as unconstitutional (Belgilaly, 2017b).

Accordingly, this constitutional judicial oversight of legislative omissions constitutes a potent tool for democratic oversight. It allows individuals to exercise a clear role in creating the legal rule if they exercise this type of constitutional oversight (Serra et al., 2008). Constitutional judicial oversight of legislative negligence requires respecting the law and considering the principle of legality (Legislative omission in constitutional jurisprudence, 2008). It affirms the constitutional judiciary's competence to protect the provisions of the Constitution and preserve it from all forms of deviance by returning public bodies to their constitutional limits if they exceed them or attempt to deviate from them positively or negatively (El-Din, 1986). This is to ensure that the legislator intervenes to raise the level of protection established for rights and freedoms, as it is one of the legal mechanisms available to implement the constitutional text and activate it throughout its validity period without waiting for the legislator to intervene with a legislative procedure to establish the constitutional rule subject to implementation (Shaban, 2021).

2.2.2. Constitutional judicial oversight of legislative omission achieves legislative justice

Constitutional judicial oversight of legislative omissions is a developed judicial approach. This approach's effect is subjecting the legislator to the principle of the rule of law (Salman, 2021). This represents a significant gain for individuals, as it aims to safeguard their rights and freedoms from violence and abuse. This approach also ends a violation that, if it continues, will harm the public interest of society as a whole. Theoretical confirmation alone is insufficient to guarantee the Constitution's protection against possible attacks by Parliament (Idris, 2011). Therefore, if the legislator refrains from intervening to regulate a particular issue by the provisions of the Constitution or intervenes incompletely, this means reducing the constitutional protection of the right being regulated, which constitutes a constitutional violation that must be addressed by ruling that this legislative approach is unconstitutional (Azawi, 2011). What remains stable is that situations that contradict the Constitution are not subject to immunity, whether they arise intentionally or negligently, and regardless of whether they are represented by positive or negative behavior on the part of public authorities (Al-Turkmani, 2022).

Hence, if the legislator intervenes to regulate a specific legislative issue, his regulation of this issue must be accurate. The legislator's adoption of a discriminatory policy in regulating some rights seriously violates the principle of equality (Aboelazm, 2024a). This may destabilize the country's legal system through legislative negligence. Therefore, constitutional judicial oversight of this legislative omission enables the constitutional judiciary to interpret the legislative authority's work in a manner that either produces or supplements a legal rule. This is done by removing the obstacle

that prevents the exercise of this right stipulated in the constitutional document “the Constitution”, in addition to representing an effective tool for achieving the balance between traditional authorities and confronting their negatives by establishing a language of dialogue between the legislative and judicial authorities, which contributes to confronting the stagnation. Unjustified by the legislator (Abdullah, 2023). This is done by recognizing another authority as a mechanism to engage this stagnation through positive action, to restore balance to the legal system, by intervening to avoid the legislative omission that disturbed the balance supposed to exist in the law, and to achieve justice that the law seeks to achieve (AbdelRahman, 2016).

The meaning of equal legal protection for identical people is that it should extend to all of them, and its scope should not be limited to some of them, nor should not extend to other categories (Al-Dulaimi, 2018). Therefore, it is not permissible for this protection to be a generalization beyond its natural scope, nor for the legislator to reduce its scope by withholding it from an individual who deserves it. Through the legal texts he enacts, the legislator may intend to discriminate against the Constitution, and the effects of discrimination may prejudice the purposes of the Constitution's intent to establish it. Discrimination is considered unacceptable in both cases (Al-Murr, 2003).

Therefore, constitutional judicial oversight of legislative omissions is considered assistance to the legislator in preserving standard legislation and avoiding legislative vacuums in which it is unnecessary to declare the texts contained therein invalid or inapplicable (Mohammed, 2019). Achieving security and tranquility in any society depends on the fairness of legislation, which may fail due to the generality of the legal rule, given the difficulty of predicting its effects in advance (Mohammed, 2019).

The practical application of the legislative text may reveal the unfairness of the legal rule it contains and its violation of the principles of equality and equal opportunities (Aboelazm, 2021). Thus, the role of the constitutional judge is evident through his constitutional judicial oversight of legislative oversight, which aims to restore the legal rule to its just nature (Mohammed, 2019). This is achieved by mitigating the effects of omissions that contravene the provisions of the Constitution (Al-Dughili, 2018). Although the state and its public agencies bear responsibility for all of their actions, they must bear responsibility for their negligence in exercising their powers when this violates the rights, freedoms, and guarantees established for individuals, causing harm to them (Aboelazm, 2025).

In any case, despite the numerous problems surrounding constitutional judicial oversight of legislative oversight, it cannot be denied that this type of oversight facilitates progress toward implementing many of the constitutionally stipulated rules and rights (Mohammed, 2019). This ultimately leads to achieving the goal of the founding legislator regarding constitutional texts, “the Constitution”, and ensuring the supremacy of constitutional rules over all other elements in the legal system. It also contributes to achieving social justice by monitoring legal texts that violate the principles of equality, equal opportunities, distributive justice, the right to litigation, fair trial, and justice in administrative, civil, and criminal procedures among members of society (Ali, 1999).

3. RESEARCH METHODOLOGY

3.1. Research methods

This paper employed a descriptive approach to determine the effects of constitutional judicial oversight on legislative omission, aiming to accurately describe this phenomenon and present its repercussions in an integrated manner, encompassing all its aspects. The study also relied on the analytical approach in analyzing the rulings of the Supreme Constitutional Court, which ruled that legislative omissions were unconstitutional, to determine the effects that these rulings have on individual rights and freedoms and on the principle of separation of powers and the extent of the intervention of the constitutional judiciary in the process of making legislation. In addition, the analytical approach has helped to determine the effects of the rulings of the Supreme Constitutional Court on the quality and integrity of legislation, the impact of this type of oversight on the relationship of the constitutional judiciary with the legislative authority, and how exercising jurisdiction over constitutional judicial oversight over legislative omission can affect the jurisdiction of the Supreme Constitutional Court.

3.2. Data collection

This paper relies on several sources, the most important of which are the rulings issued by the Constitutional Court, to analyze them and understand the effects that result from these rulings, in addition to the laws regulating the work of the Supreme Constitutional Court and its jurisdiction under the law. The Constitution was also relied upon as one of the sources of data and information to determine the framework. The Constitutional Court governs and regulates the work of the Supreme Constitutional Court. Several books in Arabic and English were also consulted, as were several scientific research articles published in international journals by prominent publishers such as Elsevier, Emerald, Sage, Interscience, and other reputable international publishing houses. These studies have also been published in peer-reviewed scientific journals indexed in international databases, including Scopus, Web of Science (WoS), Google Scholar, ResearchGate, and ABDC.

4. RESULTS

4.1. The relationship between the judicial and legislative authorities

4.1.1. Constitutional judicial review and the relationship with the legislative authority

There is an inverse relationship between the activity and effectiveness of constitutional courts and the level of their independence from parliaments. The more active and extensive the court was in issuing unconstitutional rulings, the more extraordinary Parliament's hostility towards it (Haji, 2012). Primarily, the legislation under supervision reflects certain balances that the legislator aims to protect through agreed-upon interests (Al-Turkmani, 2022). Despite the deeply rooted doctrine of the constitutional judiciary, which

is the necessity of respecting the legislator's will, constitutional oversight sometimes leads to profound interference in exercising the legislative function (Blondio-Mondoloni, 2014).

Hence, the intervention of the constitutional oversight body to impose its oversight on the work of the legislative authority leads to its inconvenience (Bustamante & Bustamante, 2011). This is considered to be the court stigmatizes its actions as violating the Constitution for the purposes it should protect. This stigmatizes members of the legislative authority by violating their constitutional oath, which they swore to uphold the Constitution, especially if the legislative text does not violate the Constitution's provisions, as in the case of legislative omission (El-Gamal, 2000; Csink & Pasczoly, 2008).

Moreover, exercising jurisdiction through constitutional judicial oversight over legislative omissions is an exceptional tool that constitutes an unwanted intrusion into the jurisdiction of that authority (Brewer-Carias, 2011). However, given that the constitutional courts are trying to blur the difference between the legislative function and the judicial function, constitutional judicial oversight of legislative omission revives the traditional theory of the "principle of separation of powers" through the legal effects of decisions or rulings declaring the existence of legislative omission, whether the omission arises from legislative action or administrative action (Al-Ghafloul, 2003). Especially when considering the phenomenon of judicial activity in constitutional courts. The constitutional judge intends to interfere in societal policy-making, bypassing his primary task of constitutional oversight (Azawi, 2011; Al-Sanhouri, 1992).

Therefore, the intervention of the constitutional judge in the legislative function of the legislative and executive branches leads to the merging of the various state functions and a dangerous concentration of power in the hands of a single body, "the constitutional judiciary", that is not subject to any fundamental legal oversight, whether by other authorities or by the electorate, which leads to undermining the supervisory role of the judicial authority itself (Al-Shennawy, 2017). Although constitutional judicial control over legislative negligence is appropriate for countries with stable democracies, it can become a tool that usurps the tasks or functions of legislative bodies in newly established democracies (Al-Dughili, 2018). This creates permanent tension between the constitutional judiciary and the legislative authority (Al-Murr, 2003).

4.1.2. The legislation-making process

Constitutional judicial oversight of legislative omissions raises concerns about the potential drift toward overlap between legislative and judicial functions, particularly when the rules of the democratic game are unstable within the state's legal system (Al-Najjar, 2010). This oversight could become a pretext for judicial control over the legislative function, leading to constitutional courts determining public policies and exposing the legal system to the risk of politicizing the constitutional judiciary (Belgilaly, 2017a).

Unsurprisingly, constitutional judicial oversight of legislative negligence often leads to excessive judicial activity, which manifests in rulings or decisions that supplement or interpret legislative

texts (Belgilaly, 2017b). This leads to an overlap between the judicial function of the constitutional courts and the legislative function of Parliament about existing legislation (Legislative omission in constitutional jurisprudence, 2008). It leads to going beyond that by sometimes declaring new legislative rules or deriving them from the texts and spirit of the Constitution (Melchior & Courtoy, 2007).

The distinctive characteristics of these rulings or decisions highlight the sensitivity of the role played by constitutional courts in filling the normative content gap that affects the text subject to their control, whether narrowing or expanding (Mohammed, 2019). No matter how many methodological arguments are presented to justify constitutional judicial oversight of legislative negligence, it is impossible to hide the growing role of the constitutional judge once they address the defects in the legal system arising from a lack of legislative activity (Shahat, 2004).

It is also unacceptable to have a role in which the constitutional judiciary becomes a positive legislator, resulting in legal insecurity (Sólyom, 2003). It considers the phenomenon of exaggerated activity of the constitutional judiciary or excessive politicization of its rulings and decisions. Using constitutional judicial oversight of legislative omissions to include in the text subject to oversight a legal rule that is intolerable or content that is unacceptable, exceeds the limits of the legislative will, which represents exceeding the limits of supervision of the constitutionality of laws, and a substitution of the constitutional judiciary for Parliament in exercising its legislative function (Zahra, 2013).

Accordingly, the constitutional and democratic caveats and risks surrounding the interference of the constitutional judiciary in the legislative process, whether direct or indirect, cannot be overlooked or ignored (Shaban, 2021). The involvement of constitutional courts in establishing law and shaping legislative policies has several disadvantages (El-Sawy, 2003). The most prominent of these negatives is the inability of constitutional courts to envision the far-reaching consequences and effects of their decisions on the broader societal landscape, given their limited capacity to gather information (El-Din, 1986).

Recognizing the normative authority of the constitutional judge also represents a significant threat to the balance of powers, given the finality of his rulings and decisions and the impermissibility of appeal against them (Haji, 2012). Instead of constitutional judicial oversight of legislative negligence becoming a tool for legal security, it becomes a source of anxiety or tension for the legislative authority, which may lead it to retreat from carrying out its legislative role or carry it out in a defective manner (Arlettaz, 2015). This may lead them to take the initiative to empty the constitutional provisions of their content by getting rid of their effects under original or subsidiary legislation or reducing the powers of the oversight body in a way that limits the effectiveness of its role, even if the matter requires Parliament to amend the constitution, to end the conflict between it (Al-Aboudi, 2010) and the constitutional judiciary. This is achieved by creating a mechanism to address the effects of constitutional provisions that negatively impact the legal system, particularly individual rights and freedoms (Abdullah, 2023).

Constitutional judicial oversight of legislative negligence leads to a reevaluation of the political alternative chosen by the legislator, resulting in a legislative vacuum that affects the integrity of the legal system (Abdulkareem & Al-Amarah, 2019). Thus, the constitutional judge exercises comprehensive control over the legislative activity of the legislator, which exposes him to many criticisms related to the government of judges. The judge is the only one whom the legislator cannot deviate from what he decides, given the specificity of the finality of the rulings or decisions he issues and the impermissibility of appealing them, which leads to the possibility that the constitutional judge poses a severe threat to the balance between powers, as he is considered the guarantor of this balance (Abdel-Badi, 2019).

Therefore, rulings or decisions issued within the scope of constitutional judicial oversight over legislative omissions may undermine the principle of separation of powers. Given the high financial cost that these provisions and decisions entail, they represent a violation of Parliament's exclusive jurisdiction to approve the public budget (Abboud, 2019). Suppose the constitutionally stipulated rights and freedoms require positive legislative intervention to guarantee and protect them (Aboelazm, 2021). In that case, this intervention is limited by the state's financial capacity. Therefore, estimating the limits of this intervention should be left to the legislative authority alone, especially since the constitutional judge lacks sufficient information about the public financial burdens (Al-Dulaimi, 2018). The state may not have enough funding to implement the ruling of the constitutional judge in cases of legislative omission. This issue is considered extremely sensitive, especially when considering the constitutional judiciary's tendency to condemn the state's negligence in implementing Fundamental rights and to burden it with proving the lack of state financial resources (Aboelazm, 2024b).

Therefore, the Federal Constitutional Court in Germany has done well in following a rational judicial policy regarding unconstitutional legislative omissions in financial laws, such as taxes, social insurance, wages, and salaries (Abu Halima, 2015). It left room for the legislative authority to intervene with the necessary legislation to fulfill constitutional requirements within the framework of available state resources (AbdelRahman, 2016).

4.1.3. Constitutional judicial oversight of legislative omission leads to usurping the power of legislation

A constitutional judge may use constitutional judicial oversight of legislative omissions to determine some benefit for himself. This is done by extending the legislator's benefits to others, including himself, violating the legislator's will (AbdelRahman, 2016). It must not be forgotten that constitutional courts may use constitutional judicial oversight of legislative omissions to usurp the legislator's authority, which constitutes a deviation from judicial oversight of the constitutionality of laws (Al-Dulaimi, 2018). Therefore, the legitimacy of this oversight remains dependent on the constitutional judge's respect for the will of the legislator that he seeks from the legislative text so that the restriction or rule guaranteed by the constitutional judge in this text remains covered by the will of the legislator and operates within its

framework (Al-Dulaimi, 2018). Therefore, every restriction or rule that does not respect the content of the legislative text as intended by the legislator and which results in the continuation of this text, in reality, represents the continuation of this text in the legal system against the will of the person with the inherent jurisdiction over legislation, "Parliament", which means a standard amendment to the judicial rulings in the text (Al-Janabi, 2022). Subject to censorship is an exert case of a legislative mandate that is not permissible from a constitutional standpoint (Haji, 2012).

The bottom line is that the constitutional judge's resort to constitutional judicial oversight over legislative negligence without having a close and direct connection to his primary mission of monitoring constitutionality turns this oversight into a reason or loophole for escaping the reins of the Constitution, leading to aggression against Parliament's legislative jurisdiction (Aboelazm, 2025).

4.2. The effects of constitutional judicial oversight on the legislative omission regarding the jurisdiction of the constitutional judiciary

4.2.1. Constitutional judicial oversight of legislative omissions weakens confidence in the rulings of the constitutional judiciary

It is challenging for state agencies to regulate themselves once they exercise the authority assigned to them by the Constitution (Al-Dulaimi, 2018). Hence, constitutional courts may abuse their constitutional jurisdiction without citizens or other constitutional and regulatory bodies being able to monitor their work. Thus, constitutional judicial oversight of legislative oversight turns into an unconstitutional or illegitimate tool (Al-Dulaimi, 2018). This occurs when constitutional courts are readily amenable to government influence. It usurps the legislator's authority and function, or does something worse by illegally altering the provisions of the Constitution itself (Ali, 1999).

If the Constitutional Court submits to the will of the political authority, it will transform from a protector of the Constitution's provisions into a more authoritarian tool. Considering that the occurrence of the best system of constitutional justice in the hands of a judge subject to political authority represents a death certificate for individuals' freedoms and a tool to circumvent the provisions of the Constitution (Al-Sayed, 2009), which leads to the loss of individuals' confidence in the rulings and decisions of the constitutional judiciary (Al-Shimi, 2003).

Likewise, the constitutional judge's exploitation of the constitutional judicial oversight of the legislative omissions to stand up to the public authorities and impose guardianship over them turns this oversight into a tool for the destruction of sound democratic life due to the political and constitutional problems that this approach leads to between the oversight body and the public authorities, and the possibility of the latter encroaching on them (Csink & Pasczoly, 2008). This may threaten its independence or portend the aggression of public authorities against the principle of legality and the collapse of the legal fence that protects the rights and freedoms of individuals (Al-Ghafloul, 2003).

Constitutional courts are not immune to pressure. Whenever it resorts to establishing general legal rules through constitutional judicial oversight of legislative omissions, disagreement and political controversy arise over the content of these rules (Al-Turkmani, 2022). Therefore, resolving this political dispute will not be limited to settling the conflict at hand. Instead, it may extend to undermining the powers of the constitutional judiciary as a whole through legislative amendments, whose aim is to limit the powers of the constitutional courts under the pretext of reforming the constitutional justice system, thus affecting the level of protection of fundamental rights (Belgilaly, 2017b).

Also, the use of constitutional courts for constitutional judicial oversight of legislative omissions is a means of usurping the powers of other authorities and exceeding the scope of their jurisdiction to carry out constitutional oversight by amending the effects of their rulings or applying them to the impact of the verdict issued as unconstitutional by themselves to the case presented before the judge of the matter, which weakens confidence in the rulings of the constitutional judiciary (Aboelazm, 2021; Brewer-Carias, 2011). This leads to an attempt by ordinary courts to evade the ruling on the constitutional issue entirely and to dispute the centrality of constitutional oversight once again (Blondio-Mondoloni, 2014).

It is established that the trial court has the authority to assess the impact of the ruling of unconstitutionality on the substantive case before it. Any attempt by others to explain this impact is considered an infringement on their inherent jurisdiction (Bustamante & Bustamante, 2011). Therefore, when considering the preliminary issue, the constitutional judge may not address the settlement of the substantive dispute nor accept or reject any substantive defense presented to him by the opponents. The constitutional lawsuit is not an objective dispute (Melchior & Courtoy, 2007). Still, the scope is limited to deciding on a constitutional dispute regarding the texts governing the objective dispute (Idris, 2011).

Accordingly, the jurisdiction of the Supreme Constitutional Court does not focus on determining the legal rule applicable to the substantive dispute. Instead, it focuses only on the constitutional issue raised regarding this dispute (Hasan, 2015). The ruling issued by it is not authoritative in this regard, but rather is authoritative regarding the constitutionality or unconstitutionality of the legal rule governing the substantive disagreement. Explaining the effect of the judiciary's unconstitutionality in applying it to the facts of the dispute presented is within the jurisdiction of the court of subject matter to which the dispute is given alone and is outside the scope of the jurisdiction of the constitutional courts (Halmai, 2019).

4.2.2. Undermining the powers of the constitutional judiciary

The intervention of the constitutional judge in creating a legal rule and formulating legislative policies leads to these rules and policies escaping the constitutional oversight exercised by the constitutional oversight body. No authority in

the state enables it to review the constitutional work of lawyers. The constitutional judiciary is the only body whose work is not subject to oversight, examination, or review (Al-Khalailah et al., 2024; El-Sawy, 2003). Therefore, his abuse of his position falls outside the scope of enforcing constitutional provisions. Although it is conceivable that the requirements of the Constitution would be violated by other state bodies, such as the parliament, it is unacceptable for the constitutional judge to violate the provisions of the Constitution that he is implementing and protecting to impose his absolute control over other authorities, under the pretext of being the protector of constitutional rules. Constitutional judicial oversight of legislative omissions, like other forms of judicial oversight, can be subject to deviation from its correct course without citizens or other constitutional authorities having the means to confront this deviation (Belgilaly, 2017a).

The constitutional judge may use this type of oversight to expand his powers beyond those stipulated by the Constitution and law (Al-Shimi, 2003). This is undesirable because it constitutes a usurpation of the authority of the founding legislator himself (Azawi, 2011). The motivation of the constitutional courts in seeking constitutional judicial oversight of legislative omissions may not be to respond to the constitutional violation as much as their desire to have the highest say in critical legislative matters. This raises the ire of the legislative authority towards it, so it intends to attack the constitutional jurisdiction assigned to it (Serra et al., 2008). This is achieved by restricting this jurisdiction legislatively, either by depriving the constitutional oversight body of explicit constitutional judicial oversight over legislative omissions, by not granting it the right to constitutional oversight altogether, or by imposing conditions that are difficult to meet (Mohammed, 2019). Consequently, constitutional judicial oversight is based on legislative negligence, harm to the legal system, and a waste of the constitutional guarantees established for rights and freedoms. Therefore, caution must be exercised when undertaking this control (Salman, 2021).

Constitutional judicial oversight of legislative omissions by constitutional courts goes beyond the traditional limits of constitutional oversight. Experience has shown that many decisions and rulings of the constitutional judiciary, issued to address legislative omissions, exceed the limits and restrictions of this type of constitutional oversight (Salman, 2019). The constitutional text may reduce the effects of the decision or ruling to address legislative oversight, limiting it to merely communicating with the overlooked authority (legislative or executive) without forcing it to intervene with legislation, or at the most, it sets a final date for enacting the legal rule with the knowledge of that authority, without deciding a more mandatory legal outcome (Salman, 2021). The text of the Constitution does not specify the penalty that a judge can impose on the negligent "legislative or executive" authority if it does not intervene in establishing the legal rule that was ignored within the period stipulated by the Constitution. He is satisfied with the role of the constitutional judge in revealing legislative oversights without intervening to address them himself (Shandy, 2017). However, the constitutional judge does not stop there and decides to address

the legislative omissions nonetheless, which affects the relationship of the constitutional oversight body with other authorities (Shaban, 2021).

Additionally, the constitutional courts' attempts to exercise constitutional judicial oversight of legislative omissions to challenge reform programs and impose their guardianship and methods on legislative authority inevitably raise sensitivity between them and the public authorities in the state (Sólyom, 2003). Therefore, when a constitutional judge issues a standard ruling or decision to address a legislative omission, the constitutional judge must take the necessary precautions to limit the effects of this ruling or decision over time (Zahra, 2013; Shahat, 2004). The constitutional judge can address a specific case without a legal rule, provided that the impact of the verdict or decision is temporary and directly related to the subject of the case, and not to any other matter (Legislative omission in constitutional jurisprudence, 2008).

The constitutional judge's establishment of legislative rules that have far-reaching political repercussions through rulings issued within the scope of constitutional judicial oversight of legislative omissions leads to the political authority resorting to several means to dissolve the judicial concepts established by the constitutional judiciary or to restrict it (El-Gamal, 2000). The political authority can limit the constitutional judiciary, such as organizing campaigns to dismiss constitutional judges, influencing the formation of the constitutional courts through the appointment process, mobilizing public opinion, organizing demonstrations, and encouraging resistance against the expansionist policy of the constitutional courts, in a way that undermines the jurisdiction of the constitutional judiciary in the end (El-Din, 1986; Haji, 2012).

5. CONCLUSION

This paper examines the impact of constitutional judicial oversight on the omissions in the constitutional protection of rights and freedoms. This aims to strengthen the principle of legal security and achieve integration between the functions of the constitutional judiciary and those of public authorities. It also added a new dimension to the established presumption of constitutionality of legislation. The paper also

addressed the effects of constitutional judicial oversight on legislative omissions regarding the quality and integrity of legislation, to address the unjustified inertia of the legislative authority. The impact of judicial review of legislative omissions on achieving legislative justice was also analyzed.

Furthermore, the impact of constitutional review on the relationship between the constitutional judiciary and the legislative authority was addressed. This type of review may lead to tension in the relationship between the constitutional judiciary and the legislative authority, threatening the entire legislative process. This may lead to the usurpation of legislative authority, which weakens confidence in the rulings of the constitutional court and undermines its powers.

This study reached several results, namely the importance of judicial oversight of legislative omissions and the positive effects and results it can achieve, namely strengthening the principle of legal security, since if Parliament neglects or neglects to protect some rights and freedoms, the Supreme Constitutional Court, by its authority to monitor the constitutional. Despite the legislative oversight, it can address this, which achieves legal security for individuals in society. In addition, constitutional judicial oversight of legislative oversight would give the Supreme Constitutional Court the authority and jurisdiction to address any shortcomings emanating from the legislative authority, which achieves integration between the judicial authority represented by the Supreme Constitutional Court and the legislative authority represented by Parliament, for the benefit of individuals.

In addition, constitutional judicial oversight of legislative omissions is considered one of the tools possessed by the Supreme Constitutional Court, adding one of the new dimensions to constitutional oversight of legislation, determined to be in the interest of legislation in terms of the integrity of legislation, in addition to avoiding the stagnation of legislative authority. However, constitutional judicial oversight of legislative omissions has some adverse effects, which are represented by the tension in the relationship between the constitutional judiciary and the legislative authority. It may lead to jeopardizing the powers of the constitutional judicial oversight of legislative omissions can also help in legislative despotism and the constitutional judiciary's usurpation of legislative authority.

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