

Constitutional Oversight over the Legislative Inattention in the Palestinian Constitution

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Abstract:

This study examined the constitutional oversight over the legislative inattention in Palestinian legislation. The findings revealed some cases of the legislator's silence and legislative failure in many of the legislations in force in Palestine. The legislator addressed some issues without detailing all of their provisions which led to a legislative inattention. This study aimed to identify the philosophical and legal foundation that allows the Supreme Constitutional Court to monitor the legislative inattention. To achieve the study's objectives and solve its problems, the researchers relied on the descriptive-analytical approach. The study included two themes. In the first chapter, the researchers reviewed the role of the Constitutional Court in monitoring the legislative inattention in Palestine. The study concluded with a set of results, the most important of which was that Palestinian legislation, in its different forms, is tainted by several forms of the legislative inattention, which requires verification. The study also emphasized the necessity of the effective oversight role of the Supreme Constitutional Court in this field regarding the discretionary authority of the constitutional jurisdiction in monitoring the legislative inattention. The researchers concluded a set of recommendations, the most prominent of which was conducting a comprehensive review of all Palestinian legislation, especially those that affect the public right and the rights of individuals, and addressing aspects of the legislative inattention.

Keywords: Legislative Inattention, Constitutional Oversight, Constitutional Court, Constitutional Jurisdiction

Introduction:

The legislator's inattention from regulating an issue falls within his discretionary authority, as the legislature is the one who decides whether or not there is a need for the legislation according to the circumstances it assesses. This case is subject to the oversight of the Constitutional Court as it is a legislative inattention. That happens when

the silence of the legislator in regulating a particular issue or the legislator's failure to establish a legal rule is inconsistent with the prevailing social and political conditions, which may lead to the loss of individual and public rights and conflict with the constitutional rules guaranteeing these freedoms. The Constitution, which is the

guarantor of the rights of individuals in society, has assigned the task of enacting various legislations and laws to the Legislative Council or Parliament. Therefore, the total legislative silence and the legislative authority's failure to carry out the tasks assigned to it constitutionally represent a state of failure that necessarily requires the oversight of the Constitutional Court.

Constitutional oversight focuses on what the legislator omitted in the legal text subject to unconstitutionality. When the legal text has a fundamental shortcoming in its organization, it is unconstitutional. The intervention of the constitutional judge to monitor what the legislator omitted would directly affect the discretionary authority of the legislator. Therefore the constitutional oversight of the legislative inattention needs to be deliberate and accurate since the intervention of the constitutional judge to control what the legislator has omitted would directly affect the discretionary authority of the legislator. Based on this, the requirement for oversight over legislative inattention is to address constitutional violations whether the legislator deliberately committed them or did them unintentionally or out of negligence or lack of knowledge of it. That is a guarantee of the principle of the constitution transcendence. The importance of oversight over the legislative inattention stems from the constitution guarantees protection for every right or freedom recognized in its theoretical and practical aspects. The constitution provisions constitute the only guarantee of citizens' rights and freedoms, which necessitates the implementation of these rights and public

freedom in a manner that guarantees their use as stipulated in the constitution while addressing everything that would prejudice what was decided by the constitution.

Study objectives:

- 1- To explain the principles of the Supreme Constitutional Court oversight over the legislative inattention.
- 2- To identify the limits of the Constitutional Court oversight over the legislative inattention.

Study significance:

This study has both practical and scientific significance. Theoretically, this study contributes to identifying the legislative inattention, a new and significant issue that is a center of attention. It is still the focus of jurisprudence and research because the legislator's inattention of essential and detailed provisions in legislation leads to provoking legal and constitutional disputes. It also may lead to infringement of individual and public rights and breach of constitutional guarantees that regulate the lives of individuals and their rights in the state.

Practically, in Palestine, there are many cases of legislative inattention where the legislator omitted organizing significant issues, which led to legal instability and subjected the public and individual rights to loss and shortage .

Study Methodology:

Study Problem:

The problem of the study is that the practical reality in Palestine testifies to many circumstances, which weaken legislation because of inattention, leading to legislative and legal deficiencies in many of them. The legislator intervened in regulating specific

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issues, but they did not put all their provisions, resulting in many cases of (legislative inattention). The problem of the study will also answer a key question:

Does the constitutional judge have the authority to monitor issues of overall or partial legislative inattention in Palestinian legislation?

What is the Constitutional Court's role in oversight over the legislative inattention in Palestine, and what are the limits of this oversight? To answer the questions, the researchers divided the study into two themes: first, the principles of the Constitutional Court oversight of legislative inattention. The second theme is the Constitutional Court's oversight of the legislative inattention that contradicts the formal and substantive transcendence of the constitution.

First theme: The principles of Constitutional Court's oversight over the legislative inattention

The Palestinian Basic Law represents the supreme law that sets down the provisions and rules which the system of government bases on them. It defined the public authorities, clarified their functions, and showed the limits and restrictions controlling the work and activities of those authorities. It also restricted the basic guarantees to achieve justice, redress the oppressed, and preserve rights and freedoms. Perhaps the most important of these guarantees is the existence of a constitutional jurisdiction, which keeps the transcendence of the constitution, and obligates every authority to the constitutional limits that the constitution set (Al-Mur, 2003, p. 1352).

The constitutional authority has significant competence in practicing its role. Despite this competence, the legislator must abide by the rules and principles that the Constitution stated. The origin is the freedom of the legislature, and the exception is the restrictions set by the Constitution. This Constitution came to preserve rights and establish the basis of the transcendence of Law. When the legislator regulates a right or freedom in an inadequate or incomplete organization by ignoring or neglecting a part of the legal provisions, it causes a breach of the guarantees provided by the Constitution. It is a violation of the Constitution that must be addressed through judicial oversight over the constitutionality of laws (Al-Salman, 1994, p. 62). This flaw in the legislative organization is what the jurists termed "legislative inattention." In this section of the study, the researchers review, in the first requirement, the philosophical, jurisprudential, and legal foundations of the oversight over legislative inattention. In the second requirement, the researchers explain the legal foundations of the oversight over legislative inattention.

First requirement: The philosophical, jurisprudential foundations for controlling legislative inattention

Each country has legal regulations transcended by the constitutional law or the Basic Law as figuratively in Palestine. In addition, they have a set of principles and foundations that work as a base for its existence and organize its institutions that work to ensure the transcendence of the Basic Law. That results from consecrating its transcendence, guaranteeing public rights and freedoms, and respecting the people's

freedom of choice by emphasizing the legality of public authorities' actions through oversight (Bodiar, 2003, p. 36).

Several countries stipulated, according to their constitutions, the singularity of this authority by enacting and approving laws that are legally known as the principle of (legislative singularity). So, the task of the executive authorities is limited to implementing the law. However, you find that the same constitution allows the executive authorities to issue some regulations and laws that enhance its ability to enforce the laws enacted by the legislature (Al-Ghafloul, 2003, p. 48).

The principle of legislative singularity reflects an argument against the legislative authority itself, which is the necessity of practicing the jurisdiction entrusted to it by the constitution. Any failure to use the jurisdiction is a constitutional violation as a negative behavior of the legislative authority. Legislative singularity is the constitutional basis for the idea of the legislator's negative behavior and his failure to practice his jurisdiction (Kilaly, 2013, p. 18).

Oversight of legislative inattention aims to respond to the constitutional violation arising from it, which makes the theory of oversight of legislative inattention a jurisprudential and legal basis. In this requirement, we review, in two ways, the jurisprudential and legal basis of the oversight of legislative inattention, as follows:

The attitude of jurisprudence toward the constitutional oversight over legislative inattention, especially (overall inattention) consisted of two parts. One of them went to

support the oversight over legislative silence, and the other went to reject this oversight. The judiciary went to what the advocates of the first trend in favor of constitutional oversight over legislative silence (Azzawi, 2010, p. 85). The owners of this attitude who support the constitutional oversight of legislative silence believe that the constitutional judge must monitor and review the legislator's refrain from interfering to regulate some issues that the constitution has asked him to manage. They argue that there is no permanent correlation between the rule and the provision. The provisions do not cover legal regulations, including customary laws and general principles of law, but some provisions do not carry legal regulation, including those with a political discourse (Al-Ghafloul, 2003, p. 212).

The Palestinian legislator adopted the attitude that supports not imposing constitutional judicial oversight over cases of total legislative inattention based on the discretionary authority of the legislator representing the nation in assessing the need for legislation. Consequently, the oversight of the Supreme Constitutional Court in Palestine extends to partial legislative inattention and what is known as an organizational failure of legislation, not total inattention.

Second requirement: Legal foundation of the legislative inattention oversight

The principle of the transcendence of the Constitution represents the legal basis for imposing oversight on legislative omissions, through which public authorities are placed under the control of the Constitution so that these authorities may not exceed the powers

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and competencies granted by the Constitution (Salman, 2019, p. 95).

Legislative inattention oversight focuses on monitoring the legislator's inattention or failure in regulating a matter or subject contrary to what is stated by the Constitution. This legislative inattention detracts from or ignores the guarantees established by the Constitution. It also leads to the inattention in regulating a specific restriction, preventing enforcing it in the manner guaranteed by the Constitution. This inattention makes this provision unconstitutional, or the legislation unconstitutional in all or some of its provisions. Thus, it requires the intervention of the judiciary to diagnose this defect or shortcoming, rule its unconstitutionality, or alert the legislative authority to remedy the inattention within a specified period. Otherwise, the penalty for that will be (It is unconstitutional). That requires the constitutional oversight to be within the framework of the Constitution but not outside it. So, the role of the judge is to match the contested law with the Constitution only. The Constitutional Courts in Egypt, Federal Germany, and Italy have adopted such a tendency (Al-Rimawi & Saleem, 2022, p. 18).

The Palestinian legislator stipulated under the provisions of Article (118) of the amended Basic Law of 2003 that the laws, regulations, and decisions remain in force in Palestine as long as they do not conflict with the amended Basic Law provisions before enforcing this Law until they are amended or repealed per the Law. It also stipulated under the provisions of Article (119) of the same Law to cancel all that contradicts the

provisions of this amended Basic Law. Through the above provisions, we find that the legislator approved the principle of the transcendence of the Basic Law over all other legal rules.

The Palestinian legislator approved the oversight of the constitutionality of laws per the provision of Article (24) of the Supreme Constitutional Court Law No. 3 of 2006 and its amendments. We find that the legislator approved the theory of constitutional oversight over the legislative authority (Al-Rimawi & Salim, 2022, p. 19). By carefully examining and reviewing the provisions of the Basic Law and the Constitutional Court Law and its amendments, the researchers addressed Article (27) of the Supreme Constitutional Court Law No. 3 of 2006 and the amendments. The first paragraph states that the Constitutional Court assumes judicial control over the constitutionality of laws 1 through the direct original lawsuit filed by the aggrieved person before the court.

The researchers see that the Law has made it possible to impose oversight over the negative actions of the legislator due to the ambiguity in the term (aggrieved). The provision did not specify the nature of the nuisance that permits filing a lawsuit, whether the nuisance results from a positive obligation violated by the legislator, or a passive action due to inattention. They ask the legislator to amend the Law to ensure explicit disclosure of the possibility of imposing oversight on the negative actions of the legislative authority. The comparative constitutional jurisdiction agrees with the jurisprudential tendency to extend the oversight over (partial legislative

inattention). That was evident in the provisions of the Egyptian jurisdiction, the French State Council, and other countries. The jurisdiction justifies this by its authority to interpret the legislative provision subject to constitutional oversight and to conclude the violating legal rule (Al-Mur, 2003, 1416).

The Palestinian jurisdiction adopted this attitude in the implementation and enforcement of the provisions of the Constitutional Court per Article (24) of the Supreme Constitutional Court Law No. 3 of 2006 and its amendment.

The Supreme Constitutional Court adopted the transcendence of the Constitution as a basis upon which it established its competence to oversight legislative inattention. It provided the highest degree of protection for rights and freedoms according to the broadest scope. It also restricted the content of the Right or Freedom according to what is customary for the most ancient democratic countries. It is the same basis through which it monitors the constitutionality of laws. But the court preserved the constitutional limits of the relationship between it and the legislative authority through oversight of legislative inattention. It did not address the legislature through its rulings, nor did it use the method of directive rulings or appeals to fill the legislative deficiency (Al-Rimawi and Saleem, 2022, p. 20.)

Second theme: The oversight of the Constitutional Court over the legislative inattention that contradicts the formal and objective transcendence

Constitutional oversight represents the way to oblige the legislator to take actions that

enhance the rule of law and legality principles by examining the cases of inattention, legislative flaws, and ambiguity. Constitutional oversight can address all those issues that negatively affect rights.(Abd Al-Hasan & Ali, 2019, p. 249).

The constitutional violation is not related to positive behavior only but went beyond it to the passive behavior of the legislator in the event of his abstention from performing his constitutional function. This point is consistent with the principle of the transcendence of the constitution. The truth is that the Transcendence of the Constitution manifested in the two aspects of formal transcendence and objective material transcendence (Kilali, 2013, p. 104).

First requirement: Oversight of the constitutional inattention that contradicts the formal transcendence

Constitutional formality means a set of measures required by the Constitution that the legislative authority must follow when passing laws (Abu Ali, 2019, p. 19). The formal violation of the Constitution happens when the legislator violates the rules of jurisdiction established by the Constitution while enacting the law. It also occurs when the executive authority issues laws and regulations or violates the rules of the form set by the Constitution when passing a law (Darrag, 2020, p. 82). When the Constitutional Court verifies these formalities have not adhered to the law or violated it, the Court considers the law or regulation as unconstitutional, taking into account all its provisions, without looking into the content or checking its consistency with the Constitution's objective provision. That was confirmed by the Supreme

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Constitutional Court when it ruled unconstitutional Judicial Authority Law No. 5 of 2005 for violating the formalities stipulated by the Constitution to issue it. The Palestinian Supreme Court ruled in its constitutional capacity under ruling No. 5 of 2005 .

The Supreme Constitutional Court issued its proviso by the majority on the constitutional appeal 2019/17 in Case No. (13) of the judicial year 2004, presented by sixteen judges. Its subject involves two issues: The first is related to the constitutional appeal by Decree-Law No. (16) of 2019, especially concerning Article No. 3, including the termination of the service of judges when they reach the age of sixty, and Article No. 2. The decision on the Law No. (17) of 2019 regarding the formation of a transitional higher council published in the Official Gazette, number (20). The Supreme Constitutional Court decided that the decision by Law No. 16 of 2019 regarding the amendment of the Judiciary Law No. 01 of 2002 was unconstitutional. The decision was illegal and the legislator' failed to adhere to the rules, measures, and formalities stipulated in the amended Basic Law of 2003 and its amendments in Articles (97, 98, 99, and 100) and rejected the appeal related to the decision by Law No. (17) of 2019 regarding the formation of a transitional higher judicial council.

The relationship between legislative inattention and formal transcendence relates to ignorance, deficiency, or omission on the part of the legislator about the procedural aspects whose existence presupposes the completeness of the law without any decrease in all constitutional prospects.

Explanation of the violation of the formalities, as follows:

First: Violation the rules of jurisdiction:

The idea of jurisdiction finds its source in the heart of the Constitution. It means that jurisdiction is implemented only by the authority specified by the Constitution (Al-Shawabkeh, 2012, p. 68). Consequently, the legislation is flawed and lacks jurisdiction if it is issued by an Authority other than the one specified in the Constitution or based on an invalid delegation (Daraj, 2020, p. 86). Lack of jurisdiction takes a set of forms:

- a. *Lack of personal jurisdiction:*
The legislator stipulated the issue of personal jurisdiction of the authorities through the provision of Article 2 of the Palestinian Basic Law of 2003 and its amendments, in which the people are the source of Authority, and they implement them through the legislative, executive and judicial authorities based on the principle of separation of powers in the manner outlined in this Basic Law.
- b. *Lack of Spatial Jurisdiction:*
The lack of spatial jurisdiction appears when the Constitution specifies where the legislative Authority convenes and enacts its legislation. The Palestinian legislator did not address the provisions of spatial jurisdiction, and therefore there is no room to raise oversight on the

constitutionality of laws violating spatial jurisdiction in Palestine.

- c. *Lack of Temporal Jurisdiction*: The constitution may place a time limitation on the exercise of legislative competence by the legislative Authority or by the executive Authority. The constitutionally determined time limit for its issuance and the Palestinian Basic Law addressed this issue when it stipulated in Article (2) a new Article No. (47 *ibid*) shall be added to the amended Basic Law of 2003 AD. It states: (The term of the existing Legislative Council ends when the members of the newly elected Council take the constitutional oath).
- d. *Lack of substantive jurisdiction*: Each authority determines the legal actions it is entitled to perform within the limits of its jurisdiction through substantive jurisdiction. The lack of substantive jurisdiction occurs if the legislation departs from the scope of the subject specified by the Constitution; the violation of substantive jurisdiction is considered a constitutional violation. That includes the fact that the Legislative Council issues individual

decisions in the form of laws, contradicting the nature of the legal rules issued by them, as they are general and abstract, and this is the approach adopted by the Palestinian legislator (Al-Sinnari, 2001, pg. 288).

Second: Violation of the rules of the form that should be available

A fault constitutional law form or procedure means the issuance of the law, regardless of the formalities and procedural restrictions established by the Constitution in all law stages. The violation of the form and procedure occurs when the legislation lacks the approval of the majority of the Parliament specified by the Constitution, or when the President does not approve it in the cases the Constitution requires that. The violation of the formalities and procedural rules results in unconstitutionality (Al-Shawabkeh, 2012, p. 72).

Concerning oversight over the inattention of the formal transcendence of the Basic Law in Palestine, we can find a basis for it through the text of Article (103) of the amended Basic Law of 2003 and its amendments. It provided for the Supreme Constitutional Court's formation by law and examined the constitutionality of laws, regulations, systems, and others. This provision is a general form, which shows that everything related to laws, constraints, and rules issued by the competent authorities in the State of Palestine is subject to the oversight of the Supreme Constitutional Court, whether related to the form and procedure taken per the Article, or the subject. The legislator wanted to activate the

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overall constitutional oversight by completely extending the influence of its jurisdiction over the laws. Here, the researchers consider that the control over the legislative inattention of formal transcendence is only partial oversight, if any, given that the issue of inattention is in the subject, requiring the form and procedure to be sound in terms of origin, but if there is, it is partial.

Second requirement: Oversight of legislative inattention that contradicts the substantive transcendence

The substantive transcendence of the Constitution occurs through the nature of the issues it regulates, which are essential and dangerous within the scope of building a state of law. The Constitution shows the system of government, defines the authorities, their competencies, and their relationship among them, and regulates rights and freedoms and the ways to protect them. These rules represent the highest and loftiest legal rules in the country (Abdul-Wahhab, 1992, p. 118). In confirmation of the objective transcendence of the Constitution, the Supreme Constitutional Court, which is the body entrusted with monitoring the constitutionality of laws, makes the laws that are subject to its oversight consistent with the Constitution, without any constitutional deficiency or defects such as inattention, omission or legislative deviation. If one of these violations occurs, the law is considered unconstitutional.

The Basic Law assigned the legislative authority the task of enacting legislation and laws and meant that it might not relinquish those powers granted to it except in a narrow

scope and accordance with the law. That is because this mandate is not a privilege. But it is a constitutional obligation imposed on it by the legislator. Therefore, it is not permissible to violate it, whether by omission, abstention, or deviation, and it is subject to the oversight of the Supreme Constitutional Court (Salman, 2019, p. 98). The legislature often falls into violations of substantive supremacy compared to formal transcendence because formal transcendence is stipulated and known to it. So it avoids falling into it against the substantive transcendence since the issues dealt with in the constitution are accurate, and the legislative authority neglects the regulation of all its provisions (Darraj, 2020, p. 85). In this section of the study, we review the legislative omissions of objective transcendence through:

First: Violation of the substantive restrictions contained in the Constitution

According to the Palestinian Basic Law, the constitutional legislator referred to various forms of violation of the objective restrictions of the constitution. For example, the amended Basic Law of 2003 that Article (15) stipulated (Personal Penalty). It prohibits collective penalties, no crime, or punishment except by a legal text, and no penalty imposed but by a court ruling. And no punishment enforced except for acts following the enforcement of the law. Article No. (28) of the same law stipulated “No Palestinian may be deported from the homeland, denied return to it, prevented from leaving, stripped of citizenship, or handed over to any foreign entity.” This means that the issuance of any legislation or law in contravention of these restrictions

mentioned in the Constitution is flawed by unconstitutionality.

Violation of the substantive transcendence of the constitution is the most significant aspect of unconstitutionality from a practical point of view, as the vast majority of violations are related to the content of the constitutional rule itself, especially what is related to the substantial rights of individuals (Al-Awadi, 2010, p. 189).

Second: Legislation departing from the spirit of the Constitution or deviation in the use of power and inattention or refraining.

It is not sufficient for the legislation to be issued per the provisions and rules of the Constitution, but it must also be in line with the Constitution's core, aims, and objectives. The defects of the legislation occur when the legislator deviates from using the authority granted him by the Constitution or when the legislator neglects provisions that had to be regulated by consonantly issued law, and when the legislator refrains from exercising the powers that the Constitution has obligated him to do. If the legislation has a defect related to the purpose for which the Constitution grants the legislator the authority to issue laws, the legislation, or the Law is unconstitutional (Abdul-Wahhab, 2008, p. 152).

The substantive transcendence of the Constitution results in a set of consequences, the most important of which is that it defines the powers of the public authorities in the country and obliges them to enforce their jurisdiction on their own. One of the most important implications of the objective elevation of the Constitution is that public authorities have no right to neglect or

neglect the exercise of the powers that the Constitution has specified for them because they are not a special privilege but rather a constitutional duty (Issam, 2000, p. 49). Therefore, we find that although the Palestinian legislator does not explicitly stipulate the oversight of the legislative inattention of the substantive transcendence of the Constitution, it, as previously mentioned, is based on the provision of Article (24) of Constitutional Court Law No. (3) of 2006 and its amendments, stating that the Constitutional Court is exclusively competent to oversight the constitutionality of laws and regulations, meaning that the court's oversight includes all substantive provisions and formalities related to the laws issuance, legislation, and regulations, including legislative inattention oversight.

Conclusion:

At the end of this study, entitled (Constitutional Oversight over the Legislative Inattention in the Palestinian Constitution), the researchers showed the readers and specialists a set of results. They also set several recommendations, which may be guiding hints for the legislator to develop and amend Legislation, address shortcomings, and advance the system of control over the legislative Inattention, as follows:

Results:

1. The Constitutional Court decided to extend its oversight authority over the laws and legislations in force before the establishment of the Palestinian Authority, based on Presidential Decree No. 1 of 1994. It also judged that this decree stipulated the continued enforcement

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of these legislations in the Palestinian territories, which have turned into Palestinian laws and legislation subject to the oversight of the constitutional jurisdiction, similar to the Legislation and Law issued by the Palestinian Legislative Authority. The Court has canceled the decision of the Supreme Court in its constitutional capacity for the year 2012, which had ruled that these laws were not subject to its oversight authority.

2. The researchers concluded that the issue of legislative inattention, despite it was of recent date of study and research at the local and comparative levels, the Palestinian constitutional jurisdiction, despite its modernity in terms of formation, focused on addressing this issue in the organizational shortcomings contained in the Palestinian Legislation in force. There is no doubt that the Supreme Constitutional Court addresses this problem due to the seriousness of its passive effects related to public, individual and constitutional rights in light of the complete absence of the Legislative Council since 2007.
3. The Constitutional Court addresses partial legislative inattention. But it does not address the total legislative inattention to ensure the legislative singularity and separation of powers principles and the preservation of the discretionary power of the legislator to enact legislation according to the societal need that falls within the

discretionary power of the legislator. It is only subject to popular oversight over the nation's representatives according to the direction of the Supreme Constitutional Court in Palestine.

4. By studying the Palestinian constitutional judicial decisions, it became clear to the researchers that the response of the Constitutional Court (the constitutional judge) does not necessarily create new legal laws, depending on the legislative authority. The constitutional judge is working on examining the appropriateness of the legal resulting from the organizational shortcoming based on the lofty rules of the constitution or the Basic Law in the Palestinian issue. The Palestinian Constitutional Court has dealt with many of these issues- mentioned in this study- and concluded by issuing statements revealing the constitutional flaws contained in some of the Articles it examined and ruled unconstitutional.

Recommendations:

- 1- Conducting a comprehensive review of all Palestinian legislation, especially those that affect public rights and the rights of individuals, and addressing the aspects of inattention, especially since failure to keep pace with modern developments and the appropriateness of laws with them may cause legislative shortcomings.
- 2- Amending the law to ensure explicit disclosure of the possibility of imposing

oversight over the passive actions of the legislative authority.

- 3- Increasing the Palestinian legislator's interest in the theory of legislative inattention and identifying it to address the flaws in current legislation and regulations and to avoid this happening in future legislations.
- 4- Reviewing and subjecting the laws in force in Palestine before the coming of the Authority, especially those containing clear constitutional violations concerning cases of legislative inattention over the constitutional jurisdiction, especially since the Constitutional Court has confirmed its oversight power over these laws since 2018.

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