

### Approval of the State's General Budget in Bahraini and Comparative Legislation

DR.MOHAMAD HAMID AL-AMMACH

#### **Abstract:**

The study presents the method of approval of the general budget of the state in the Kingdom of Bahrain and centers its vision on the supervisory role of the legislative authority through its Control Board. This research covers the approval phase, which extends from governmental preparation up to royal ratification, including various aspects such as the type of approval and dealing with exceptional circumstances. It looks to emphasize how the process balances national priorities against citizens' needs, while the development of a legal and procedural framework is necessary to guarantee effectiveness and transparency. The study proposes practical actions for parliamentary oversight in ways that strengthen mechanisms for financial planning. It also considers the challenges that have arisen in the approval process under shifting economic conditions and explores creative responses. The research reviews the laws regulating

these processes, such as Decree–Law No. (39) of 2002, and proposes solutions and suggestions to improve budget approval mechanisms in line with the public interest.

### **Introduction:**

People being the source of authorities, the embodiment of the supervisory role of the populace over government actions, and the core of involving the people in decisions that determine their fate whether economically or financially, this is reflected in the role of the parliament in popular oversight of government actions. Perhaps one of the most important forms of such oversight is approval of the state’s general budget, since it must be done through parliament in accord with the constitution. This is usually done through a number of phases, and the phase of approval itself represents one of the most critical stages of the general budget which will be the concern of this study. This shall be elucidated by the researcher in the following manner:

### **Subject of the Study:**

This stage of the budget is considered one of the most important in the state’s general budget project. Many constitutional amendments guaranteed this right of the legislative authority to approve the budget. It finds its mention on Article number (109) of the Bahraini Constitution, 2002, hence the topic of research “Approval of the State’s General Budget in Bahraini Legislation”.

### **Issues Raised by the Thesis:**

How are the solutions provided by the Bahraini legislator in case of non-approval of the budget of the next year?

### **Objectives of the Study:**

The aims of the study are as follows:

- 1\_ To understand how constitutionally protected the approval right is in the Kingdom of Bahrain, as it adopts a bicameral system.
- 2\_ To explain the additional approvals which deviate from the principle of the annual budget as an exception.

3\_ Identifying the constitutional texts or internal regulations on which the financial committees rely to exercise the right to discuss the project, then present it to parliament for approval.

4\_ Knowing the procedure in case the House of Representatives desires, according to Bahraini legislation, to make an amendment to the budget.

5\_ Explaining the procedure followed if there is a delay in the approval of the general budget according to Bahraini legislation.

### **Importance of the Study:**

The importance of the study lies in demonstrating the effectiveness of the solutions provided by the Bahraini legislator in case of non-approval of the next year's budget and the rarity of studies on this specific topic, as well as the lack of references at the national level that address this stage of the state's general budget. It also aims to shed light on various findings and recommendations that, upon adoption, would serve the interest of the Bahraini Legislator.

### **Methodology:**

#### **1. Descriptive Method**

The reason why descriptive is followed is that it is one of the most important research methodologies which, as taken by case study, analyzes components and delves into the possibility of its development. This approach is based upon the analysis of phenomena and functions in each separate study correctly, which can describe and state something in quantitative or qualitative form.

#### **2. Deductive Method:**

The deductive approach has been adopted in this research because of its nature regarding the transition of thought from general judgment to particular judgment, and its steps go from fixed general facts to apply them to particular facts in order to use them as evidence for general facts. The researcher relied on it in analyzing issues and trying to clarify apparent meanings.

### **Research Plan:**

The research is divided into two chapters. The first chapter will discuss the nature of approval, as the first section, and then go on to clarify the competent authority as the second section. The first chapter is titled “The Nature of Approval and the Competent Authority.” The title of the second chapter is “Types of Approaches and their Procedures under the Bahraini Legislation,” whereby under this chapter will fall two main sections. Section one deals with the types of approvals under the Bahraini legislations, and section two presents the procedures to approve the state general budget as it follows.

### **Chapter One: Nature of Approval of General Budget of the State and the Competent Authority**

The state’s general budget goes through many stages, and there is a competent authority to approve it. The researcher will try to shed light on the nature of the approval stage of the general budget and the competent authority to approve it in Bahraini legislation as follows:

#### **Section One: The Nature and Characteristics of Approval of the State’s General Budget:**

The approval stage of the general budget of the state is unique in nature, which the researcher will try to elucidate as follows:

##### **1. Concept of Approval in Law:**

Approval of the general budget means referring the draft, presented by the government, to the legislative authority for study, discussion, amendment, if possible, ratification, and issuance<sup>1</sup>.

##### **2. Concept of Approval in Economics:**

This concept is based upon the role that members of parliament play in weighing the desires against the capabilities of the people. Parliament should approve, reject, or amend any expenditure based upon an estimation arising from various economic elements. This may be obtained by arranging the marginal benefits inherent in each possible expenditure group against the marginal sacrifices resulting from the total taxes that each group may entail<sup>2</sup>.

##### **3. Nature of the Approval of the General Budget of the State:**

---

<sup>1</sup> Dr. Mohammed Khair Al-Akkam, published by the Syrian Virtual University in Syria, 2018, page 343  
<sup>2</sup> op. cit, P:344.

This school views the preparation and approval of the budget as purely an administrative matter, where what the general budget contains in revenues and expenditures is no more than a forecast for the coming fiscal year. This forecast and estimate should be presented to the legislative authority for approval, which is an administrative task to enable employees to perform collection and disbursement. This budget consists of general abstract rules, just like material laws. Because of its financial and political importance, the general budget is submitted to the parliament. According to the proponents of this approach, revenues find their legal cause in specific laws such as the Customs Law and the Income Tax Law. Some others consider there is a formal and material difference for the general budget<sup>1</sup>

Substantially, it is an act by the executive authority in the nature of the decisions and excluding those general and permanent rules, conferring no right upon the Government which it did not have from existing laws. For instance, the revenues that the government can collect and the expenditures it is authorized to make are based upon prior laws themselves. These laws are, in fact, legislative acts in form, since they are issued by the legislative authority<sup>2</sup>. Legitimacy is given to the state's budget through approval. This is a law which determines the expenditures and estimates revenues, permitting both the expenditure and the collection of revenues. In fact, it is actually the work of the legislative authority. The draft budget is prepared by the executive authority and is referred to the legislative for discussion and adoption.<sup>3</sup>

### **Section Two: The Competent Authority to Approve the General Budget:**

The legislative authority has the right to approve the budget since it is a specialized body entrusted with overseeing government actions in different activities. Accordingly, the approval of the budget by the legislative authority is taken as one of the most important tools of the legislative control over government activities. Extending the oversight of the parliamentary institution regarding government activities, including the project of a budget, which would not be valid except by approval from the legislative authority<sup>4</sup>.

Dr. Eyad Ali Al-Qaisi, A Brief in Public Finance and Financial Legislation, Dar Al-Maseera<sup>1</sup> Publishing, First Book, Amman, 2010, p. 346.

1963, pp. •Dr. Mahmoud Riad Attia, A Brief in Public Finance, Dar Al-Maarif, Third Edition, Cairo<sup>2</sup> 514-515.

Mr. Omar Shhada Mohammad Al-Qawaniqa, Modern Trends in Budget Preparation and Control Over<sup>3</sup> Its Implementation, Doctoral Thesis in Public Law, University of Islamic Sciences, Amman, 2015, .p. 29

<sup>4</sup>Dr. Khaled Ali Al-Adwan and Dr. Mohammad Knoush Al-Shara, The Political Dimensions of the

This right is deduced in Egypt from Article 124 of the Amended Egyptian Constitution of 2014, worded as follows: “. The State’s general budget comprises all revenues and expenditures of the State without exception and its draft is presented to the House of Representatives At least Ninety days before the start of the fiscal year, it shall not come into force until it has obtained its approval<sup>1</sup> .

Similarly, the Bahraini Constitution of 2012, which was amended, provides that “.under Article 109, paragraph b: “.the draft law shall be presented to the House of Representatives for discussion and referred to the Shura Council for consideration, in accordance with the provisions of the Constitution, and any amendment may be made in the draft budget law with an agreement from the government<sup>2</sup> ”

It has been noticed that the Bahraini legislator imitated the Egyptian legislator in regard to determining the competent authority to approve the general budget of the state through the two aforementioned articles, without which it will not be effective.

However, the origin of the difference between the systems of Egypt and Bahrain lies in their respective legislations: Egypt is a unicameral system, while Bahrain is a bicameral one.

This is what is called the House of Representatives in Egypt, while the Bahraini legislature consists of both a House of Representatives and a Shura Council. There is no problem when both councils agree to anything. What if it passes the House of Representatives and is turned down by the Shura Council, or vice versa? This is organized in the internal regulations of the Bahraini House of Representatives, in cases of agreement and in cases of disagreement, due to the importance of this project. These regulations stipulate the meeting of the two councils in case of disagreement to reach a consensus, and if no consensus is reached, the King of the country has an active role in resolving the dispute<sup>3</sup>. This matter has not been neglected by the Bahraini legislator, who organized it in a number of legislative texts specifying the procedures that may be taken regarding the draft law in cases of rejection and acceptance by the legislative power and the Shura Council. What concerns us is the text of Article (85) of the amended Bahraini Constitution of 2012, which reads as follows: “If the two councils disagree on a draft law twice, the National Assembly meets under the chairmanship of the Speaker of the House of Representatives to discuss the differing articles. For the project to be accepted, a

---

.State Budget, Volume 41, Issue 3, Published Study, Amman, 2014, p. 786

.Article (124) of the Amended Egyptian Constitution of 2019<sup>1</sup>

.Article (109) of the Amended Bahraini Constitution of 2012<sup>2</sup>

<sup>3</sup> Dr. Nouman Atta Allah Al-Hayiti, Legislation of Laws: A Comparative Constitutional Study, Dar .Raslan for Printing and Publishing, First Edition, Damascus, 2007, p. 1

decision by the National Assembly must be issued by a majority of the present members. When the project is rejected in this way, it cannot be presented again to the National Assembly in the same session<sup>1</sup> ”.

We note herein that the legislator in the previous article has stipulated that the rejection must be carried out twice, and the project cannot be presented again before the National Assembly in the same session.

But as for such detail of the budget project, he may refer to Article, (87), in Bahrain's Constitution, 2002, which provided that, “Any draft law regulating economic or financial subjects, requested by the government for urgent consideration, is presented to the House of Representatives first for a decision within fifteen days. If this period expires, it is presented to the Shura Council with the opinion of the House of Representatives, if any, for its decision within another fifteen days. In case of disagreement between the two councils on the presented draft law, the matter is presented to the National Assembly for a vote within fifteen days. If the National Assembly does not decide on it within that period, the King may issue it by decree with the force of law<sup>2</sup>.”

## Chapter Two: Types of State General Budget Approval and Procedures

The types of approvals for the general budget of states vary depending on the circumstances and needs, and their procedures differ accordingly. The researcher will outline them as follows:

### Section One: Types of General Budget Approval

There are a number of types of approvals for the state's general budget, which the researcher will detail as follows:

#### 1. Permanent Approvals:

These approvals are granted for more than one year. Generally, all approvals prepared by the government must be passed by the House of Representatives to be effective. However, some countries have exempted several approvals under the term “permanent or fixed approvals” due to their unique nature, different from other approvals. These

Article (85) of the Amended Bahraini Constitution of 2012 <sup>1</sup>

<sup>2</sup> Article (87) of the Amended Bahraini Constitution of 2002

approvals, like the salaries of some employees, the Speaker of the House of Representatives, and advisors, are repeated every year and, as a rule, do not witness disputes between the legislative authority and the government unless amendments take place. This exception is to avoid wasting time on approving expenses that do not change from year to year and which will definitely be approved by the council if presented<sup>1</sup>.

These approvals might be changed by laws, and as long as these approvals are not changed – like an increase in salaries – the previous status counts. But in case of amendment to such approvals, attention should be given since they will require new approvals and will not be considered permanent in the current budget and return to their permanence in future budgets.

## 2. Commitment Approvals (Investment Plan):

The investment plans are so huge that, because of their great impact on development, they cannot be completed in one year. These are such plans for which approvals are sought for more than one year so that the work may be continued. It is well known that the state follows an annual budget that is approved at the beginning of each new fiscal year and excludes this approval from the principle of annual budgeting, giving it a special approval with every new budget by the legislative power<sup>2</sup>. Such approvals include building hospitals, large factories, or substantial investment projects that require funding for more than one year with expenses allocated annually in the budget for the government's contributions to the project each year<sup>3</sup>.

## 3. Periodic Approvals:

These approvals are granted for more than one year, expanding the budget period to a full economic cycle instead of a year. The goal is to reconcile the budget balance policies and stabilization policies over an economic cycle that alternates between prosperity and recession. Such approval could influence the state of the economy in the balancing of the budget during prosperity to cover the deficit when there is a recession<sup>4</sup>. The Bahraini

---

Dr. Fouad Al-Fasfus, Government Accounting, Dar Konouz Al-Ma'arifa Publishing and Printing, <sup>1</sup> Amman, 2009, p. 48

<sup>2</sup> Dr. Saadi Ali Al-Abidi, Economics of Public Finance, Dar Dijlah Publishers and Distributors, First Edition, Anbar, 2011, p. 199

<sup>3</sup> Dr. Salah Al-Din Abdul Halim Sultan, The Authority of the Guardian in Imposing Financial Functions: A Comparative Jurisprudential Study, Dar Sultan for Publishing, Cairo, 2004, p. 3

<sup>4</sup> Dr. Zaid Munir Abawi et al., Introduction to Public Administration: Between Theory and Practice, Dar Al-Shorouk Publishing and Distribution, Amman, 2005, p. 208



Legislator regulated this issue in Decode-Law No. (39) of 2002, Article (35): "Certain appropriations may be allocated for more than one fiscal year by law if the nature of the expenditure requires it, and they shall be included in the successive annual budgets of the state according to the provisions of the aforementioned law. Exceptional budgets may also be allocated for such expenditure for more than one fiscal year<sup>1</sup>".

Article (37) of Decree-Law No. (39) reads, "No ministry or government agency shall conclude a contract that requires a financial commitment beyond the fiscal year into the next fiscal year unless the budget approval law allocates for more than one fiscal year for this purpose. It is permissible to conclude contracts for projects, goods, and services for more than the fiscal year, provided that its period does not exceed four years, and in the event of its continuation for more, permission from the minister shall be obtained in advance."<sup>2</sup>

It saves the researcher from falling into legislative vacuums once similar legal issues have risen. Regarding the period determined and relating to that with the ministerial sanction, it shall be apt to advocate reforms and inclusions by having a committee, specifically appointed to analyze the nature of the project that needs time or not, on which, subject to the recommendations, ministerial clearance could be done.

#### **4. Monthly Approvals- Temporary in Nature -Twelve-Month Approvals:**

Twelve-month approvals emanated from the need a state might experience at the beginning of a new fiscal year without an approved state budget while having expenses that cannot be delayed, such as payment for the salaries of state employees. It can be referred to as a monthly exemption until the state's general budget is approved<sup>3</sup>. Such situations arise in specific circumstances where the state cannot accurately estimate its expenses and may require monthly approvals based on the previous year's budget.<sup>4</sup>

#### **5. Additional Approvals:**

This form of approval follows the general approval that is given for the budget as a whole, It is also referred to as, in some countries, supplementary approval sanctioned by

<sup>1</sup> Article (35) of Decree-Law No. (39) of 2002

<sup>2</sup> Article (37) of Decree-Law No. (39) of 2002

<sup>3</sup> Dr. Mohammad Al-Sahel, Foundations of the State Budget, Center for Academic Book Publishing, Algeria, 2020, p. 57

<sup>4</sup> Mr. Raed Mohammad Abdul Rabbo, Principles of Financial Accounting, Al-Janadria Printing and Publishing, First Edition, Part Two, Amman, 2016, p. 171

the legislative authority post-budget approval. These are necessary when the state needs to seek approval from the competent budget authority to fund public interest projects, developmental plans, or additional needs not specified in the initial budget project. This is another exception to the principle of annual budgeting, since the original budget was set for a fiscal year with a beginning and end date<sup>1</sup>.

With regard to the Bahraini legislator's provisions concerning approvals that deviate from the annual budget principle because of their nature, which exceeds or falls short of the fiscal year, Decree-Law No. (39) of 2002 regarding the general budget, Article (4), states: "The fiscal year of the state's general budget is twelve months, starting on January 1 and ending on December 31 of each year<sup>2</sup>." Here, the Bahraini legislator defined the fiscal year boundaries, specifying the start and end dates, with any deviation considered outside the annual budget principle as per Bahraini legislation.

The Bahraini legislator dedicated Article (33) of Decree-Law No. (39) of 2002 to supplementary approvals and organized its procedures in Bahrain, stating: "No ministry or government entity may request a supplementary appropriation unless there are compelling reasons for it. The entity requesting the supplementary appropriation shall notify the ministry of the reasons that justify it. If the request is approved, the minister shall submit the necessary draft law to the Council of Ministers."<sup>3</sup>

## 6. Emergency Appropriations:

It means the appropriations necessary for some urgent, unforeseen cases that are named as exceptional appropriations<sup>4</sup>. In such situations, the state has to withdraw amounts that have not been allocated in the current budget from the general state budget, as it happened during the COVID-19 pandemic, these amounts are withdrawn at a rate of 5% from the general account of the ministry.

These are expenses that are very necessary and cannot be delayed until the new fiscal year's budget is ready. Article 10 of Law No. 35 of 1973 says<sup>5</sup>: "These appropriations are for unexpected emergencies that might occur to the country, which are prepared against

---

Dissertation for <sup>1</sup> Mr. Druasi Masoud, Financial Policy and Its Role in Achieving Economic Balance the Doctorate Degree, Department of Economic Sciences, Faculty of Economic Sciences and Management, University of Algiers, 2006, p. 140.

Article (4) of Law No. (39) of 2002 Concerning the State Budget <sup>2</sup>

Article (33) of Law No. (39) of 2002 Concerning the State Budget <sup>3</sup>

Dr. Abdul Majeed Masleh Al-Asali, Management of International Organizations Specializing in <sup>4</sup> Education, Culture, and Science, National Center for Legal Publications, First Edition, Volume

Two, Cairo, 2010, p. 561.

Article Ten of Law No. (53) of 1973 <sup>5</sup>

being compelled, should that emergency occur suddenly when the legislative council is not in session, into having it immediately approved so that order might prevail<sup>1</sup>." Bahraini legislation regulates this issue under the term "emergency expenses" in Decree-Law No. 39, Article 11, which states: "The minister may, after the approval of the Council of Ministers, withdraw directly from the general account at a rate not exceeding 5% of the total appropriations in the expenditure budget of the current fiscal year to cover emergency expenses that do not have appropriations in the budget and cannot be postponed to future budgets due to their relevance to the public interest. The minister shall, within a month from the date of withdrawal of such emergency expenses from the general account, submit to the Council of Ministers a comprehensive report on such emergency expenses. b) Such emergency expenses shall be included in the first draft law for budget approval or a subsequent budget amendment or issued by law within three months of their expenditure, whichever is sooner."<sup>2</sup>

In the light of the above, the researcher believes that the Bahraini Legislator has duly organized this issue in all its aspects. However, reconsideration of the 5% rate is necessary and adjustment in accordance with the size of the damage should be elaborated upon by controls determined by the legislator.

### **Section Two: Procedures for Approving the General Budget:**

#### **1. Draft Law Submitted by the Government:**

This stage of preparation and drafting falls to the executive authority because it is an administrative issue. Besides, since it is the government that will carry out the budget, it is reasonable that it takes the responsibility for preparing and executing it. The aim of this approach is to have the government work on the budget realistically to achieve its goals without any hindrance. If left to the legislative authority with its various blocs, there would be no coordination between its various sections, as each member would work to achieve the interests of the district they represent without considering the technical, economic, and state affairs<sup>3</sup>. Most constitutions grant the executive authority the right to prepare and draft the budget project to be later presented to the legislative authority for the reasons mentioned above.

---

Dr. Abdul Majeed Masleh Al-Asali, op. cit., p. 561<sup>1</sup>

.Article (11) of Decree-Law No. (39) Concerning the State Budget<sup>2</sup>

<sup>3</sup> Dr. Nadia Ismail Mohammad Al-Jabli, Parliamentary Control of the State Budget: A Comparative Study, Dar Al-Kutub wa Al-Dirasat Al-Arabia Publishing, Cairo, 2017, pp. 121-122

Among these constitutions is the Bahraini Constitution, which follows this approach according to Article 109/b of the Kingdom of Bahrain's Constitution: "The government presents the draft general budget law to the House of Representatives and the Shura Council at least two months before the end of the fiscal year." <sup>1</sup>

## 2. Discussing the Draft Law in the Competent Committee:

After the executive authority prepares and drafts the budget, it presents this to the legislative authority. The head of the legislative authority presents the draft to the Finance Committee responsible for discussing the budget project.

Members of this committee have economic experience that is necessary to understand and make an evaluation of the budget project. This needs discussion at the committee level, then present it in front of the Speaker of the House of Representatives for deliberation and eventual approval among council members by distributing copies <sup>2</sup>. Under Article 175 of the internal regulation of the House of Representatives, it is stated that "the government prepares a draft annual budget law including State revenues and expenditures, and refers it to the Shura Council and the House of Representatives no later than two months before the close of the fiscal year to debate in the House of Representatives and refer it to the Shura Council to complete the approval procedures <sup>3</sup>. This raises questions about the extent to which a draft budget law can be amended before approval. Article 81 of the bylaw of the House of Representatives stipulates, "The Prime Minister presents the House of Representatives with draft laws, with full right to accept, amend, or refuse the draft." <sup>4</sup>

If a committee approves a draft law increasing expenditures or decreasing revenues from what is stated in the general state budget, it refers the draft for the opinion of the Finance and Economic Committee because members of this committee have economic expertise. <sup>5</sup>

This is according to the internal regulations of the Bahraini House of Representatives. Therefore, the Bahraini legislator gave the parliament the freedom to accept or amend the draft law. This results in several procedures that will be mentioned. A different approach

---

<sup>1</sup> Article (109/b) of the Amended Bahraini Constitution of 2012  
Fares Abdul Karim Al-Ghura, Legal Organization of the State Budget in Palestinian Legislation: A <sup>2</sup>  
Descriptive Analytical Study, Master's Dissertation, Public Law, Faculty of Sharia and Law,  
Islamic University, Gaza, 2016, pp. 97-98

Article (175) of the Internal Regulations of the Bahraini Council of Representatives <sup>3</sup>

.Article (81) of the Internal Regulations of the Bahraini Council of Representatives <sup>4</sup>

Dr. Nouman Atta Allah Al-Hayiti, op. cit., p. 141 <sup>5</sup>

appears in Jordanian legislation, as it allows the parliament to amend by reduction only and not to increase, and then propose laws for the creation of new expenditures<sup>1</sup>.

This is provided in Article (112), paragraph (4) of the Jordanian Constitution: "The National Assembly may, while discussing the draft general budget law or related temporary laws, decrease expenditures in chapters as it sees fit to the public interest; however, it may not increase such expenditures through amendment or by a separate proposal. Yet it may propose enactment of laws after the end of discussion for new expenditures."<sup>2</sup>

He differs with the approach of the Jordanian Legislator, which permits modifications only by reduction without increase, insofar as amendment represents a procedure agreed upon by the two councils and the government for the benefit of the public and under the oversight of the representative legislative authority, and possibly increased to serve public interest.

### **3. Referral of the Budget Project for the Purpose of Obtaining Approval and Confirmation:**

#### **3.1 Referral of the Draft Law from the Representative Council to the Shura Council for Approval:**

When the Finance Committees of both the Shura and House of Representatives councils meet, each can present a different report expressing its opinion on the budget project brought by the government. It submits it to its competent committee. The House of Representatives then moves to refer the budget project to the Shura Council, after studying and discussing it by the committee within six weeks. If the committee does not present its report during that time, the council may discuss the project as it was presented by the government.<sup>3</sup> Here, in case of an amendment from the House of Representatives to the Shura Council and vice versa, concerning the work of the government, there are two possibilities. The Egyptian legislator does not encounter this problem because of the presence of the House of Representatives without the Shura Council, as it adopts a unicameral system. This problem will be explained according to Bahraini legislation.

<sup>1</sup> Center for Legislative Studies and Research, Budget Control as a Tool of Parliamentary Oversight: A Comparative Study, Publications of the Jordanian Council of Representatives, Specialized Research (12), Amman, 2015, p. 15

<sup>2</sup> Article (112), Paragraph (4) of the Jordanian Constitution  
Dr. Nouman Atta Allah Al-Hayiti, Government Oversight, p. 162<sup>3</sup>

The Bahraini Legislator organized this matter in Articles (81-85), which will be reviewed one by one:

We note herein that this is the first step in the general budget project where the government has completed preparation and the Prime Minister presents it to the legislative authority, which takes its procedures on the project, including the possibility of amendment, rejection, or acceptance. It is then forwarded to the Shura Council, which also has the right to amend, reject, or accept it until we move to the next stage of approval.<sup>1</sup>

This Bahraini legislator commented on the situation wherein the Shura Council fails to approve a law adopted by the House of Representatives, "the speaker of the council refers it to the house of representatives again to reconsider, to see the consensus between the two councils and the unified approval of the budget".<sup>2</sup>

The Bahraini legislator devoted one article to each stage and eventuality, leaving nothing to imagination. This article deals with the case where the House of Representatives approved the law as it came from the Shura Council. The step following the conciliation between the two councils is that the Speaker of the House of Representatives refers the project to the Prime Minister within a period not exceeding two weeks to present it to His Majesty the King.<sup>3</sup>

The law has to be agreed upon between the two councils. For any amendment, rejection, or acceptance of any appropriation by one council, assent is needed from the other; otherwise, there will be disagreement between the two councils.<sup>4</sup>

The Bahraini legislator explained that the difference has to occur once, in addition to specifying a few procedures such as a joint session for the two councils presided over by the Speaker of the House of Representatives to discuss those articles that differed between them.

The project articulates that the decision of the National Assembly must be issued by the majority of its present members and, in case of refusal, all that can be done is to present it in another session. We note herein that the Bahraini legislator has organized this matter

<sup>1</sup> Article (81) of the 2002 Constitution of the Kingdom of Bahrain

<sup>2</sup> Article (82) of the 2002 Constitution of Bahrain

Article (83) of the 2002 Constitution of Bahrain <sup>3</sup>

<sup>4</sup> Article (84) of the 2002 Constitution of Bahrain

with an integrative view, leaving no loopholes behind; the consent of the legislative power makes the budget effective.<sup>1</sup>

### 3.2. Draft Law Submission to Promulgate and Publish:

In the case of a disagreement between the two councils, which we explained how the legislator organized this matter until it reaches an agreement satisfying all parties and serving the public interest.

In this case, the Speaker of the Shura Council, either after reaching an agreement or in case of no disagreement, and the agreement was reached from the beginning, refers the draft budget law to the Speaker of the House of Representatives. After its approval, the Speaker of the House of Representatives refers it to the Prime Minister, who in turn refers it to His Majesty the King within a period not exceeding two weeks.<sup>2</sup> In this regard, His Majesty the King gets his authority from the articles of the constitution to ratify and issue laws according to Article number 35 of the Bahraini Constitution. After referring it to His Majesty the King, it is considered to have taken its final approval form.<sup>3</sup>

His Majesty the King ratifies the general budget law and issues it, and the law shall be published in the Official Gazette within two weeks from the date of its issuance. It comes into effect according to its provisions and is considered authorization for expenditure and revenue collection as estimated by this law approved by the people represented by the legislative authority. The Ministry of Finance tries to pursue the course by informing the

<sup>1</sup> Article (85) of the 2002 Bahraini Constitution

<sup>2</sup> Article (83) of the 2002 Bahraini Constitution

<sup>3</sup> "Article (35) of the Bahraini Constitution states as follows

"A. The King has the right to propose amendments to the Constitution and to propose laws, and he is responsible for ratifying and issuing laws.

B. The law is considered ratified and issued by the King if six months pass from the date of its submission by the Shura and Parliamentary Councils without it being returned to the councils for reconsideration.

C. In accordance with the provisions related to amending the Constitution, if the King returns a draft law to the Shura and Parliamentary Councils within the period specified in the previous paragraph with a decree providing reasons for reconsideration, he shall determine whether this reconsideration should take place in the same session or in the subsequent session

D. If both the Shura Council and the Parliamentary Council, or the National Assembly, re-approve the " draft by a two-thirds majority of their members, the King shall ratify it and issue it within one " month of its second approval

law, order, and regulation required for budget execution to the concerned ministries and government sectors, representing the executive authority<sup>1</sup>.

Article 16 of Law No. 53 of 1973 on the General Budget in the Arab Republic of Egypt reads: "The Minister of Finance, Economy and Foreign Trade prepares the general budget project and presents it to the Council of Ministers, to be referred by the President to the People's Assembly within the constitutional time limit"<sup>2</sup>. This then gets referred to the President for promulgation and publication upon its due approval and concurrence between representatives and the government over a specific form of that law. According to Article 123 of the Amended Egyptian Constitution 2019, "The right to issue laws or object to them is entrusted to the President of the Republic. If the President objects to a draft law that the House of Representatives has approved, he shall refer it back to the House within a period not exceeding thirty days from the date of notification. If the draft law is not returned within this period, it is considered to have been issued. If it is returned within the period mentioned in the preceding paragraph, and the House of Representatives renews approval, with a two-thirds majority of the number of its members, it shall be considered ratified and issued."<sup>3</sup>

A most detailed opinion upon the said article, and under the said President, was prepared by Judge Majid Sobhi, the President of the Court of Appeal. He then said: "If the elapse of the thirty-day period, calculated from the date when the House of Representatives sends the draft law to the President, takes place and he has not exercised his right to object to the project or issue it, then that project becomes, by the constitution's force, a law and its issuance along with its publication in the Official Gazette becomes mandatory as per the constitution."<sup>4</sup>

## Conclusion

At the end of this research, "Approval of the State General Budget in Bahraini Legislation," a very important topic has been discussed through two chapters, the first chapter entitled "The Nature of Approval and the Competent Authority," where the nature of approval is taken as the first section, while the competent authority is taken as the second section. The title of the second chapter is "Types of Approaches and Procedures in Bahraini Legislation." The types of approvals in Bahraini legislation are specified in

<sup>1</sup> Dr. Ahmed Ibrahim Al-Balushi and Mr. Ahmed Jassim Faraj, op. cit., p. 40  
Article (16) of Law No. (53) of 1973 Concerning the State Budget <sup>2</sup>

Article (123) of the Amended Egyptian Constitution of 2019 <sup>3</sup>

<sup>4</sup> Mr. Majid Sobhi et al., The Arab Republic of Egypt's Guide for Drafting and Formulating Legislation Projects, First Edition, Cairo, 2018, p. 118.



the first section, while the procedures for approving the state's general budget are pertinent to the second. In relation to that, several conclusions and recommendations were drawn to wit:

### 1. Conclusions:

The legislative power should approve the general budget. In addition, there are many exceptional approvals, including approval of long-term projects provided for by Decree-Law No. (39) of 2002, whose duration shall not exceed four years unless approved by the Minister.

The Bahraini legislator did not forget the exceptional circumstances that the whole world might be confronted with, such as the COVID-19 pandemic, and regulated this issue under the term "emergency expenses," allowing withdrawals from the general account not to exceed 5% to handle such incidents or similar events.

The project, after procedural steps in the House of Representatives, shall be referred to the Shura Council for approval and then to the House of Representatives, which in turn refers it to the Council of Ministers to be submitted to His Majesty the King for ratification and publication.

- For some reasons, either the council of representatives and the Shura do not agree on an appropriation or one of the councils agrees, not the government. This will make it difficult to approve the budget for the coming year; hence, the Bahraini legislator prescribed a set of procedures for these situations, such as holding joint sessions for both councils or the implementation of the previous year's budget. In this case, it is also possible to activate Article 78, which permits the King to issue a draft law by decree with the force of the law.

### 2. Recommendations:

- Amend Article 37, Decree-Law No. 39 of 2002, regarding the duration for the completion of the long-term projects as follows: "It shall not exceed four years unless approved by the competent minister." Ministerial approval should be required in all investment contract cases.

We propose the removal of the time limit and the appointment of a specialized committee in accordance with the nature of the project, taking the opinion of the committee, which should be competent. The committee may determine shorter or longer durations, and it will be responsible for all projects based on initial reports. The Minister shall have the

right, in the opinion of the Committee, to approve the project in accordance with the Ministry's plan that falls within the investment policy of the Ministry. - Amendment of Article (11) of Decree Law No. (39) of 2002, in such a way that the rate of withdrawal is not fixed at 5% of the general account. Instead, it should be according to the size of the extraordinary circumstance and, again, in coherence with the annual budget project and prospects on revenue and expenditure set by the government.

Since emergency expense approvals are granted based on the minister's request and the Council of Ministers' approval, and these approvals will be included in the first draft budget law, a subsequent budget amendment, or a law issued within three months of their expenditure, already more control tools exist. Therefore, there is no need to set the rate at 5%, and appropriation should be according to the greatness or magnitude of the situation. Article 109: The government shall submit the draft budget law for the House of Representatives to discuss and approve two months prior. In light of the importance of the project of the budget, we suggest amending Article 109 to extend the time limit, because more than two months is needed to discuss and refer to the Shura Council and present it to the Council. Given the series of procedures that take more time, extending the period to four months may avoid the need to operate on the previous year's budget.

## References

### First: Books:

1. Dr. Eyad Ali Al-Qaisi, "A Brief on Public Finance and Financial Legislation," Dar Al-Maseera Publishing, 1st Edition, Amman, 2010.
2. Mr. Raed Mohammed Abdel Rabbo, "Principles of Financial Accounting," Al-Janadriyah Publishing, 1st Edition, Part 2, Amman, 2016.
3. Dr. Zaid Munir Abwai et al., "Introduction to Public Administration: Theory and Practice," Dar Al-Shorouk Publishing, Amman, 2005.
4. Dr. Saadi Ali Al-Abidi, "Public Finance Economics," Dar Dijla Publishers, 1st Edition, Anbar, 2011.
5. Dr. Abdul Hakim Mustafa Al-Sharqawi, "Principles of Public Finance and Financial Legislation," 1st Edition, Department of Public Law, College of Law, University of Bahrain, 2013.
6. Dr. Fouad Al-Fasfus, "Governmental Accounting," Dar Kunooz Al-Maarefa Publishing, Amman, 2009.

7. Dr. Mohammad Khair Al-Akkam, "Public Finance 1," Syrian Virtual University Publications, Syria, 2018.
8. Dr. Mohammad Al-Sahil, "Fundamentals of the State Budget," Academic Book Center for Publishing, Algeria, 2020.
9. Dr. Mahmoud Riyadh Atiya, "A Brief on Public Finance," Dar Al-Maaref, 3rd Edition, Cairo, 1963.
10. Dr. Nadia Ismail Mohamed Al-Jubaili, "Parliamentary Oversight of the State Budget: A Comparative Study," Dar Al-Kutub wa Al-Dirasat Al-Arabiya Publishing, Cairo, 2017.
11. Dr. Nouman Attallah Al-Hiti, "Legislation of Laws: A Comparative Constitutional Study," Dar Raslan for Printing and Publishing, 1st Edition, Damascus, 2007.

### **Second: Doctoral Theses and Master's Dissertations:**

1. Mr. Darwasi Masoud, "Financial Policy and Its Role in Achieving Economic Balance," Doctoral Thesis, Department of Economic Sciences, Faculty of Economics and Management Sciences, University of Algiers, 2006.
2. Mr. Omar Shahada Mohammed Al-Qawaniqa, "Modern Trends in Preparing the General Budget and Monitoring Its Implementation," Doctoral Thesis in Public Law, University of Modern Islamic Sciences, Amman, 2015.
3. Fares Abdul Karim Al-Ghura, "Legal Organization of the General Budget in Palestinian Legislation: A Descriptive Analytical Study," Master's Thesis in Public Law, Faculty of Sharia and Law, Islamic University, Gaza, 2016.

### **Third: Research and Studies:**

- 1- Dr. Khalid Ali Al-Adwan, Dr. Mohammad Knoush Al-Shar'a "Political Dimensions of the State Budget", Published Study, Amman, 2014, Vol. 41, No. 3
- 2- Mr. Majid Sobhi and Others "Guide on the Preparing and Drafting of Draft Laws- The Arab Republic of Egypt", Edition No.1 Cairo, 2018.
3. Legislative Studies and Research Center, "Budget Oversight as a Tool of Parliamentary Oversight: A Comparative Study," Published by the Jordanian House of Representatives, Specialized Research (12), Amman, 2015.

### **Fourth: Legislations and Laws:**

1. The Amended Egyptian Constitution 2019.
2. The Amended Bahraini Constitution 2012.
3. Law No. (39) of 2002 regarding the General Budget of the State.
4. The Internal Regulations of the Bahraini House of Representatives.
5. The Jordanian Constitution.
6. Law (53) of 1973 regarding the General Budget of the State.