

## The Legal Effects of Coronavirus (COVID-19) on the Implementation of Administrative Contracts in Saudi Arabia: Application of Emergency Circumstances Theory

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**Abstract :** In Saudi Arabia, the pandemic of Coronavirus (COVID-19) has been affecting administrative contracts in many different ways. Lots of planned projects were stopped temporarily or implemented partially. Many contractors have suffered financial struggles and the absence of manpower. These administrative contracts are governed by Government Tenders and Procurement Law (GTPL) which was issued by a royal decree in 2019. This law addresses some challenges that could be stumbling blocks in the way of implementing a contract. One significant challenge is emergency circumstances that occur during the implementation of an administrative contract. The law provides some solutions for this disruption, but these solutions may not compensate for the whole damages that contractors suffer. This study will use the doctrinal methodology to analyze the rules of law and their application to the research problem. Most importantly, the issue that arises in this research is the possibility of governmental entities' consideration, in administrative contracts, of the pandemic Coronavirus (COVID-19) as an emergency circumstance. This study points out the conditions for applying the theory of emergency circumstances on administrative contracts in addition to the definition of the theory and analyzing its elements. The other significant question is the limits on governmental entities to make a change in an administrative contract to achieve contractual rebalancing. GTPL and its implementing regulation set the conditions and limits of contractual rebalancing. However, this study finds that although GTPL provides rules for contractual rebalancing, there are some other mechanisms that contractors may take to fully compensate for the damages. For instance, when the loss cannot be minimized by GTPL, contractors might file lawsuits before the administrative judiciary. The study concludes that GTPL is a very comprehensive law system that stipulates specific rules for contractual rebalance and treats the emergency circumstances that obstruct the performance of administrative contracts.

**Keywords :** administrative contracts, emergency circumstances, balance of contract, administrative judiciary, government tenders, procurement law

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