

Validity controls (legality) of the administrative investigation

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Abstract

The study aimed to identify the reality of the balance between safeguarding the rights of the public employee and ensuring his commitment to perform his duties, and what might be distorted by the deviation from the goal that the legislator sought to bring about this balance, It also aimed to focus on the main factor in bringing about this balance, which is the administrative investigation, and that through three chapters, each chapter included three sections. The study used the descriptive horizontal comparative approach due to the nature of the problem at hand and the achievement of the desired goals.

The study reached many results, the most important of which are: The administrative investigation is considered a preliminary measure for disciplinary trial, and procedural and substantive guarantees represent a means through which work can be done to reduce extremism in disciplining an employee. Where the administration reconciles two opposites, the first is the effectiveness of the administration's work in the manner required by law, and the second: the work is not to prejudice the rights of individuals guaranteed by the constitution, and the study added that the written form is the best way to prove the employee's notification, and that the right to access the investigation file is considered a right. Originally, it is also possible to dispense with an administrative investigation in the event that the employee is criminally investigated.

In light of the results, the study recommended the need for legislative intervention to explicitly stipulate the period of suspension from work in the Jordanian civil service system when referring the employee to the administrative investigation, and the necessity to include a text in the civil service system requiring the investigation to be conducted in all cases in which a disciplinary penalty is to be directed against the violator employee. And a text that guarantees the employee who is referred to investigation the right to appoint a lawyer to defend him at this stage of the disciplinary proceeding.

Key words: Administrative Investigation, Validity of Administrative Investigation, Legitimacy Controls, Public Employee