RESEARCH ARTICLE

PROVISIONS OF ADMINISTRATIVE GRIEVANCE AGAINST DISCIPLINARY DECISIONS

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Abstract : This study examines the provisions of administrative grievance against disciplinary decisions, guided in this by the opinions of juristsin Islamic jurisprudence, and the judgments of the judiciary, seeking the help of the directions of the Jordanian administrative judiciary and the Jordanian Civil Service Bylaw in matters and issues that must be resorted to. The Researchers addressed the subject of the study in three sections, where we talked about the nature of Islamic jurisprudenceand administrative grievance, which is one of the most important issues that regulate the relationship of public servants with public administration, where administrative grievance was defined as a legal means forwarded by the concerned party to the administrative authority that issued the administrative decision in order to reconsider such decision which affect the legal status of the person concerned. The study concluded that the provisions of the administrative grievance in the Jordanian administrative legislation are inadequate and insufficient to address and regulate all issues related to disciplinary decisions and actions. Therefore, the Jordanian legislator must provide for the terms of the administrative grievance clearly and explicitly in the texts of the Jordanian Administrative Judicial Law, as well as the Jordanian Civil Service Bylaw.

Keyword: Administrative, Juristsin, Islamic Jurisprudence

INTRODUCTION

The study of administrative grievance provisions is one of the most important issues that fall under the administrative law topics. Islamic legislation preceded all modern legislation in establishing the providing and rules for unfair administration, and that is what is called or the Board of Grievances any cases in which one or both of the parties are of power, influence and prestige so only a stronger party will deter from his oppression and whose orders are effective, and the matter that makes this type of litigation requires this type of jurisdiction, in which the power is mixed with the fairness of the judiciary. (Al Mawardi Al- Sultani rulings and religious mandates 1966 A.D, p.78). Grievance is a means through which the actions and decisions taken by the administration can be monitored in order to verify the legality of such actions and decisions, as according to the grievance, the administration can scrutinize and audit its decisions before issuing them, lest the affected concerned party objects its defective decisions, which affect their legal positions.

Administrative grievance has great goals. It achieve justice and plants bonds of trust between the administration on the one hand and its employees on the other hand. In addition, through the

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administrative grievance, many disputes and objections of the employees affected by the administrative decision could be settled before referring to the courts, which relief the burden of the judiciary in many administrative disputes.

Therefore, under the powers granted to it, the administration imposes disciplinary actions against the employee who violates his job duties. The Jordanian Civil Service Bylaw No. (30) of 2007 and its amendments have set a list of disciplinary actions in line with the nature of the violation committed by the violating employee. So, the administration may impose a penalty against that employee who thinks that it does not commensurate with the his violation, or that the administration has violated the principle of legality in taking such decision, leading the employee to complain about that disciplinary action before the authority that issued that decision or to the administrative manager before resorting to the administrative judiciary to solve such dispute.

Therefore, the study of administrative grievance provisions for the disciplinary decisions raises many problems as the administration to whom grievance is made against the administrative decision issued by it has become both an opponent and a judge at the same time on the one hand, and on the other hand the lack of a complete and clear regulation of the administrative grievance procedures and the enforcement of the grievancefindings.

So, in his study, the Researchers discussed the administrative grievance provisions, its definition and types, its importance and objectives, and the administrative grievance provisions and cases, the form and date of the administrative grievance, determination of the authority concerned with the grievance, as well as the conditions and effects of administrativegrievance.

Topic One
Definition of administrative grievance

The administrative grievance is considered one of the most important topics that regulate the relationship of public servants with the general administration. It is a means by which the administration can implant trust between it and the employees through the administration's response to the employees' objections to the defective administrative decisions. For this purpose, the Researchers will address the concept of administrative grievance through the following:

Quest One
Concept of the administrative grievancein the Jordanian administrative judiciary

Having regard the rulings issued by the previous Jordanian Supreme Court of Justice and the rulings of the Administrative Courts, we find that they did not define the concept of administrative grievance, except that they dealt with some procedural provisions related to the categorical grievance over time, or the grievance that does not interrupt the period of appeal according to Article 8 / C-D) of the Jordanian Administrative Judicial Law No. 27 of 2014 which referred to the two types of administrative grievance.

Accordingly, the administrative grievance is defined as a legal means presented by the concerned party to the administrative body that issued the administrative decision to reconsider such decision which affects the legal status of the concerned party (Shatnawi, 2011, p. 447).

It is also defined as a legal means granted by the legislator to the persons concerned with the issuance of the administrative decision, as through that method they can refer to the administrative body that issued the administrative decision or the presidential authority of such administrative body in order to reconsider that decision, amending it or correcting it legally, before resorting to the judiciary (Yaqout, 2004, p.777).

Some people have traditionally called the administrative grievance as a petition forwarded to the administrative body that issued the administrative decision or to the presidential body of that administrative authority, for the purpose of withdrawing or amending that decision before reaching the judiciary (Shatnawi, 2011, p.447).

The Researchers believes that the administrative grievance is a request or petition forwarded by the concerned party, who is affected by the administrative decision in a legal manner, to the presidential authority who issued this decision or to the presidential body of this administrative authority. The administrative grievance is one of the friendly ways of resolving and settling disputes by the administration before resorting to the judiciary.

Quest Two

Administrative grievance from the Islamic jurisprudence point of view

From the purposes of Islamic legislation is to attain justice among people by eliminating oppression from them, including officials, through the interaction of the ruling authority with individuals, the institution was exemplified by the Islamic sharia in what is called the board of grievance, and the origin of the mandate of grievances is due to the alliance of curiosity that was held in the Jahiliya among the leaders of the tribes of the Arabian peninsula and that when the fever of the presidency spread among them and multiplied and they waitressed the defiance and tension that Sultan Qaher did not stop them, so they held their allies to come among them, and to respond to grievances, and the messenger had waitressed this oath and approved it after the message (Al Mawardi, Al sultana, the religious authority, 1966 A.D, p.78), Islam came and forbade injustice categorically and necessitated restoring truth to everyone who is wronged and inflicting punishment on the oppressor. Muslim, Sahih Muslim, vol.1 /144). The first person to consider the grievances of the messenger prophet Muhammad peace upon him in the famous case of Khaled bin Al-Waleed due to his killing of a group of tribe in one of his battles after they declared their Islam ،the Arabic Encyclopedia/ specialized legal Encyclopedia, mandate of (grievance in Islam, volume 7, p.584).

Ibn Khaldun defined the judiciary of grievances in his introduction as: "A job mixed with the power of the Sultanate and the half of the judiciary in which the governor needs a high hand that defeats the oppressor from the two opponents and rebukes the aggressor" (Ibn Khaldun, Al-Muqaddimah, 2004, p. The judiciary is separate from the regular judiciary, and it adjudicates grievances and litigations in which one or both of the parties are of power, prestige and influence, whether this derives from his or her job work, or because of it, or any other reason, while the contemporary administrative judiciary is the product of yesterday's grievances judging. That it is a kind of judiciary independent of the ordinary judiciary that generally looks into lawsuits and litigations related to the administrative authority and its relationship with individuals when it issues its administrative decisions or administers a public facility by means of public law. (Al-Abadi, Al-Wajeez in the Administrative Court, p. 5).

A. Quest Three

Type of Administrative Grievance

Administrative grievances are divided into several types according to the jurisprudence of administrative law, in terms of the party to which it is forwarded, or in terms of the freedom of the concerned person to forward it, as well as the freedom to present its legal effect. So, the administrative grievance may be permissive and optional, and it may be obligatory grievance in terms of freedom to present it. It could be a allegiance or presidential grievance depending on the body to which it is forwarded. The Researchers will address each of these types as follows:

B. Section One

Administrative grievance in terms of freedom to forward it

We earlier mentioned that the administrative grievance is divided into several types in terms of the freedom to forward it, as well as in terms of the party to which it is forwarded. In this section, we will address the types of administrative grievance according to the freedom to forward it, which belongs either to the concerned party, or for the legislator to define and provide for the grievance as follows:

C. Item One Permissive grievance

Article (8 /C) of the Jordanian Administrative Judiciary Law No. 27 of 2014 allegiances that: (If the legislation provides for the permissibility of a grievance against the administrative decision, then this decision may be appealed during the period stipulated in Paragraph (A) of this Article)

By reading the text of the previous article, we find that the Jordanian legislation provides for the permissibility of grievance, as according to that text, if the grievance is permissive, the grievance should be referred to the judiciary directly without resorting to an administrative grievance, within the period specified by law, which is sixty days from the day following the date of notification of the decision, or to publish it in the official gazette or any other means.

Accordingly, we mentioned earlier that the Jordanian legislator did not address the concept of administrative grievance in general and permissive grievance in particular. Therefore, through a permissive grievance, the person concerned can directly complain about the complained administrative decision before the administrative authority issuing the administrative decision or resort to the judiciary directly within the period specified by law without going through administrative grievance stages, in order to demand the annulment of the complained administrative decision (Gaddoura and Bin Tarif, 2020, p. 157).

Accordingly, it is not obligatory in the voluntary grievance for the concerned person to complain about the administrative decision before the administration issuing that decision, where the employee or individual affected by the administrative decision has the freedom to resort to the management authority in order to settle the dispute with it in an attempt to dissuade it fromthat decisionby withdrawingoramending it inaccordance with the interest of that employee, and the employee affected by the administrative decision may also have the freedom to resort to the judiciary during the specified period before complaining the administrative decision or after forwarding the grievance to the management authority before issuing the decision of the administrative body on the grievance petition.

In confirmation of this, Article (73 /E) of the Jordanian Civil Service Bylaw No. 30 of 2007 and its amendments stipulated that: (A copy of the annual performance report shall be sent to the employee from the authorized person or whom he authorizes to approve the appraisal if his annual performance rating is medium or weak. The employee has the right to object to it within three working days from the day of receiving it, and in the event that he does not object to it during that period, the appraisal shall beapproved.)

By reviewing the text of the aforementioned article, we find that the Jordanian legislator gave the employee, in the event that his annual report is medium or weak, the opportunity to object to it within a period of three days calculated from the day following the date of receiving his annual report, where the employee can complain about the result of his annual report before the administration which issued the decision, hoping that the administration changes its decision which negatively affects his legal position, and before resorting to the administrative court to appeal either the result of the grievance petition or the appeal against the administrative decision related to the result of the annualreport.

The Researchers hopes that the Jordanian legislator will define cases of grievance in an exclusive manner, by explicitly stipulating cases of grievance by providing for the administrative grievance provisions in full, in order to protect legal positions and preserve the rights and freedoms of individuals.

D. Item Two Obligatory Grievance

Article (8 / D) of the Jordanian Administrative Judicial Law No. 27 of 2014 allegiances that: (If the legislation stipulates that a grievance must be made against the administrative decision, the decision may not be appealed before the Administrative Court until after this grievance has been made, and the decision issued as a result of the grievance is subject to appeal before this court).

Through the previous article, we also find that the Jordanian legislator has indicated that in the event that a compulsory grievance is stipulated, it is not permissible to go to the judiciary and file a cancellation lawsuit before the grievance is made as a stage prior to filing the cancellation lawsuit. Accordingly, the acceptance of the cancellation lawsuit is conditional on the grievance procedure under penalty of rejection of the case in form.

The obligatory grievance is a legal means imposed by the legislator on the concerned individual or employee affected by the administrative decision prior to resorting to the judicial authority to appeal the administrative decision complained of. So, this grievance is a formal condition for accepting the cancellation lawsuit, which results in the case being dismissed in form due to the lack of grievance against the administrative decision to be appealed (Khalifa, 2005, p. 181). By extrapolating the concept of obligatory grievance, we find that the

legislator defines specific cases for this type of grievance, and therefore the concerned employee or individual will be guided in the obligatory grievance by the specified cases, exclusively, as he can refer to them and determine whether he is facing a case of grievance or not.

The Jordanian legislator did well by stipulating the cases of obligatory grievances in the Jordanian Civil Service Bylaw No. 30 of 2007 and its amendments, as he indicated in Article (162 /B) that: (The officer shall be entitled to forward a formal grievance petition in any of the followingcases:

1. The existence of any issue or violation of the laws, regulations and instructions if it is related to the nature of work in the department or related to the complaining employee, his affairs and the decisions taken againsthim.
2. The issuance of any act or violation that violates the ethics of the public office, or breaches the principles of justice andintegrity.
3. Exposure to any pressure, coercion, or unlawful request from any employee, whether he is a superior, a colleague or a subordinate, to act illegally, or to perform or abstain from taking a specific action that would constitute a violation of the employee's duties related to integrity andconfidentiality.

With reference to the previous article, we find that the Jordanian legislator in the Civil Service Bylaw specified for the grieving employee the cases in which he may appeal against the decisions of the administration authority, and that is exclusively.

Accordingly, we find that the obligatory grievance is a way that the concerned person takes in specific cases explained by the legislator as a precondition for filing the cancellation lawsuit before the administrative court, which results in the non- acceptance of the cancellation lawsuit due to the lack of the previous grievance to file the cancellation lawsuit.

The Researchers also believes, as is the case in permissive grievances, that the Jordanian legislator did not regulate the obligatory grievance provisions in the Jordanian Administrative Judiciary Law No. 27 of 2014, but rather referred, as mentioned previously, to some procedural provisions for a categorical grievance over the passage of time, or a grievance that does not interrupt the period of appeal as stipulated in Article (8 / C-D) of the same law.

E. Section Two
Complaining form the party to which the grievance is forwarded

We mentioned previously that the administrative grievance is divided in terms of the freedom to forward it into an obligatory and a permissive or optional grievance. In this section, we will address the types of grievance in terms of defining the party to which it should be brought, or who is the authority with jurisdiction or the authority concerned with researching the issue of grievance. Accordingly, grievance according to this type is divided into allegiance grievance and presidential grievance asfollows:

F. Item One
Allegiance grievance

The allegiance grievance means (that the concerned party forwards a grievance petition to the administrative authority that issued the administrative decision, asking it to reconsider that decision that affected its legal position, and that the administrative authority, in accordance with the law and with the powers it has, to cancel, withdraw or amend that decision, before resorting to the judicial (Al-Bourini, 2011, p.16).

The allegiance grievance is a means by which the concerned person can forward his grievance petition or request against the complained administrative decision to the administrative authority that issued that decision during the period prior to appealing the administrative decision before the administrative judiciary. The allegiance grievance petition, as mentioned, is directed to the administration person who issued the administrative decision in order to enable the administration to reconsider the administrative decision that affected the concerned person and affected his legal position by amending, canceling, or withdrawing the administrative decision in a manner consistent with the provisions of the law (Mohammad, 2016, p. 22).

Accordingly, we find that allegiance grievance is a means by which the concerned person seeks the administration to resolve or settle the dispute with it in an amicable manner without resorting to the judiciary, by withdrawing, amending or canceling the complained administrative decision from which the concerned person was affected. We also find that through the allegiance grievance, burden on the judiciary can be relieved by reducing the number and quantity of cases referred to it.

In confirmation of the allegiance grievance is what we find in the Jordanian legislation, as stipulated in Article (169 / C) of the Jordanian Civil Service Bylaw No. 30 of 2007 and its amendments, which states: (The employee who lost his job has the right to object to the decision within ten days from the date of its issuance, and the objection shall include the reasons on which the authority that issued the decision relied. If he is convinced of the reasons mentioned therein, he will cancel his decision and return the employee to his job).

By reviewing the text of the aforementioned article, we find that the Jordanian legislator granted the concerned employee the right to object to the decision issued by the administration authority within a maximum period of ten days, and the objection shall be forwarded to the competent authority which issued the administrative decision.
In implementation of this, the Jordanian Supreme Court of Justice has ruled in a ruling that supports this, which states: (The employee who was deemed to have lost his job has the right to object to the decision within ten days from the date of its issuance, and the objection is forwarded to the authority that issued the decision. If he is convinced of the reasons stated therein, he shall cancel his decision and returned the employee to his job, and the petitioner shall not forward his objection to the authority that issued the decision, which is the Secretary-General of the Ministry of Justice. If he had forwarded his appeal to the Minister of Justice, the appeal shall be considered asforwardedtoanon-competentauthorityandthethenegligenceoftheMinister of Justice for his objection is not considered an implicit decision of refusal in the sense of what is meant by the law of the Supreme Court of Justice, which requires that the case be dismissed in form. (Jordan Supreme Justice 549/2007, Jordanian Bar Association Journal, Issues 7, 8, 9 of 2008, p.1218).

With reference to the previous legislative text, and the previous Jordanian judiciary ruling, we find that they have referred to allegiance grievance, except that we find this type of grievance not neutral and objective because it is forwarded to the issuer of the administrative decision as he is in this case the opponent and the judge at the same time, which makes him totalitarian and will not change his decision, considering that all his decisions are sound and correct, in addition to the fact that allegiance grievance puts the complainant in the position of the beggar who asks the administration to change the decision he is affected by it.

G. Quest Four
Importance of administrative grievance

Article (161 / A) of the Jordanian Civil Service Bylaw No. 30 of 2007 and its amendments states that: (Grievance petitions may achieve the following:

A. Promotion of the principle of transparency, equity and accountability with regard to the rights of the citizen and theemployee.
B. Opening of the channels of communication between staff and the public on the one hand and the various levels of management on the other hand in certain cases.
C. Limitation of errors and abuses on the rights of the employee or his or her duties, obligations and rules of the work and careerconduct.
D. Taking and development of actions in order to prevent the repetition of violations and errors and help fight and preventcorruption.

In view of the previous article, we find that the grievance is of great importance, especially in the public office, as the administrative grievance achieves the principle of transparency and justice, as well as opening the door to accountability and responsibility and strengthening it between the employee on one side and the citizen on the other side. In addition, the grievance opens the door wide in relation to the communication lines and channels between the superiors and subordinates, and it is considered a safety

element for the employees from the administration's intrusion in taking administrative decisions that would prejudice the rights of employees where the administration strives to scrutinize and audit its decisions prior to issuing them lest making mistakes, which exposes those decisions to grievance instantly or appealing them before the administrativejudicial.

Administrative grievance is of great importance for the benefit of the administration and individuals alike. Through the administrative grievance, the administration can impose its self-control over its complained administrative decisions where such decisions are reconsidered, examined and audited whether they are consistent or inconsistent with the provisions of the law, and how to withdraw, amend or cancel such decisions. Therefore, as mentioned earlier, the grievance is a legal means throughwhichtheconcernedpersoncanresolvethedisputeamicablywiththe administration without the need to resort to the judiciary, which may require time, effort and long trouble, and accordingly, the administration's response to the grievance petitions forwarded by individuals enhances the bonds of trust and mutual respect between the administration and individuals, and achieves a kind of stability and reassurance for individuals (Shatnawi, 2011, p.448).

H. Topic Two
Administrative grievance conditions and effects

We have previously talked about the definition of administrative grievance, and we addressed the types of administrative grievance in terms of freedom to forward it, and the administrative authority to which it is forwarded. We should, after reviewing the general basics of administrative grievance, address the conditions of administrative grievance which could be formal or objective, as follows:

I. Quest One
Formal conditions of administrative grievance

Our study of the provisions of administrative grievance against disciplinary decisions requires addressing the conditions that must be met in the grievance petition, especially the formal ones. These conditions may relate to the form of the request on one hand which is made in writing, to the subject of the grievance petition, and to the concerned person complaining from the administrative decision. They may address the definition of the party to which the grievance petition is forwarded, which we will address asfollows:

J. Section One
Form of Grievance petition

The principle is that the legislator did not require a specific form in the grievance petition unless it stipulates a specific form in that request. The complainant is required to adhere to that formality. In confirmation thereof, Article (165 / A) of the Jordanian Civil Service Bylaw No. 30 of 2007 and its amendments stipulated that: (A petition of complaint shall be forwarded in writing ….). This is evidence that the legislator required the employee who forwards the grievance petition to forward it in writing, as the grievance petition in writing requires to provide many information such as the name of the complainant, the date of the grievance, and the grieved decision, in addition to some other information related to the grievance petition. Therefore, the requirement of writing in the grievance petition facilitates the process of proving the occurrence of the grievance before the judiciary in order to preserve rights and protect legal positions (Mobaideen, 2013, p. 110).

The grievance may be forwarded verbally as long as the legislator has not specified a specific form for the grievance. It may be forwarded in form of a regular paper or a specific petition that does not have a specific form to the grievance petition. Therefore the form of the grievance petition is not important as long as it includes all the grievance elements, including the name of the complainant, the date of the grievance, the grieved decision, and the reason for the grievance (Mohammad, 2016, p. 42).

K. Section Two
The grievance petition must be forwarded by the concerned party

The grievance petition shall be forwarded by the concerned party who was affected by the complained administrative decision or who may be affected by it in the future. This also applies to the fact that the

complainant from the administrative decision may beagroupofindividualsoragroupwhowereormaybeaffectedbythe administrative decision. Therefore, the grievance must be forwarded by concerned party affected by the administrative decision (Al-Tahrawi, 2010, p. 126).

In confirmation of this, Article (169 /C) of the Jordanian Civil Service Bylaw No. 30 of 2007 and its amendments stipulated that: (The employee who lost his/her job shall have the right to challenge the decision …….). Therefore, the employee in this case is a concerned party against whom the job loss decision was issued, and accordingly the legislator in the Civil Service Bylaw granted him the right to challenge that decision as the concerned party.

Likewise, Article (162 / B) of the same Bylaw states that: (The officer shall be entitled to forward a formal grievance petition in any of the followingcases:

1. The existence of any matter or violation of the laws, regulations and instructions if they are related to the nature of work in the department or related to the aggrieved employee and his/her affairs and the decisions taken againsthim.
2. The making of any act or violation that would breach the ethics of public office or the principles of justice andfairness.
3. Exposure to any pressure, coercion or any illegal request from any officer whether a boss, a colleague or a subordinate to act unlawfully or to do or abstain from doing a particular procedure that would be a violation of the duties of the officer related to the integrity andconfidentiality.

This is another confirmation that the grievance petition shall be forwarded by the concerned party, as the legislator specified in the above article the cases in which he may appeal if he falls victim to one of the aforementioned cases.

It is also required that the grievance applicant shall be fully competent. Therefore, the grievance will not be accepted by someone who is incompetent. We learn from this that the grievance petition is usually forwarded by the employee who was affected by the complained administrative decision. So, it is not assumed that the employee who forwards the grievance petition is incompetent as it is required for the person holding the public office to be fully competent (Abu- Rmeilah, 2017, p. 282).

L. Section Three
The grievance petition must be forwarded to the competent authority

Article (165/A) of the Jordanian Civil Service Bylaw states: (A petition of complaint shall be forwarded in writing….). Paragraph (B) of the same Articles states: (a formal grievance petition shall be forwarded to the Minister; however, the petition may be forwarded to the Civil Service Bureau in thefollowingcases). In referenceto
the article above, we find that the Jordanian legislator defined in the Civil Service Bylaw the administrative bodies to which the grievance petition is forwarded, which is the Civil Service Department, the competent minister, or the Civil Service Bureau, which is a higher-ranking body, responsible for applying the provisions of the Civil Service Bylaw to the ministries, institutions and departments affiliated toit.

Accordingly, forwarding a grievance to the administration concerned with receiving grievance petitions is the administration in several cases to look into such petition. It may issue its explicit decision to reject the grievance petition within the period specified by law, or to accept the grievance petition and respond to it by amending the complained administrative decision or does not respond to the grievance petition by the passage of the period specified to look into the grievance petitions (Al-Harbi, 2006, p. 680).

M. Section Four
Subject and times of grievance

The subject of the administrative grievance must be a final administrative decision. The administrative decision is defined as: The administration's disclosure of its binding determination under its authority by

virtue of laws and regulations, with the intent to enforce a specific legal effect whenever possible and legally permissible, and the motive for it is in the public interest (Kana'an , 2012, p. 172).

Accordingly, after determining the subject of the grievance, which is it must be a final administrative decision that fulfills all its elements, it is necessary to determine the time for forwarding the grievance to the competent administrative authority in accordance with the governing legislation. In the Civil Service Bylaw, the Jordanian legislator specified the period during which the employee affected by the administrative decision must forward a grievance petition, which is ten days, where Article (165/A) of the same Bylaw stipulates: (A petition of complaint shall be forwarded in writing to the department within a period not exceeding ten days from the date of the occurrence of complaint or the issuance of the decision thereon, and the complaint shall be decided within a period not to exceed thirty days from the date ofreceipt.)

Consequently, the submission of grievance petition is limited to specific dates, which are either from the date of the occurrence of the case or from the date of the issuance of the grieved decision, and the administration to which the grievance petition was forwarded shall decide on the grievance petition within thirty days from the date of receiving the grievance petition.

Therefore, when the grievance petition is forwarded, the administration must respond to his petition within a period of ten days, and if that period elapses without any response from the administration, and not exceeding thirty days, this shall be deemed an implicit refusal of the administration regarding grievance petition, and the concerned person shall challenge the implicit rejection decision before the administrative judicial by filing cancellation case, from the date on which the implicit rejection of the grievance petition was established, as the sixty-day period is calculated from the date of the implicit rejection of the grievance petition (Al-Bourini, 2011, p. 24) .

The Researchers believes that the thirty days period is a sufficient period for the administration to respond to the grievance petition submitted by the concerned person, and considering that the administration's failure to respond to grievance petition during that period as an implicit decision to refuse is the administration's aim not to prolong the period of litigation before it.

N. Quest Two
Objective conditions of administrative grievance

We previously discussed the formal conditions for an administrative grievance. To complete our study, we must also talk about the objective conditions for an administrative grievance, which relate to the grievance being meaningful, as well as for it to be clear and apparent. So, we will address these objective conditions through the following:

O. Section One
The grievance must be meaningful

The complainant against the complained administrative decision must examine the seriousness of his grievance in terms of achieving its benefit, i.e., would the administration changes its decision by amending, canceling or withdrawing it, as it may happen that the administration issuing the administrative decision does not have sometimes the power to revoke its decision, by losing or deviating from its authority to revoke the administrative decision issued by it (Al-Tahrawi, 2010,p.135).

We support the ruling of the Jordanian Supreme Court of Justice in its implementation: (If the decision is final by law, then the grievance in this case becomes neither feasible nor productive ....) Decision No. (45/1978), Journal of the Jordanian Bar Association, the first issue, year 1978, p.18.

In implementation of this what is stipulated in Article (10/A) of the Student Disciplinary System at the Jordan University of Science and Technology for the year 1999 which stipulated that some disciplinary decisions issued by it are considered final decisions, that is,unchallengeable.

It may sometimes happen that the administration discloses its unwillingness to receive grievance petitions for any reason whatsoever, and therefore it is useless for the aggrieved or the employee to submit his grievance, as these petitions will be rejected (Khalifa, 2005, p. 258).

P. Section Two
The grievance must be clear and limited

Article (162/A) of the Jordanian Civil Service Bylaw No. 30 of 2007, and its amendments states: (No formal grievance proceedings shall commence only after discussing the subject of complaint with the direct President, the officer shall verify the validity of his complaint or his information, and shall view the regulations and instructions issued in this regard before making a petition.)

In reference to the text of the foregoing article, we find a clear confirmation of this objective condition which addresses the clarity and content of grievance petition. The foregoing article states that the employee who is aggrieved by the administrative decision must verify the validity of his grievance and, and ensure the validity of the data and information contained in the grievance petition, as well as the necessity for the complainant employee to organize the grievance petition in accordance with the regulations and instructions regarding grievance provisions.
Accordingly, the grievance petition must be clear, defined with its terms, wording and meanings, so that it is clearly indicate the content of the complained administrative decision and to include all data and information that denies ignorance of the complained administrative decision, and that the grievance petition be comprehensive of all data related to the grieved administrative decision (Khalifa, 2005, p. 256).

Q. Quest Three
Effects of administrative grievance

Submitting an administrative grievance in accordance with the previously mentioned principles and conditions to the competent administrative authority has a number of effects, some of which may relate to the individual forwarding the grievance petition, some may relate to the administration that issued the grieved administrative decision, and some may related to the complained administrative decision. We will address these effects concisely as follows:

R. Section One
Grievance effect on the individual

The silence of the concerned person against whom the administrative decision was issued is acceptance by him of the content of that decision, as this is considered an implicit acknowledgment by him and submission to its content, whether it is compatible with his interest or contradicts with it. But in the event that the concerned person submits a grievance against that decision at the specified time, he is considered rejecting that decision, and he intends to draw the attention of the administration issuing that decision to amend its decision by withdrawing or cancelling it. Therefore, the administration must accept the grievance petition of the affected person and meet all or some of his requests, and thus corrects its decision making the person enjoys his full rights in accordance with the principle of legality, which saves him the burden of resorting to the judiciary to claim his right, thus saving time and expenses (Yaqout, 2004, p. 789).

S. Section Two
Grievance effect on the administration

The submission of the grievance petition by the concerned person to the administrative authority issuing the administrative decision puts the administration before two options, whether to accept the grievance petition or to explicitly or implicitly rejects it. Therefore, the administration's acceptance of the grievance petition from the aggrieved person in whole or in part and within the legally specified period requires to look into the petition by amending its decision by withdrawing or cancelling it. As we mentioned earlier, this will put an end to the dispute in an amicable manner between the person and the administration before resorting to the judiciary to challenge such decision and demand its cancellation. The administration mayissueitsdecisiontoexplicitlyrejecttheadministrativegrievancewithinthe period specified to look into the grievance petitions which requires the concerned person to challenge the result of the

issued decision by rejecting the grievance before the Administrative Court within a period of sixty days from the date of the issuance of the administrative decision containing the refusal of the grievance (Al-Rousan, 2010, p. 183_184).

Article (8 /E) of the Jordanian Administrative Judiciary Law stipulates that: (In the event that the competent authority refuses to take the decision or refuses to do so, the appeal period shall begin after the lapse of thirty days from the day following the date of the applicant's submission of a written petition for that body to take such decision). The silence of the administration or its failure to make a decision during the thirty-day period is considered an implicit rejection administrative decision, which leads to the commencement of a new appeal period after the expiration of the thirty-day period starting from the date of submitting the administrative grievance (Shatnawi, 2011, p. 457).

Accordingly, we believe that the thirty-day period is a sufficient period for the administration to issue its response to the grievance petition, and that there is no need to prolong that period in order to preserve the legal positions of individuals, where the administration can issue its decision during that period to reject or accept the grievancepetition.

Conclusion

In this study, we presented the general provisions of the administrative grievance against the disciplinary decisions as we presented a descriptive and analytical presentation of the various related topics that highlight the administrative grievance role in disciplinary decisions as s a means through which disputes that arise between individuals and the administration can be amicably settled before resorting to the judiciary, which relieves the judiciary on the one hand, and saves time, effort and expenditures for individuals on the other hand.

For this end, we addressed the concept and definition of the administrative grievance, as well as its importance that has a major role in establishing bridges of trust between administration and individuals or public servants, as the grievance is a guarantee subsequent to disciplinary actions.

Therefore, this study focused on clarifying the types of administrative grievance, which are optional, obligatory, allegiance, and presidential, as well as the formal and objective administrative grievance conditions, and the effects of forwarding grievance petition by the concerned person to the administration.

At the end of the study, we reached a conclusion of the research, which included a set of findings and recommendations, as follows:

T. First: findings

1. The Islamic legislation preceded all positive legislation in applying administrative grievances through the so-called “center” of grievances.
2. The Administrative grievance provisions in Jordanian legislation, especially in the Jordanian Administrative Judiciary Law and the Jordanian Civil Service Bylaw, were inadequate and insufficient to address all grievance petition issues against disciplinarydecisions.
3. Lack of specific regulation in the Jordanian legislation pertaining only to administrative grievanceissues.
4. The Jordanian legislator did not explicitly defined the administrative decisions that must be appealed against,exclusively.
5. The necessity to include some written statements in the grievance petition regarding the applicant, the aggrieved decision, and some other information related to grievancepetition.
6. Lack of clear and explicit standards in Jordanian legislation that define the distinction and separation between obligatory and voluntary grievances, and the mechanism to differentiate between them.
7. The Jordanian legislator referred, in the Jordanian Civil Service Bylaw, to a type of grievance types according to the party considering it; forwarding the grievance petition to a special committee to look into the grievancepetitions.

U. Second: Recommendations

In light of the study findings, the followings are recommended:

1. The Researchers hopes that the Jordanian legislator address and cover the deficiencies in the Jordanian Administrative Judicial Law and the Jordanian Civil Service Bylaw regarding grievance petitions against disciplinary decisions.
2. The Researchers hopes that the Jordanian legislator enacts a special regulation that deals with the issues of administrative grievance against disciplinary decisions.
3. The Researchers hopes that the Jordanian legislator explicitly define the administrative decisions that must be appealed against,exclusively.
4. The Researchers hopes that grievance petitions to include some written information related to the applicant, the aggrieved decision, and some other information related to grievancepetition.
5. The necessity to set clear and explicit criteria to distinguish between obligatory and voluntary grievance, and the mechanism to differentiate betweenthem.
6. The necessity to form special committees in public departments and institutions whose tasks are to look into all grievance petitions submitted by affected parties.
7. . Expanding research studies on issues of administrative grievance in Islamic legislation.

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