THE ROLE OF THE ANTI-CORRUPTION COMMISSIONS IN CONTROLLING THE ADMINISTRATIVE DECISIONS

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Abstract

Administrative and financial corruption is one of the most dangerous phenomena in some countries such as Jordan. The adverse effects began to appear in the form of economic recession and the state's inability to overcome the challenges of establishing public facilities and improving the quality of public services in some fields (Alqubailat, 2022). Since the rate of corruption has increased significantly in Jordan, the jurisdictions have moved away from the traditional method due to some drawbacks concerning the prolongation of the litigation court system, and resorting to alternatively regulatory bodies called grievance/ombudsman. The Jordanian Anti-Corruption Commission (JACC) as an independent governmental body has recently been granted the competence to look into grievances submitted by individuals on the issued administrative decisions. The research question introduced in this research is whether or not the new approach followed by the Jordanian government achieved the public interest in combating financial and administrative corruption by granting the JACC the authority to control administrative decisions and grievances. A descriptive-analytical methodology will be used in this article in order to determine the shortcomings of the current integrity and Anti-Corruption Law and also recommend some legislative modifications that help to enhance the role of concerned governmental departments in combating corruption.

Keywords: Corruption, Administrative Grievances, Administrative Decision, Anti-Corruption

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1. INTRODUCTION

Pursuant to Article 6 of the 2004 United Nations Convention against Corruption, Jordan established the Anti-Corruption Commission under Law No. 62 of 2006. The commission's name was later changed to the Integrity and Anti-Corruption Commission after issuing its law in 2016, resulting from merging the Anti-Corruption Commission with the ombudsman.

As a result of the merger between two regulatory bodies to create a new one that combines the mandates of the two, the legislator had to introduce additional mandates for the Jordanian Integrity and Anti-Corruption Commission (JIACC), which is to resolve administrative disputes between the Public Administration and the aggrieved; a role previously played by the Grievances Board before it was abolished (Badan, 2020). This new mandate had

a significant impact on transforming JIACC into playing the new role of administrative dispute resolution, coinciding with its intrinsic role in collecting evidence and investigating suspicions of corruption (Al-Hailat et al., 2023).

As judicial dispute resolution may entail some difficulties and challenges, such as the sluggishness in procedures and the effort, time, and expenses that it sometimes requires in lawsuit fees and attorney fees, this was a motive for many jurisdictions to develop regulatory bodies that would contribute to resolving disputes to relieve some load off the judiciary (Al-Shibli, 2018). In many jurisdictions, titles like "the ombudsman", "the mediator", and others were given to the entity responsible for administrative dispute resolution (Hatamleh, 2023).

The issue of the study revolves around the many privileges the administration has *vis-à-vis* individuals and how capable the Integrity and Anti-Corruption Commission of balancing between the administration's privileges that serve the public interest and the individuals adversely affected by the administration's sometimes abusive exercise of these privileges, which constitutes a defect and maleficence that might harm individuals. This is especially important considering that Interpretative Decision No. 9 of 2017 issued by the Legislation and Opinion Bureau has narrowed the scope of JIACC's exercise of its role in administrative dispute resolution. This restraint has had a significant impact on JIACC's performance of this newly introduced mandate, in addition to the limitation on means of resolution JIACC is authorized with, some of which focus on non-binding recommendations and suggestions, which the administration often does not uphold. The research question that should be introduced in this regard is as follows:

RQ: Did the new approach followed by the Jordanian government achieve the public interest in combating financial and administrative corruption?

The objective of this study is to explain the Jordanian legislator's approach to administrative dispute resolution by alternative means to the judicial path. The study shall review all relevant provisions regarding the limitations on JIACC's intervention in administrative dispute resolution, the extent of the administration's response to JIACC's decisions and recommendations and explain the latter's legislative basis and characteristics that distinguish it from other administrative bodies. The study shall also touch upon the nature and place of grievances before JIACC. It shall review the interpretative decision No. 9 of 2017 issued by the Special Court for the Interpretation of Laws and its impact on JIACC's ability to carry out its tasks related to administrative dispute resolution.

The structure of this paper is as follows. Section 2 reviews the relevant literature. Section 3 analyses the methodology that has been used to conduct empirical research. Section 4 contains the research results. Section 5 provides the conclusion of the paper.

2. LITERATURE REVIEW

Al-Hailat et al.'s (2023) study that deals with the legal effect of job rotation in combating corruption examined the job rotation and its impact on combating administrative corruption and the role of the concerned governmental department. However, since this study concerns only the role of job rotation in combating corruption, the topic of the current study is different as it deals with the role of governmental control exercised by the Anti-Corruption Commission in the legality of Administrative Decisions.

Jadoo'a (2018), in a study on anti-corruption and the main challenges in Jordan, showed a realistic and practical case to reduce corruption in Jordan carried out through several means through the official authorities and the control of public opinion and civil society, in addition to the legislative obstacles facing anti-corruption. However, this study has not examined the efforts of the JIACC in controlling the legality of Administrative Decisions and related grievances.

Another study published by Alqubailat (2022), investigated the legal Jordanian system in refunding smuggled money as a result of corruption, and this research has dealt with the legal basis for the state's right to the refund, as well as the competent commission to consider cases of corruption, in addition to a statement of the commitment of states to help recover smuggled funds and the means of returning them internationally. However, the current article is different since it deals with the issue of controlling administrative decisions by the Integrity and Anti-Corruption Commission rather the judiciary control, which is not examined.

Another related study written by Bin Taha (2014) tackled the types and nature of decisions issued by the President of Grievances Board and Grievances, and the legal methods available to the president to implement his decisions as the Board of Grievances is considered as a monitoring institution, in addition to that this research dealt with the extent of the obligation of these decisions according to the Law of the Board of Grievances No. 11 of 2008, which was canceled in 2016. However, the current study is different since it deals with the administrative control of the Integrity and Anti-Corruption Commission in light of the Integrity and Anti-Corruption Law No. 13 of 2016, which was not covered by the mentioned study.

Al-Zu'bi et al. (2022) provides knowledge of Jordan's regulatory framework for combating administrative corruption and its influence on the economy. This study aims to answer the crucial issue of whether the existence of a strong legislative framework for combating administrative corruption may assist in developing the economy. This article draws one important conclusion: administrative corruption results in an irreversible yearly loss of economic potential; hence, economic growth cannot be achieved without efficient administration. However, this study used some econometric techniques for estimating the relationship between administrative corruption and economic growth without providing suggestions to determine the governmental department that may help to compact the governmental corruption and improve economic growth as a result.

Another research written by Effendi and Ali (2023) looked at the links between forensic accounting and investigative auditing in the analysis of fraud, with the goal of creating a fraud disclosure model for corruption cases in the local government setting. Although this study is considered recent, it only concerns the issue of fraud disclosure for corruption in local government without the central

one and with non-providing alternative ways for controlling the administrative decisions by non-judicial departments.

Effendi and Ali (2023) also presented a new applied study examining the degree of influence of the legal recognition of the issue of corruption in society. This is because it is crucial to determine the community's understanding of the root cause of corruption persistence in order to identify the preventive measures that should be taken to avoid corruption.

However, the research gap of the above studies concerns non-examining the way of controlling administrative decisions and correcting the wrong ones by avoiding the traditional means (litigation court system) and using alternative methods exercised by governmental departments such as Anti-Corruption Commissions.

3. RESEARCH METHODOLOGY

This research has followed a descriptive-analytical methodology as a form of statistical analysis used to detect patterns and correlations in historical data. This method assists in identifying the areas of strengths and weaknesses of the function of governmental control over decisions made by the administration from one side, understanding what occurred in the past, and providing suitable solutions that may be adopted from another side.

Therefore, this study will describe the provisions related to the issue of administrative dispute resolution by the JIACC, analyzing all legislative stipulations with relevant interpretative decisions, and then reviewing all legal principles related to alternative dispute resolution (ADR).

To answer the research question and achieve the main objectives of this article, this study will be divided to examine the Integrity and Anti-Corruption Commission, limitations on JIACC's Intervention in administrative disputes resolution, and look into administrative grievances.

4. RESULTS AND DISCUSSIONS

4.1. The Integrity and Jordanian Anti-Corruption Commission (JIACC)

JIACC is an oversight body that aims to combat financial and administrative corruption in addition to its other mandate of looking into administrative grievances submitted by individuals affected by the administration's decisions and unlawful actions, especially since this latter mandate was newly introduced after merging the ombudsman with the previously titled Anti-Corruption Commission. Therefore, our discussion on this topic will be about the legislative framework of JIACC, and its peculiarity in the following lines of inquiry.

4.1.1. The legislative framework of the Integrity and Jordanian Anti-Corruption Commission

The Hashemite Kingdom of Jordan has ratified the United Nations Convention against Corruption by virtue of Ratification Law No. 28 of 2004. Article 2 of this law stipulates that "The United Nations Convention against Corruption annexed to this law is valid and enforceable for all the purposes intended there for".

Accordingly, the Hashemite Kingdom of Jordan established the Anti-Corruption Commission under Law No. 62 of 2006. Paragraph (a) of Article 3 of this law stipulates that "A body called the Anti-Corruption Commission shall be established in the Kingdom, that reports to the Prime Minister, and enjoys a legal personality with financial and administrative autonomy…". This body is concerned with combating financial and administrative corruption within the scope of specific crimes indicated by Article 5 of this law. In the beginning, JIACC was investigating suspicions of corruption from a criminal perspective only.

The purpose of establishing the ombudsman was to cater to the needs of individuals and grant them access to the services provided by the administrative authorities in an optimal manner. The ultimate goal was to establish a specific body that accommodates the grievances of individuals through a specialized administrative commission that receives and addresses these grievances according to its mandate and the law, with a view to shortening time, effort, and expenses for citizens. This was especially targeted at the people who may not necessarily be able to file a lawsuit before the administrative court, either for missing the deadline for appealing the illegal administrative decision (Alqadi, 2021) or for not being able to afford the filing fees and attorney fees (Samamah, 2021).

In 2016, the Integrity and Anti-Corruption Law No. 13 of 2016 was issued, and paragraph (a) of Article 3 thereof stipulated that "A Commission, named the (Integrity and Anti-Corruption Commission) shall be established in the Kingdom. It shall have a judicial personality, and shall be financial and administrative independent. In such capacity, it shall undertake all legal actions needed to achieve its objectives, and shall have the right to enter into contracts and the ownership of movable property, and has the right to litigate. It shall be represented by the Public Civil Attorney in all legal proceedings". The law had clarified that JIACC has jurisdiction to investigate acts of corruption; as specified in Article 16 of this law, in addition to receiving grievances submitted by any person aggrieved by public administration decisions, procedures, or abstinence from any of them, in accordance with paragraph (a) of Article 11 of the law (AlKhalaileh, 2023).

With the issuance of this law and its approval by His Majesty the King, both the ombudsman law and the Anti-Corruption Commission Law were canceled, which led to the merging of these two bodies and the creation of a new oversight body, the Integrity and Anti-Corruption Commission (Aldalahmeh & Alasasfeh, 2021). The obvious question would be if this merger has achieved its intended goals, on the heels of abolishing the ombudsman?

The establishment of the Anti-Corruption Commission before its abolition in 2016 sparked a broad legal debate in Parliament about the constitutionality of this law, given that the administrative divisions and formations and the organization of departments in the Hashemite Kingdom of Jordan are carried out according to independent regulations issued by the Board of Ministers in accordance with Article 120 of the Constitution. This Article states that "Administrative divisions in the Hashemite Kingdom of Jordan, the formations of government

departments, their ranks, names, management method, how employees are appointed, dismissed and supervised, and the limits of their powers and jurisdiction are set by regulations issued by the Board of Ministers with the approval of the King". On this basis, some entities were established such as the Civil Service Bureau was established to organize public office and personnel affairs provisions, as well as the Office of Administrative Oversight and Inspection (abolished), and the Office of Legislation and Opinion (Qbelat & Shatnawi, 2008).

Although there is no explicit constitutional provision for the establishment of the Integrity and Anti-Corruption Commission, as is the case with the Jordanian Audit Bureau (The Jordanian Constitution of 1952), there are constitutional provisions that can serve as a constitutional predicate for the establishment of JIACC. Among these provisions is Article 17 of the Jordanian constitution, which stipulates that "Jordanians have the right to address public authorities on personal matters or matters related to public affairs, in the manner and under the conditions specified by law".

This provision confers upon individuals a constitutional right to submit requests, objections, and grievances to administrative authorities, whether regarding personal or public affairs. This right is established for all Jordanians, whether such communication is submitted collectively or individually (Adayleh, 1996).

Based on the foregoing, we conclude that the aforementioned constitutional provisions serve as a legislative basis for the Integrity and Anti-Corruption Commission to emerge, even if that is not explicitly stipulated within the constitution, as is the case with the Audit Bureau. Additionally, some comparative legislation has provided expressly for the establishment of such oversight bodies, as is the case with the Moroccan Constitution of 2011, where Article 162 stipulates: "Al-Waseet (the mediator) is an independent and specialized national institution whose mission is to defend rights; within the scope of relations between the administration and the beneficiaries, contribute to the reinforcement of the rule of law, mainstream the principles of justice and equity, the values of morality and transparency in the affairs of departments and the public administrations, public institutions, regional groups, and the bodies that exercise the powers of the Public authorities". It is noteworthy that the Al-Waseet institution is the jurisdictional authority in the State of Morocco over ADR.

4.1.2. Peculiarity of the Integrity and Anti-Corruption Commission

Article 6/2-b of the International Convention against Corruption stipulates that "Each state party shall, in accordance with the basic principles of its legal system, grant the authority or bodies referred to in paragraph (1) of this article the necessary autonomy to enable it to carry out its functions effectively and free from any undue influence…".

It is noticeable that the Jordanian legislator had recently complied with this international commitment to ensure the autonomy of the Integrity and Anti-Corruption Commission. In this context, the Jordanian legislator; in paragraph (a) of Article 3 of JIACC's law stipulated "A Commission called the Integrity and Anti-Corruption Commission shall be established in the Kingdom, which enjoys legal personality and financial and administrative autonomy…".

It is understood from the previous provision that the Jordanian legislator did associate JIACC with the presidential authorities such as the prime minister or the cabinet, as was the case with its ancestor the Anti-Corruption Commission before its abolition, which was reporting directly to the prime minister.

In fact, JIACC's autonomy is further enhanced by the fact that the Prime Minister or the Board of Ministers have no right or authority to dismiss or terminate the Chairman or any of the Board members without having to uphold the relevant legal provision. JIACC's law establishes safeguards for the process of terminating the president or members in paragraph (d) of Article 7: "Without prejudice to the provisions of paragraphs (a) and (b) of this article, it is not permissible to forcefully retire or terminate the Chairman or any member of the Board prior to the expiration of the membership term, as stipulated in this law". Paragraphs (a) and (b) of this article refer to cases of terminating the Chairperson or a member of the Board based on resignation or committing a crime or violation; exclusively indicated by this article.

This previous subordination to the Prime Ministry had made the former Commission's autonomy only ceremonial since it is a subsidiary of the executive authority, which is a derailment of the criteria required for anti-corruption bodies. Such bodies must be effectively independent of the executive authority, which will not be immune to accountability when it commits any of the violations stipulated under the law, as it is inappropriate for the executive authority to be an opponent and an arbitrator at the same time. JIACC should, therefore, be granted enough space to supervise all agencies and ministries, including the Prime Ministry, when there are any suspicions of corruption or administrative disputes (Al-Shibli, 2020).

In another capacity, JIACC also acts as an auxiliary body to other entities with similar tasks and competencies, as it assists the judiciary in exposing administrative and financial corruption therein on the one hand, and on the other hand, it seeks to assist the executive authority to perform its functions and implement the government policy in relation to JIACC's address of grievances (Nasrawin, 2020). This way, JIACC, in addressing grievances, plays a preventive role that contributes to limiting administrative maleficence, by making suggestions and recommendations that would mitigate these errors in the future. It also plays a remedial role by controlling administrative violations that could impede the administrative authorities' functionality in their performance of duties, policies, and operational plans.

Due to the fact that JIACC enjoys complete autonomy, whereas its work or decisions are not subordinated to any administrative authority, due to the seriousness of the tasks and competencies entrusted to it, this has prompted the legislator to envelop it with many legal provisions that would ensure its autonomy in performing its work, as indicated under paragraph (a) of Article 3 of its law which asserts its financial and administrative autonomy. One manifestation of its autonomy is the prohibition on inspecting JIACC's headquarters except by virtue of a judicial order; in the presence

of the public prosecutor, notification of JIACC's Chairperson, and presence of a JIACC's representative; under pain of procedural nullification. Among the manifestations of JIACC's autonomy is also having an autonomous budget. As for administrative autonomy, several attempts have been made to achieve JIACC's autonomy in appointing employees outside of the Civil Service Bureau regime and having an independent HR system. This is apparent in various proposals for JIACC's draft law, the most recent attempt was an amended draft law for JIACC in 2020 (Integrity and Anti-Corruption Law of 2016, Article 5, 31, 33). However, this suggestion was not passed by Parliament, leaving staffing of JIACC within the Civil Service Bureau system.

4.2. Limitations of JIACC's intervention in administrative disputes resolution

JIACC exercises and conducts its mandate pursuant to the regulations governing its function. It always endeavors to achieve the goals and objectives for which it was established. Since the scope of this research revolves around administrative disputes only, without delving into its mandate to investigate corruption crimes, we will divide this chapter into two pillars, the first will touch upon JIACC's passive involvement in administrative dispute resolution, as well as its active involvement under pillar 2.

4.2.1. JIACC's passive involvement in administrative dispute resolution

Under paragraph (a) of Article 11 of its law, JIACC has the jurisdiction to look into administrative grievances related to public administration decisions, procedures, practices, or acts of abstinent from any of them.

In this provision, we notice that the Jordanian legislator has included the public administration's actions, whether legal or physical, and has expanded JIACC's jurisdiction to include all actions, whether they take the form of an administrative res judicata, or were merely procedures that do not live up to an administrative decision; such as recommendations, placements, desires and others (Yasin, 1987), especially that the Jordanian legislator has expanded the scope of JIACC's jurisdiction to also include the actions of the public administration. This concept may extend to include all normative actions and behaviors of the public administration *vis-à-vis* its beneficiaries, whether these take the form of administrative norms or just a blind repetition of some unbinding habits the administration has grown accustomed to (AlKhalaileh, 2020).

As for the acts of abstention stipulated by the law, we find that they may rise to the level of an unfavorable administrative decision should they fulfill the criteria thereof, which can be defined as the public administration's refusal or abstention from making a decision which it should have otherwise legally taken (Alqubailat, 2022). We can safely say that this provision could potentially implicate any position taken by the public administration by which it abstains from providing any of its services to recipients or may refrain from taking any positive position or specific action regarding a request submitted; in violation of the law which stipulates otherwise. However, if the refusal or abstention is required by the law, the behavior of the public administration would be deemed legitimate (Khaled, 2006).

4.2.2. JIACC's administrative disputes resolution before 2017

We have previously indicated that the JIACC is the oversight body that emerged from the merger of the ombudsman with the Anti-Corruption Commission in 2016, thus it commenced its duties then. The question is: Does JIACC in its new structure still play the same role as the abolished ombudsman in its dispute resolution before the above-mentioned interpretative decision?

Table 1 shows the number of grievances submitted to the Board of Grievances during the period (2009–2015) and the number of grievances submitted to the JIACC from 2016–2022 (www.jiacc.gov.jo).

Table 1. The number of grievances submitted to the Board of Grievances during the period (2009–2015) and the number of grievances submitted to the JIACC from 2016–2022

Years	*Processed grievances*			*Number of dispositions or recommendations*		
	Total	*Accepted*	*Rejected in form*	*Disposition by correction*	*Disposition by recommendation*	*Total disposition and recommendations*
2009	2716	1462	1254	297	56	353
2010	1572	882	690	158	55	213
2011	2262	1281	981	206	57	263
2012	1516	956	560	173	61	234
2013	1037	727	300	158	58	216
2014	842	629	213	93	53	146
2015	638	423	215	50	25	75
2016*	498	340	158	45	34	79
2017	The report did not indicate the measures taken regarding the grievances in terms of correction or recommendation, rather stated their number, which was 411.					
2018	The report did not indicate the number of pending grievances and the measures taken regarding them, rather provided only examples of grievances.					
2019	The report did not indicate the number of pending grievances and the measures taken regarding them, rather provided only examples of grievances.					
2020	308	77	231	13	The number is not specified	The number is not specified
2021	248	The number is not specified	The number is not specified	The number is not specified	The number is not specified	The number is not specified
2022	184	45	139	15	The number is not specified	The number is not specified

*Note: * The grievances of 2016 are either still under proceeding or ignored for non-committing any mistake by the administration.*
Source: Authors' calculation.

It can be said that, before issuing the interpretative decision of the Legislation and Opinion Bureau in 2017, JIACC had followed the same approach as the ombudsman had previously in administrative dispute resolution, and in receiving and processing grievances. In our opinion, JIACC used to process all grievances submitted thereto on the basis of the broad interpretation of Article 11/a of the Integrity and Anti-Corruption Law. JIACC accepted decisions as one form of grievances it can process, despite being guarded by the lapse of time from knowledge of the administrative decision, which is sixty days from the day following knowledge of the administrative decision. This is evidenced by the number of grievances that JIACC processed in 2016, compared to subsequent years, where the number of grievances processed by JIACC was 498, of which 340 were accepted, while adjustments and recommendations were made in 99 grievances, not to mention what was carried forward to 2017 (Integrity and Anti-Corruption Commission, 2018).

Therefore, we conclude from the preceding that JIACC in its administrative dispute resolution capacity; after the merger, did not differ much from what the abolished ombudsman was. Nevertheless, the approach differed after the Legislation and Opinion Bureau interpretative decision referenced in pillar 2.

4.2.3. JIACC's administrative disputes resolution after 2017

In light of the 2017 Legislation and Opinion Bureau interpretative decision No. 9, explaining whether or not disputes and grievances related to administrative decisions, including job appeals, appeals by individuals and bodies subject to administrative grievance or judicial appeal, fall within the jurisdiction of the JIACC? This raises the following question: Is JIACC still looking into all grievances and administrative disputes, as the ombudsman used to before it was abolished and merged within JIACC?

This interpretative decision was issued to interpret Article 11/a of the Integrity and Anti-Corruption Law, as well as Article 16-3/b of the same law. The interpretative decision concluded that whenever disputes and grievances related to administrative decisions, public office appeals, and appeals by individuals and bodies subject to administrative or judicial grievance, they are outside the jurisdiction of JIACC. The reason for this exception is the presence of an administrative or judicial authority before which any action or appeal should be brought, not before JIACC. The different laws and regulations determine the eligibility of disputes to administrative or judicial grievances.

It should be noted that decisions issued by the Legislation and Opinion Bureau take the effect and force of ordinary law, as stipulated under the Jordanian Constitution in paragraph (4) of Article 123: "Decisions rendered by the Legislation and Opinion Bureau and published in the Official Gazette shall have the effect of law". Specifying the legal effects of interpretative decisions issued by this Bureau does not raise any legal problems in terms of application and practice, as determining the same can rely upon the fundamental rules of interpretation based on the rule "An interpreted provision takes the value of an interpreted legal provision". Thus, this interpretative decision takes the value of the legal provision according to the rule of legislative hierarchy (Eid, 2011).

The role of JIACC has declined in processing grievances and endeavoring for a resolution resolve; as a result of its commitment to implement the aforementioned interpretative decision, which, in our view, narrowed the scope of JIACC's reception and processing of grievances on the basis of the narrow interpretation of the provisions; rendering administratively or judicially appealable grievances and decisions inadmissible for JIACC ADR, regardless of whether the appeal period has elapsed or not.

It is crucial to note that the legislator's approach in JIACC's Law was to shorten the processing and acceptance period of grievances to six months, based on Article 12/b of JIACC's Law. This section stipulates that "The grievance shall not be accepted after six months of the incident, and the Board may accept it after a lapse of the respective period should the latter find it related to public affairs". This is contrary to what was stipulated in the abolished ombudsman law, under which this said period was a whole year (Integrity and Anti-Corruption Law No. (13) of 2016). We find that comparative legislation, such as the Moroccan legislation under Law No. 14.16 of 2019 regulating Al-Waseet Institute has not specified a period for submitting grievances before the latter; considering that such an institution is supposed to serve as a critical focal point between citizens and the administration. Such a structure or nature should render the institution free of formality restraints that would impede the achievement of its goals and objectives.

Accordingly, and based on our previous analysis, we find that JIACC, due to its rigorous compliance with the legislative system as a whole, starts with its compliance with the constitutional provision that gives the interpretative decision the effect of law, as well as the interpretative decision No. 9 of 2017. This strict compliance led to an apparent decline in JIACC's role in processing grievances and administrative dispute resolution. We can substantiate this claim by referencing the number of grievances JIACC had looked into and resolved with the administration; which we came across in the course of reviewing JIACC's 2017 annual report. Unlike previous annual reports, this aforementioned report did not provide any details of the grievances; except for the number of reserved grievances out of the total number of grievances accepted in form. In 2018, the annual report also omits details of the grievances; except for some examples. As for 2019, this report did not single out a section on grievances but rather mentioned some examples of grievances considered by the Complaints Directorate in JIACC (Integrity and Anti-Corruption Commission, 2018).

4.2.4. The role of liaison officers in following up on administrative disputes resolution

Perhaps the most critical provisions introduced by the current Integrity and Anti-Corruption Law is stated in Article 12 of the law, which authorizes

the chairperson of JIACC to assign one or more liaison officers to public administration entities; provided that all matters related to such appointees shall be determined in accordance with relevant instructions issued by JIACC's Board.

Pursuant to this provision, JIACC issued "Instructions for liaison officers at Public Administration Institutions" No. 11 of 2019. Article 6-3 of these instructions stipulates that "The liaison officer shall carry out the tasks the Chairperson of the Board assigns thereto through the Secretary-General, depending on the nature of JIACC's business, and in accordance with the provisions of the law. The liaison officer shall assume the following duties and powers: … (3) follow up on grievances submitted against the public administration".

Here, credit is due to the Jordanian legislator's approach, whether in the fight against corruption or administrative dispute resolution. Credit must also be given to JIACC for implementing these legal provisions practically, as it has appointed liaison officers to all public institutions to carry out many tasks toward achieving the goals and objectives of JIACC. Among these tasks is to follow up on grievances and the public administration's responsiveness thereto. Undoubtedly, the presence of liaison officers would urge the administration to respond and deal seriously with administrative disputes that are directed against it and to seek resolution thereof in accordance with the legislation in force.

4.2.5. JIACC's active involvement in administrative disputes resolution

JIACC actively exercises part of its jurisdiction without having to receive a grievance or a complaint. Instead, it may take the initiative independently; being one of Jordan's most important oversight authorities. We can describe these jurisdictions as follows:

JIACC may voluntarily exercise some tasks in pursuit of its objectives of achieving equality, equal opportunities, integrity, and transparency of procedures. That is why the approach of the Jordanian legislator in this aspect was successful in stipulating under Article 8-a/3 of JIACC's Law, that "The Board shall assume the following duties and powers: … (3) consider any subject presented thereto, or on its initiative, related to any of the public administration's decisions, procedures or practices, and submit its recommendations in this regard to the respective administrative entity".

This provision addresses an essential aspect of JIACC's mandate, which is making recommendations to the public administration entities to simplify procedures, with a view to enabling individuals to access the various services efficiently and easily. JIACC's Board may also make such recommendations on its initiative based on recurrent grievances about a certain issue. The recommendations may be based on a self-initiative from JIACC's Board whenever it finds that a defect may taint this behavior or practice of the public administration.

This provision represents an evolution of the approach of the Jordanian legislator with respect to JIACC's contribution to evaluating some administrative practices and procedures, and presenting its recommendations to the public administration to better serve equity and the rule of law (Jadoo'a, 2018). The objective of such recommendations is to serve justice and set standards for all public administration bodies to follow in their exercise of legal provisions, in line with the principles of justice and fairness that must be necessarily upheld in the actions and practices of the public administration, which of course would enhance its legitimacy. Nevertheless, the public administration must not become complacent with legitimacy, but rather should endeavor to go beyond that to achieve just and equitable services, which is a very noble and lofty goal, and would also create a very healthy relationship between public administration and individuals.

4.3. Looking into administrative grievances

Consideration of administrative grievances begins from the moment it is submitted to the concerned department under JIACC. Processing starts at the registration and sorting department, which makes its recommendation to accept or reject the grievance in substance. If accepted in form, and then accepted or rejected by JIACC's Board. If accepted, it will then be referred to the grievances department for further processing that ranges from verifying the credibility of the grievance, and then submitting the recommendations again to the Board of JIACC to take the appropriate decision. Therefore, we will explain these procedures according to the following.

4.3.1. Reception of grievances

JIACC receives grievances that fall within the scope of its mandate, as we have indicated above, and it decides upon them according to the law. Accordingly, this pillar has been divided into two sections; first, we will explain the parties to the grievance, and second, the grievance controls.

The parties to the grievance

Undoubtedly, the parties to the grievance are the aggrieved and the respondent, so we will explain the legal provisions relating to these two parties as follows:

The aggrieved: JIACC's law did not specify the nature of the aggrieved as a natural or a juridical person. Instead, it indicated at the beginning of paragraph (a) of Article 11 that "The person aggrieved may…". This phrase came absolute, and the general rule in interpretation is that an absolute applies as it is unless a provision comes to restrict it. Therefore, we can say that the grievant may be a natural or juridical person, and there is no difference between them. When submitting a grievance by a juridical person, it must be submitted by the latter's legal representative (Al-Baqour, 2019).

The respondent: Considering grievances against public administration is one of the tasks carried out by JIACC, and the second article of JIACC's law defines public administration as "Ministries, government departments, official public institutions, public institutions, and municipalities".

When asked to, the Legislation and Opinion Bureau has clarified the difference between them. It specified the distinguishing elements of official public institutions in its resolutions No. 19 of 1965. These elements are: 1) to comprise administrative law persons and be managed according to the regulation and methods of public law and use the public authority to achieve its objectives; 2) that the services it performs be public; 3) financed by public funds and to apply in its accounts and oversight the rules followed for state funds; 4) its employees are considered public officials, and their decisions are administrative; 5) it shall have the right to conclude contracts and enjoy various financial privileges (The Legislation and Opinion Bureau of Interpretation Decision No. 17 of 1975).

Controls of grievance

JIACC's law and the procedures regulating the acceptance of grievances have clarified some of the controls, which are the form, data, and location of the grievance, which is what we will explain as follows:

Form: Paragraph (b) of Article 11 of the JIACC's Law stipulates that "Grievances, including a summary of the facts and reasons, and the party that issued the decision or took the action, shall be submitted on the form prepared for this purpose, substantiated by the supporting documents if any, provided that the petitioner or his/her legal representative signs this form".

The form referred to in the above article can be accessed either personally at JIACC's headquarters, or through the offices of the Jordan Post Corporation. It can also be submitted electronically on JIACC's website or via JIACC's smartphone app available on App stores (http://www.jiacc.gov.jo).

Grievance information: The law did not specify the data available in the grievance submitted to JIACC. However, when looking at the grievance submission form includes much personal information about the grievance, such as his name, personal data, nationality, national number, place of residence, address, telephone number, name of the grieved party, the date of the incident, the subject of the grievance, and the subject matter of the grievance. The grievance, and that the grievance attaches some documents such as a document proving his identity or what proves his legal representation of others and other data directly related to the grievance.

Restrictions on accepting grievances: In line with the principle of separation of powers and to ensure the autonomy of the judiciary and respect for JIACC of judicial rulings, item (3) of paragraph (a) of Article 16 of JIACC's Law prohibits accepting any grievance if it may be challenged administratively or judicially, or if it is Its subject is considered before the judiciary, whether this judicial body is administrative or statutory. We have previously made observations related to this restriction.

The Jordanian legislator did not stipulate that the judgment should have acquired a peremptory degree. It also deduces from the provision that it is required that the judgment be issued on the merits of the case. On the other hand, this prohibition does not apply to him if the decision relates to issues or legal defenses.

On the other hand, the Jordanian legislator stipulated that no grievance would be accepted if more than six months had passed since the incident subject of the grievance. The incident took place up to one year, especially since JIACC excludes consideration of any dispute between the same individuals and does not consider such disputes, given that these disputes are the judiciary's jurisdiction over its various forms.

4.3.2. How JIACC resolves administrative disputes

JIACC uses several means to deal with the public administration regarding the grievances it is considering. In this request, we will talk about these means and the administration's position on these means as follows.

After JIACC's Board accepts the grievance, the procedures for verifying the grievance begin, and this is done through the grievance department, which is part of JIACC's investigation directorate. Issuing recommendations based on the grievance, and we will show this as follows:

Addressing the respondent's administration: To verify the grievance, JIACC may address the public administration concerned with the grievance, where a detailed report is written on the incident subject of the grievance and sent to the concerned department. The time limit for responding to this report was determined in accordance with paragraph (b) of Article 13 of JIACC's law within fifteen days from the date of receiving the report, provided that the administration itself may request an extension of this period for a similar period.

JIACC must be provided with all the required information and documents necessary to answer the required report so that JIACC can view all the data and take the appropriate decision to resolve the administrative dispute, especially since the presence of liaison officers in many government departments has an effective role in urging the concerned authorities to respond to JIACC's requests quickly.

We note that the wording of paragraph (b) of Article 13 referred to above referred to the formula of obligation and not permissibility, as the wording of this paragraph was as follows: "The public administration must respond within fifteen days…" as stipulated in paragraph (c) from the same article above, also referred to in the form of the obligation to refer the matter to the Board of Ministers by the Chairman of JIACC, for the Board of Ministers to take the decision it deems appropriate, as it stipulates that "If the public administration refrains from responding within the period specified in the paragraph (b) of this article…the president refers the matter to the cabinet to take the decision he deems appropriate".

From the analysis of these provisions, it goes without saying that there is no disciplinary sanction resulting from the failure of the officials of these departments to answer and cooperate with the Integrity and Anti-Corruption Commission as a deterrent to this category, if it fails to implement the legislation properly, without prejudice to the aforementioned criminal penalty represented by imprisonment for a period not exceeding three months or a fine not exceeding five hundred dinars in the event, the concerned authorities refrained or

were unreasonably late in providing information, data and documents required, when requested by JIACC (Integrity and Anti-Corruption Law No. (13) of 2016).

Hearing the complainant's testimony: JIACC may sometimes resort to hearing the complainant's statement and verifying the incident, its causes, date, and all the information required about it. "In the event of a decision by the Board accepting the grievance, the Board authorizes the president or any of its members to take the necessary measures to resolve the issue of the grievance as quickly as possible, and by the means it deems appropriate". Hence, it is understood from the inability of this article that all means are available and can be used to verify the incident in question. One of these means is to hear the complainant's testimony until it is resolved.

Referring the administrative dispute to the Board of Ministers: Paragraph (c) of Article 13 of the Commission's Law states that if the public administration refrains from responding to JIACC's report sent to it within the specified period, or if the concerned department refuses to take the necessary measures to resolve the administrative dispute, or if a dispute occurs between JIACC and the administration. The concerned person may refer the matter to the Board of Ministers to take the appropriate decision.

The Commission's report for the year 2018 provided an example of the use of this method. This incident is summarized by a group of people submitting a grievance in which they object to the decision of the General Customs Department to stop appointing them to a job (customs policeman/ escort) and not to complete the appointment procedures due to the objection of others. JIACC verified this incident and ensured the legal measures taken by the Civil Service Bureau and the Customs Department, which showed the soundness of the appointment procedures from a legal point of view. Then the Minister of Finance was addressed, who in turn raised this matter to the Board of Ministers. As a result, the cabinet's recommendation was to complete the appointment procedures of this category (Integrity and Anti-Corruption Commission, 2018).

Since JIACC law is part of the legal system in effect in Jordan and all ministers are charged with implementing JIACC's law, as is the case with implementing all other laws, it is necessary for the Board of Ministers to ensure the proper application of this law. The Board of Ministers shall take the appropriate action to resolve any dispute presented to it in the event of a dispute concerning public administration (Bin Taha, 2014).

Issuing recommendations based on a grievance: We have previously mentioned the possibility of JIACC's Board sending recommendations without a grievance and on its initiative. In this context, we will explain the role of JIACC's Board by sending recommendations based on the presence of a grievance, as item (3) of paragraph (a) of Article 8 of the law JIACC requires such an order, which stipulates that "(a)–The Board shall assume the following tasks and powers: (3)–Studying any subject presented to it, or on its initiative, related to any of the public administration's decisions, procedures or practices, and sending its recommendations in this regard to it".

This recommendation is considered an application of the principle of equality and non-discrimination between employees who enjoy the same legal positions. The focus is that all employees subject to the civil service system are equal. The same circulars issued by the Prime Minister regarding amounts deducted from employees instead of using buses and buses are applied to them.

5. CONCLUSION

Since the rate of governmental corruption has been increasing in some countries such as Jordan, the topic of governmental control by the Anti-Corruption Commission upon administrative decisions is new and needs to be examined and written by academics especially the legal libraries have insufficient material on this subject, and if it is found, it would be only related to the corrupted administrative decisions without examining the benefits of using alternative means in impacting such actions. The existence of such a paper, therefore, is very important to enhancing the role of concerned governmental departments in combating corruption.

This study has dealt with a critical topic, which is the approach of the Jordanian legislator in administrative dispute resolution through the Integrity and Anti-Corruption Commission instead of the judiciary. Where it has shown the most important differences between the approach he took in the adequate Integrity and Anti-Corruption Law compared to the approach he took in both the abolished Law of the Ombudsman and the Anti-Corruption Commission, and the study reached a set of recommendations as follows:

The necessity of amending item (3) of paragraph (b) of Article 16 of the Integrity and Anti-Corruption Law to become as follows ((b)–Taking into account what was stated in paragraph (a) of this article, JIACC is not competent to consider the following: (3)–Complaints and grievances that may be received for administrative or judicial appeals during the appeal period specified in the relevant legislation), with the addition of a clause to this paragraph worded as follows (taking into account what was stated in paragraph (b) of Article 12 of this law, JIACC is obliged to accept grievances after the period of administrative appeal has passed or judicial if the legally required conditions are met).

It is also important to modify paragraph (b) of Article 12 as follows (grievance is not accepted after the lapse of two years from the date of the incident) so that we give the grievance a reasonable period to submit his grievance to JIACC, as the six months in the current law is not sufficient from our point of view if we are informed on the experiences of some comparative jurisdictions, some of which did not specify a period in the first place to consider grievances, such as Moroccan legislation.

Another recommended point is that the JIACC should clarify all the grievances, their number, and the procedures that have been corrected and resolved in its annual reports to be prepared in the future, as it was previously, and as is the case,

detailing corruption issues in the annual accounts for the years 2017, 2018, 2019, to highlight the role of JIACC in resolving administrative disputes and its work is not limited to detecting financial and administrative corruption.

It is also hoped that JIACC will take the necessary measures to issue instructions specifying all requirements and procedures to be followed when submitting a grievance that will be clear and announced to everyone on JIACC's website in line with the electronic transformation of government transactions and procedures and implementation of good governance.

A further suggestion that helps to compact the corruption in Jordan is modifying the Constitution to explicitly stipulate the establishment of a supervisory body concerned with combating financial and administrative corruption and administrative dispute resolution in proper ways to achieve the principle of the rule of law to resolve the dispute over the constitutionality establishing JIACC by law (Al-Shibli et al., 2023).

It is proposed that the annual report of the Integrity and Anti-Corruption Commission be discussed by the National Assembly, as is the case with its discussion of the Audit Bureau report, especially since activating this role would constitute a center of power for both in Administrative Disputes Resolution and influencing the executive JIACC through the National Assembly by subjecting it to political accountability by Parliament.

It is necessary that JIACC's law stipulates the imposition of disciplinary penalties from the competent authorities on department officials if they do not respond to JIACC's communications and seek to obtain some documents and information related to grievances, which would contribute to administrative dispute resolution. We suggest that this be done by adding a phrase to paragraph (c) of Article 13 of the Commission's law, which is worded as follows (provided that disciplinary penalties are imposed on officials of departments that refuse to provide the Commission with their requests).

Another suggestion is that grievances be received by all available means, including receiving them other than the form prepared for grievances, as well as the possibility of obtaining them orally, provided that these grievances are subsequently documented by the form designated for grievances.

It is proposed that the Jordanian legislator will enhance the autonomy of JIACC more effectively by stipulating in JIACC's law that the organization of its personnel affairs shall be carried out according to a functional system specific to JIACC and not its association with the Civil Service Bureau through the application of the civil service system to its employees.

Finally, it is recommended that researchers prepare a specialized study that balances the role of the JIACC in combating financial and administrative corruption on the one hand and encouraging and protecting investment on the other hand, as the increasing rate of corruption in any country will negatively affect attracting foreign investments.

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