



RESEARCH ARTICLE

# Disciplinary Accountability of Public Employees within its Time Framework: An Inductive, Analytical, and Comparative Study

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ARTICLE INFO	ABSTRACT
Received: Oct 19, 2024 Accepted: Dec 13, 2024	The disciplinary responsibility of a public employee, after the termination of their service, is generally limited to the offenses committed during their services. However, this responsibility may vary depending on the circumstances, particularly if disciplinary procedures were not completed before the employee's service ended. This can occur for reasons such as reaching the legal retirement age. Therefore, the study emphasizes the need to clarify the time frame within which a public employee can be held accountable for disciplinary actions. The research was directed within the framework of a descriptive and analytical comparative approach between the laws of the Arab civil service systems and in the light of French law, and the goal of the study and its importance stems from an attempt to find a time link to achieve disciplinary accountability - after - the end of the job description of the public employee, and within this goal the study recommended all legislators of civil service systems and functional (which are many systems) to develop a period of time for the expiration of the right of public administration in disciplinary accountability for the public employee and by three to five years, for the lack of survival of such an employee Under the wings of fear and hesitation in the courage to work and take responsibility, and then his innovator, creativity and devotion to the honor of public service.
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## 1. INTRODUCTION

Disciplinary responsibility varies across different disciplinary systems worldwide, even though the category applies to—public employees—is consistent. One category of responsibility pertains to actions or mistakes that may have occurred before an individual begins their public service employment, referred to as "previous errors or mistakes." In this case, the public employee is not held accountable for these mistakes because the formal employment relationship with the public administration has not yet started. Since the functional link between the employee and the public administration has not been established, any mistakes made prior to this period cannot be used as evidence of failure to meet the requirements for appointment, particularly the expectation of good conduct and behavior, which are fundamental to positions of honesty and honor.

On the other hand, the second aspect of disciplinary responsibility involves mistakes committed by the public employee during their tenure in public office. In this case, the legal aspects are fully established. It can be stated that a properly appointed employee, even if on official leave—regardless of the type of leave—remains accountable. This is because official leave is treated similarly to being actively on duty; in both situations, the employee's functional relationship with the public administration has not been interrupted. Additionally, an employee appointed through a defective or invalid decision can still be held accountable, unless their employment relationship is formally terminated by cancellation or withdrawal from the competent authority. This ensures the proper and continuous functioning of public services.

In the same context, an employee who performs duties outside of their primary role—such as a delegated, seconded, or assigned employee—can still be held accountable. Responsibility is not waived in these cases, as the employee remains under the employment relationship, whether they are seconded domestically or abroad, or sent on a practical mission. In such situations, it is unreasonable to expect the employee to commit disciplinary errors without being held accountable. According to the principles of responsibility, whether administrative or criminal, accountability is based on the freedom of choice. Therefore, an administrative or criminal penalty is imposed on individuals whose actions contravene the law. This applies to the violating employee whose behavior deviates from the expected conduct while carrying out their administrative duties.

The third category of disciplinary responsibility for public employees concerns accountability after the termination of their service, which is the focus of this study. This aspect of accountability is rarely addressed in detail in existing research, making it an important area of exploration. Therefore, this study will propose and examine the extent to which the public administration, for which the employee worked, can hold the employee accountable for mistakes committed after the termination of their employment. In other words, the study will investigate whether the end of a public employee's service can be considered a valid reason for holding them accountable for errors made prior to their departure from public office.

Given the seriousness of this accountability, which could summon an ordinary person who is no longer a public official, the removal of the functional bond and the termination of legal accountability by the administrative apparatus may lead to judicial accountability before both administrative and ordinary courts. This raises important questions about the legal and judicial consequences of such accountability, particularly regarding its validity and the material outcomes that affect the individual's legal, material, and moral status. Therefore, we have decided to focus on the issue of disciplinary accountability for public employees within its time frame, specifically after the functional bond with their administrative apparatus has ended.

### **1.1 The importance of the study**

The importance of this study lies not only in its exploration of a contemporary issue—the determination of a time frame for addressing matters related to public employees after the end of their functional association—but also in its attempt to fill the legislative and judicial gap on one hand, and address the lack of detailed jurisprudential analysis on the other. As such, it is essential to describe and analyze the legal framework surrounding this issue.

The uniqueness of this issue lies in the need to allocate legal provisions within the civil service system and litigation procedures that address the public administration's ability, on one hand, and the administrative or even ordinary judiciary's authority, on the other hand, to hold public employees accountable for mistakes committed during their service that only become apparent after the end of their functional association. It is suggested that this accountability period should range from three to seven years following the termination of the functional relationship. This time frame would help protect the public administration from losses and uphold the principle of non-impunity, as applied in criminal law, while also ensuring that public employees are not left in fear of ongoing threats or intimidation. Ultimately, it serves as a positive deterrent, signaling that disciplinary action may follow if the employee, after leaving public office, engages in actions that harm the administrative apparatus or disrupt public services.

It is established among various civil service laws, regulations, and statutes and finds a legal provision addressing the issue of disciplinary accountability for a public employee after the termination of their organizational association with the administrative apparatus that such provisions do not exist. There is, in fact, no legal text—at least not the minimum—indicating the recognition of this issue, the establishment of its legal framework, or the methods for dealing with it, including whether it should be adopted or not.

## 1.2 Objective if the study

This study aims to highlight the importance and seriousness of disciplinary accountability in safeguarding the administrative function of public administration. It seeks to ensure that the integrity and capabilities of public administration are not compromised, even after a public employee's service ends. Additionally, the study aims to establish this accountability as both a public and private deterrent, discouraging anyone from committing administrative violations with the belief that the end of service exempts them from administrative or judicial accountability.

## 1.3 Problem of the study

The nature and scope of this research raise a central issue: to what extent is it possible and legitimate to hold a public employee disciplinarily accountable for mistakes made during their tenure in public office, despite the termination of their service and the cessation of the functional bond between them and the administrative apparatus they worked for?

Additionally, if the public administration proceeds with legal action to hold the employee accountable for these mistakes after the dissolution of the functional bond, especially in the absence of administrative regulations specifying the time frame for disciplinary accountability post-service, can this procedure be considered legal and thus not subject to cassation by the court or administrative department at any judicial level?

In light of these questions, the primary issue of this study emerges: how can disciplinary accountability be effectively addressed when it pertains to administrative errors committed during public service, by examining the provisions of civil service regulations and other disciplinary systems designed to protect the public office and prevent its abuse.

Thus, by analogy with these questions, the main issue of this study arises: how to effectively address the legal treatment of disciplinary accountability for public employees who commit administrative errors during their tenure in office. This involves examining the provisions of civil service regulations and other disciplinary systems designed to preserve the integrity of the public office and protect it from misuse. The study will describe, analyze, and discuss the reasons for and methods of holding a former employee accountable for misconduct, even after the termination of their service and the severance of the functional bond with the administrative apparatus they worked for. In doing so, the study aims to establish an appropriate legal framework for this type of disciplinary accountability.

To determine the scope of the possibility of disciplinary accountability after the termination of the functional association and to provide a comprehensive and preventive answer to the issues related to this type of accountability, particularly with respect to its time frame and the existence or interruption of the functional relationship, a set of questions arises. These questions focus on the following key points:

## 1.4 Methodology

The research adopts an inductive approach, utilizing a descriptive-analytical method to conduct an objective reading and in-depth analysis of legislative texts and judicial rulings related to the regulations governing public service. The goal is to reach specific conclusions and recommendations that contribute to understanding the nature of disciplinary violations that occur both during and after the termination of the employment relationship. The study examines whether the end of the job bond can justify holding a public employee accountable for violations, even if their functional relationship with the administrative apparatus is dissolved and they are no longer subject to public service regulations. The research will also offer recommendations to clarify this issue and propose its formal inclusion in both organizational and judicial frameworks by legislators and administrative judges alike.

## 1.5 Research questions

The main challenges faced by the study include the absence of previous administrative legal studies that directly address the issue in its specific form. The researcher was unable to find specialized legal studies that detail and clarify the time frame for holding a public employee disciplinarily accountable after the termination of their service, nor the application of disciplinary accountability and the imposition of appropriate sanctions once their functional capacity has ended.

This gap in the existing literature motivated the researcher to proceed with this study, by answering the following questions:

- What is a public employee? What is a functional bond?
- What is disciplinary accountability, and what is the time frame for its application?

## 1.6 Research structure:

For all these reasons, this study is structured as follows:

- **The legal nature of the public employee and his organizational relationship**
  - Definition of a Public Employee
  - Criteria for the Appointment of a Public Employee
- **Disciplinary accountability for the public employee after the end of his employment**
  - The Nature of Disciplinary Violations Requiring Accountability
  - Conditions for Accepting Disciplinary Accountability After the Termination of the Employment Relationship

The study concludes with a set of findings, followed by a series of proposals, with the hope that they will be considered by the legislator and the administrative judiciary.

## 2. THE LEGAL NATURE OF THE PUBLIC EMPLOYEE AND HIS ORGANIZATIONAL RELATIONSHIP

All countries that follow comparative law aim to clarify the general provisions regulating public service in accordance with civil service laws and the regulations issued under them. Among these provisions is the precise definition of the public employee, the duties they are entitled to, and the corresponding job obligations resulting from their organizational functional link with the administrative apparatus to which they are affiliated and legally subject. Functional legislation in these countries follows this approach by organizing the public office, particularly for the public employee, who is considered the effective human element. Special regulations are in place to monitor their career, address the assumption of administrative responsibilities, and outline the disciplinary accountability that may apply to them, both during their service and even after leaving their administrative position.

### 2.1 Definition of a public employee

Part of the administrative jurisprudence defines a public employee as "a person who undertakes work in one of the public jobs subject to the civil service system or other special functional systems, such as the system for ministers, the administrative judiciary, or the employee list, with the conditions and qualifications required to fill any of these positions" (Al-Sunaidi, 1412 AH: 232). The French legislator, on the other hand, refers to the public employee as a specific role by emphasizing the requirement of permanence in occupying the public office. This is based on the provisions of Article II of the French Civil Service Law of 1984, which states that a public employee is "one to whom the Civil Service Law of 1984 applies, and who works in a permanent position, whether full-time or part-time, provided that they are a classified employee occupying grades within the administrative hierarchy of the central administration or the associated external administration."

As for the Jordanian legislator, the Jordanian Civil Service Law No. (82) of 2013 defines a public employee in Article II as "a person appointed by a decision of the competent authority to a job listed in the table of job formations issued under the General Budget Law or the budget of one of the

departments, including employees appointed under a contract, and does not include those who receive a daily wage." However, the Jordanian Civil Service Law No. (9) of 2020 and its amendments up to 12/9/2024 deviates from this definition. Article III of this law clarifies that its provisions apply to employees appointed in accordance with its regulations. It then, in Article IV, divides these employees into two categories: permanent employees and those employed under contracts.

By analogy with the previous definitions, the nature of the relationship between the public employee and their government apparatus becomes clear. This relationship is tied to any individual who works regularly under the management of a public government agency, after undergoing official appointment procedures in accordance with the established processes for occupying public office. These processes are stipulated in the functional regulations that govern public office and its occupancy. As a result, the appointed employee is assigned specific functional responsibilities based on the original practice (Helou, 2006: 200). Once the organizational functional link between the public employee and the affiliated government apparatus is established, several outcomes arise, the most notable of which include:

**First:** The state, in accordance with its legislation regulating the governmental administrative function, is responsible for determining the organizational status of the public employee, along with the rights and obligations that result from this position.

**Second:** The state has the right, under its functional legislation regulating public service, to modify the organizational status of the public employee at any time, and at its own discretion, without requiring the consent of the public employee, especially when disciplinary accountability, as addressed in this study, is invoked.

**Third:** A public employee who is legally appointed according to the functional regulations governing civil service does not have the right to unilaterally terminate their job association with the government administrative apparatus to which they legally belong. Any such action would result in penalties for considering the employee as absent from their position, along with the associated financial and administrative consequences.

**Fourth:** It is important to emphasize that the judicial administrative apparatus competent to consider job disputes between the public employee and the government administrative apparatus to which they are affiliated is the administrative judiciary, as defined in countries with a dual judiciary system. In countries with a unified judiciary system, it is the administrative department that handles such matters. Therefore, the public employee is not entitled to resort to any judicial authority other than the one designated to claim their rights or in the event they are subjected to abuse by the administration. (Helou, 2006: 200; Shatnawi, 1998: 38).

It should be noted that there exists an organizational relationship between the public employee and the government apparatus to which they are affiliated, as outlined in most civil service regulations. For instance, the French Civil Service Law supports the provisions of Article V, which states: "The employee occupies a statutory and regulatory position vis-à-vis the administration" (Shatnawi, 1998: 38). The regulatory relationship between the public employee and the government apparatus, or the state in the strict sense, is solely a regulatory relationship governed by the principles of public law and public authority. (Heikal, 1421 AH: 138 ff.)

By analogy with the foregoing, it is clear that the relationship between the public employee and the state is a legal and organizational one, characterized by rights and duties that reflect its administrative and organizational nature. This relationship proceeds in accordance with the texts and regulations that govern it in all its intricate aspects, particularly those that define the employee's connection to public administration throughout their career and up to the point when their functional capacity ends. Disciplinary powers remain applicable during the employee's career if a disciplinary violation is proven, within a defined time frame. Based on this regulatory organizational framework that binds the public employee to their management, a disciplinary sanction can only be

imposed if it is legally proven that the employee violated something related to the public office's interest, causing harm to it in a manner contrary to the public facility's interest and the requirements of its laws and regulations. (Planty, 1971: 270).

## 2.2 Criteria for the appointment of a public employee (Safar 2020)

It is essential to have a set of controls in place for selecting individuals who will assume roles within the state's administrative apparatus. These controls ensure that those appointed are legally and administratively qualified to perform the duties of public office, while also maintaining the continuity and efficient functioning of public services. The most important controls for selecting and appointing public employees are as follows:

- **First: Ensuring a job vacancy:** This is a critical issue to prevent overcrowding among public employees and to ensure that qualified personnel are available to fill public office positions.
- **Second: Ensuring financial capabilities:** It is crucial to strike a balance between filling public office positions with employees and the state's ability to allocate the necessary financial resources. This often requires the approval of the Ministry of Finance to fund new job vacancies.
- **Third: Nationality requirement:** As is the practice in most countries, it is necessary for an individual appointed to a government job to possess the nationality of the state. This requirement is explicitly stated in the public service laws of many countries.
- **Fourth: Good conduct:** Under civil service laws and regulations, a public employee must demonstrate good conduct and behavior when applying for a government job for the first time. This is a fundamental requirement related to moral integrity. The individual must not have been convicted of any criminal offense or misdemeanor that could affect their honor, such as theft, embezzlement, or other crimes related to administrative duties. Therefore, the Ministry of Civil Service typically requires candidates to provide proof that they have not committed any of these offenses when applying for a government position.

## 3. DISCIPLINARY ACCOUNTABILITY FOR THE PUBLIC EMPLOYEE AFTER THE END OF HIS EMPLOYMENT

Most public service legislation, including laws and regulations, outlines the duties of public officials to ensure the proper functioning of the administrative apparatus in which they work. This is to prevent them from falling under disciplinary responsibility. Public employees are required to comply with these laws and regulations to avoid disciplinary actions or administrative sanctions. Such obligations are clearly stipulated in the regulations governing the discipline of public officials in all legal systems. Since it is not possible to categorize disciplinary violations into a specific group, it is left to the competent investigation committees to determine the legal classification and appropriate penalty for each violation. This process aims to achieve administrative justice when dealing with disciplinary violations, ensuring that the consequences are proportionate to the severity of the offense.

### 3.1 The nature of disciplinary violations requiring accountability

Disciplinary sanctions serve as a crucial tool in addressing disciplinary violations, despite the wide range of offenses committed by public officials during their tenure in public office. These sanctions arise from a set of duties explicitly outlined in public service regulations, laws, and internal instructions, which public employees must adhere to in order to avoid disciplinary accountability. Given the variety of potential violations, the types of sanctions imposed on a public employee are diverse and tailored to the nature of the offense. This diversity in sanctions reflects the thorough investigative procedures and administrative legal processes followed by the relevant administrative apparatus in handling cases of violations committed by employees.

Administrative jurisprudence primarily relies on the legal regulations and rules governing the administrative function to define a disciplinary violation, along with the associated duties and prohibitions that apply to public employees. These definitions are typically outlined in a separate section of the civil service regulations. In this context, part of administrative jurisprudence defines a disciplinary violation as "the employee's breach of the duties set forth in the regulations, his failure to meet the requirements of duty in his job, or his behavior that undermines the honor or dignity of the public office" (Kabbani, undated: 328).

In the same context, a disciplinary violation is defined as: "Any voluntary act or omission committed by the employee that violates the duties or requirements of the job and is carried out by a person who holds the position of a public employee. It also includes any indication of the failure of the public employee to adhere to organizational and ethical principles, both during and outside the performance of the job" (Al-Atoum, 1984: 81).

Therefore, based on the foregoing definitions of a disciplinary violation, all of which revolve around a common theme, it is clear that any act committed by a public official that violates the requirements of the job or profession—whether related to its duties, prohibitions, or ethics—constitutes a breach. This violation is considered equivalent, whether it occurs within or outside the scope of the functional work (Al-Tahrawi, 1432 AH: 14).

From this perspective, we cannot assert that the principles applied in the Penal Code are directly applicable to disciplinary violations committed by public employees in the course of their duties. The principle of "no crime without a law" cannot be applied to disciplinary violations, given the complexity, diversity, and variability of such offenses, which cannot be limited to specific categories. French administrative jurisprudence and judiciary follow this approach, stating: "It is sufficient for an employee or worker to commit an act described as a violation of the requirements of the job or profession to which it is attributed, and the discretion to assess this is given to the competent administrative authority, even if the legislator does not specifically stipulate that violation." The French judiciary has confirmed this stance, with the Council of State ruling that: "A disciplinary offense is not subject to the principle of *nullum crimen sine lege*, so the competent administrative authority may assess whether the act committed by the employee is contrary to his job duties" (Auby, 1962: 131). Legislators in most states have used general terms to clarify what constitutes a disciplinary offense for public officials (Al-Tahrawi, 1432 AH: 23).

It is acknowledged that determining the disciplinary violation, as well as its temporal, spatial, and severity scope, is largely left to the discretion of the legislation governing public administration. This determination often relies on judicial rulings that address similar categories, which can be classified as disciplinary offenses according to judicial theory. The French judiciary, recognized as the cradle of administrative law and jurisprudence throughout history, has adhered to this approach in its judicial decisions. One of its rulings explicitly stated: "A disciplinary violation is an employee's breach of his job duties, including acts that violate the honor of the job" (Al-Tahrawi, 1432 AH: 15).

### **3.2 Conditions for accepting disciplinary accountability after the termination of the employment relationship**

At the outset, it must be noted that most of the legislation regulating the administrative function has adopted the principle of not limiting disciplinary violations to predetermined categories. No system in comparative law countries, regardless of its name—whether related to the discipline system of the public employee or the civil service system—explicitly defines the administrative penalties or violations upon which administrative accountability is based. This is described as a discretionary authority for the public administration, similar to its authority in determining whether an act by the public employee constitutes a disciplinary violation. This discretion extends to the investigative bodies and disciplinary boards, allowing them to choose the appropriate penalty from those outlined in the system based on the nature of the violation committed. However, despite the discretionary

authority of the public administration, it is crucial to ensure that the principle of justice is activated when imposing a disciplinary sanction based on a disciplinary violation.

Accordingly, we find that most occupational disciplinary systems have allocated a separate section in their legislative functional regulations to define the penalties prescribed for public employees who commit disciplinary offenses. This is done to prevent the matter from becoming a discretionary authority left solely to the public administration, thus avoiding arbitrariness in decision-making. By clearly outlining the penalties, the system ensures that the choice of punishment is proportional to the severity of the violation. As a result, disciplinary decisions are more structured and are not subject to appeal before the administrative court, as long as the prescribed procedures and proportionality are observed.

As for the time frame for disciplinary accountability of a public employee for an administrative offense that occurred during the performance of their job, the general rule is that a public employee can only be held accountable for mistakes made during their time in service. However, if disciplinary procedures are not completed and the employee's service is terminated for any reason (such as reaching the legal retirement age), the disciplinary measures can continue. This is because the critical factor is the employee's employment status at the time the offense was committed. Additionally, it is not permissible for an employee to submit their resignation during ongoing disciplinary accountability proceedings, as this would be considered a voluntary attempt to escape accountability, which is illegal. However, if the employee submits their resignation before disciplinary proceedings have started, and they are aware of being referred for disciplinary action, it is up to the competent administrative authority to accept or reject the resignation. Finally, if a disciplinary error is discovered after the employee has left their position, the answer is yes, the employee can still be held accountable for it. The key consideration is the existence of the offense, not the timing of the employee's departure from service.

In the case of a public employee who commits a disciplinary offense during their service, but the error is discovered after their services have ended, the key issue remains the availability of the employee's functional capacity at the time of the offense. If the employee was still in service when the offense occurred, they can still be held accountable even after leaving the service. This ensures that the public interest is upheld and the rights of the state and its public funds are protected.

As for the question of what punishment can be imposed on the employee after their services have ended, the answer depends on the legal framework governing disciplinary actions in the relevant jurisdiction. In most cases, disciplinary sanctions are tied to the employment status of the employee at the time the offense occurred. If the employee has already left the service, the typical disciplinary penalties (such as suspension, demotion, or termination) may no longer apply. However, the state or administrative body may still pursue other legal actions, such as financial penalties, recovery of damages, or legal proceedings, depending on the nature of the violation and the regulations in place.

Ultimately, while the employee may no longer face traditional disciplinary sanctions after leaving the service, legal consequences for their actions could still be pursued through other means, such as civil or criminal proceedings, especially if the offense involved misconduct that harmed public funds or violated public trust.

The existence of the organizational relationship between the public administration (government apparatus) and the public employee is crucial in determining whether disciplinary actions can be taken and whether the employee can be investigated and penalized for any violations. This relationship is particularly important in the context of comparative law, where civil service regulations across different countries emphasize its role in the process of holding public employees accountable.

The organizational relationship between the employee and the government apparatus serves as the basis for determining the scope of disciplinary accountability. If the employee is still under this



functional association at the time of the violation, they are subject to administrative investigation and potential disciplinary sanctions. This functional link ensures that the employee is within the jurisdiction of the administrative authorities responsible for handling such violations.

Additionally, the existence of this functional relationship also determines the appropriate judicial body for addressing any disciplinary violations. In most legal systems, the administrative judiciary is the designated authority to hear cases involving public employees, as it has the expertise and mandate to handle disputes related to public service and administrative matters. Therefore, the administrative judiciary plays a key role in overseeing the investigation and imposition of penalties for disciplinary violations committed by public employees while they were still part of the public administration.

This is evident when examining the Jordanian legal system. Article (150) of the repealed Jordanian Civil Service System emphasized the judicial nature of disciplinary councils, specifying their jurisdiction to handle any disciplinary case in person, with the employee referred to the council present to face charges of a disciplinary violation. The procedures for considering such cases are confidential, and the employee is granted the right to appoint a lawyer to represent and defend them. The employee may also attend disciplinary hearings with their lawyer, question witnesses, and present evidence to support their defense or challenge the facts of the case. Additionally, the new Jordanian Civil Service System No. (9) of 2020, in Article (34) Paragraph (d), reiterates that “the two disciplinary councils established under this system shall continue to consider disciplinary cases referred to them before the implementation of the amended provisions of this system, in accordance with the Human Resources Management System in the Public Sector.” This highlights that, according to the Jordanian legislator, disciplinary accountability is limited to the public employee’s period of active service and does not extend beyond their departure from the administrative career. This approach aligns with that of the French legislator, who in their administrative disciplinary system has stipulated guarantees for the rights of defense, impartiality, and justice, emphasizing the necessity of maintaining the functional relationship of the public employee when a disciplinary violation is attributed to them (SALON, 1969: 43).

Based on the above, we conclude that the establishment of a functional link, within its appropriate time frame, is essential for including the public employee in disciplinary proceedings. This includes their initial submission to an investigation committee, where they must appear to address any disciplinary violation they may have committed. This process is unavoidable in order to ensure the guarantees of judicial evidence. On the other hand, if the employee loses the functional organizational link, they will forfeit their right to resort to the administrative judiciary. This is because their status as a public employee is no longer valid if disciplinary accountability is assigned after they have left public office. As a result, a disciplinary penalty would strip them of the benefits they received from their administrative position. Consequently, resorting to the administrative judiciary becomes impossible, leaving the employee to rely solely on the ordinary compensatory judiciary, which could potentially undermine their rights and privileges. This situation arises when a public employee is later subjected to disciplinary questioning for a violation that was not discovered until after some time.

Article (150) of the abolished Jordanian Civil Service Law and the new Jordanian Civil Service Law No. (9) of 2020 both emphasize the importance of ensuring the rights of public employees during disciplinary proceedings. According to these laws, disciplinary boards are granted judicial capacity to consider cases involving behavioral violations by public employees. The procedure for considering these cases is confidential, but the employee has the right to appoint a lawyer to represent them, attend the disciplinary hearings, cross-examine witnesses, and present supporting evidence for their defense or to challenge the facts of the case.

We see, contrary to what has been followed by functional legislation and disciplinary systems for public employees in comparative law countries and a departure from the original and general principle that requires the availability of a functional link for the public employee to achieve

disciplinary accountability against him, and in accordance with the penal law and the principles it has included so that the offender does not escape appearing before justice, the matter requires legislative intervention to explicitly stipulate the extent to which the accountability and conviction of the public employee can be achieved according to a current and future time frame, and that the matter is not limited to the availability of a functional link or not, as it is a matter related to an administrative apparatus and a public facility, and a supreme national issue, in the event of a violation by a public employee, regardless of its extent or type, it affects the safety valve in societies, as these apparatuses and their administrative remains in which they work were originally created only for a higher goal, which is to achieve the public benefit by the continuity of a public facility that provides public services to all members of society, so we go to the necessity of vigilance in including administrative punitive texts with a future time dimension to hold the negligent public employee accountable, which is one of the degrees of achieving justice for the state and citizens alike. Whether.

Our opinion, with scientific modesty, is that there should be disciplinary accountability for the public employee, and the penalty could be either withdrawing some or all of the privileges after the end of the job, such as deprivation of health insurance, for example, or a financial fine, which is often the case. With reference to the statement that some countries, such as Egypt and Jordan, have obligated in their laws and regulations - public employees - not to disclose secrets that they have learned by virtue of their jobs after leaving these jobs, but the question arises about the disciplinary penalty that the competent administrative authorities can impose on them if they violate this legislative prohibition? It is believed that for this reason there is a law in these countries to protect state secrets, so that whoever discloses these secrets that the legislator has defined and explained their aspects in jurisprudence is referred to criminal accountability, not disciplinary.

Building on the points discussed above, the author urge the Jordanian legislator, as well as legislators worldwide, to establish a clear time frame (such as 3 to 5 years) after which the public administration's right to impose disciplinary accountability on a public employee expires. This would ensure that employees are not left in a constant state of fear or hesitation, allowing them to work with confidence, take responsibility, and fully engage in their duties. By doing so, their initiative, creativity, and commitment to the public service will be enhanced.

#### **4. CONCLUSION**

This study evaluates the disciplinary accountability of public employees, specifically focusing on the time frame within which they can be held accountable for disciplinary violations that occur after leaving public office. The study examines whether a public employee can still be held accountable for a violation that only becomes known after their separation from the public office, and whether they are still subject to any organizational association with the administrative apparatus they were part of, according to the civil service laws and regulations in place in various legal systems. The aim is to ensure the protection of the state's supreme interest and uphold the integrity of public office, regardless of whether the public employee still maintains an organizational link with their administrative apparatus.

This analysis advocates for administrative action to address behavioral misconduct, even after an employee has left public office, in order to clarify the legal standing and impact on judicial rights. It calls for the judicial and legislative bodies to consider this issue carefully and propose new, general legal provisions that address the matter, ensuring that no right is lost in such situations.

##### **4.1 Results**

- A public employee is defined as "a person who undertakes work in one of the public positions subject to the civil service system or any special job systems, such as the ministers system, the administrative judiciary system, or the list of employees, among others."
- Disciplinary sanctions serve as a starting point for addressing disciplinary offenses, despite the wide range of violations committed by public officials while holding public office.

- A public employee who is legally appointed according to the regulations governing the civil service system is not entitled to terminate their employment association with the government administrative apparatus to which they legally belong. If they do so, penalties will be applied, considering them as having abandoned the job, along with the resulting financial and administrative consequences.
- Disciplinary responsibility for errors committed during the period of holding public office applies to the employee who is properly appointed. This includes employees on official leave, regardless of the type of leave, as such leave does not sever the employment relationship. Similarly, an employee appointed by a defective or invalid decision can still be held accountable as long as the decision is not canceled or withdrawn. This ensures the regular and steady functioning of public utilities. The same applies to employees who perform duties outside of their regular job, such as those delegated for a case or sent on a mission. These employees are still held responsible because their employment relationship is intact, and it is unreasonable for them to commit disciplinary offenses without accountability.
- Finally, most occupational disciplinary systems allocate a separate section in their legislative regulations to specify the penalties for public employees who commit disciplinary offenses. This ensures that the matter is not left to the discretion of the public administration, preventing arbitrary actions and ensuring fairness.

## 4.2 Recommendations

- **Disciplinary responsibility for previous mistakes:** An employee is not responsible for mistakes made before occupying a public office, as the functional relationship did not yet exist. However, previous mistakes can serve as indicators of the lack of conditions for appointment to the public office, particularly the condition of good conduct and behavior, which is vital since the position is considered a trust and honor.
- **Proposal for legislative intervention:** We suggest that legislators in civil service regulations address the issue of limiting disciplinary responsibility for public employees, specifically by restricting it to mistakes made during the period of holding public office. This should be the general rule, with the possibility of extending the accountability period beyond the end of the employment relationship if disciplinary procedures are not completed before the employee leaves the office (e.g., due to reaching legal retirement age).
- **Time frame for disciplinary accountability:** We recommend that civil service legislators establish a clear time frame for the disciplinary accountability of public employees. This will provide clarity on the period within which disciplinary actions can be taken after the violation.
- **Recommendation for a time limit on disciplinary accountability:** The study recommends that legislators of civil service and job systems in various countries set a time limit of three to five years for the expiration of the public administration's right to hold public employees accountable for disciplinary violations. This ensures that employees are not left under the constant fear of potential disciplinary actions, which could hinder their creativity, innovation, and dedication to public service.
- **Regulation of administrative decision-making:** We suggest that civil service legislators in various countries initiate the enactment of legal texts that regulate the process of making administrative decisions within the committees and councils of government agencies. This could involve issuing specific legal texts or provisions related to the civil service system and its executive regulations, clarifying the mechanism for carrying out such procedures.
- **Judicial rulings on disciplinary accountability:** Finally, we recommend that legislators and administrative judiciaries worldwide adopt judicial rulings that emphasize the importance of holding public employees accountable for disciplinary violations, even after their functional association with the public office has ended. These rulings should aim to deter public employees from evading disciplinary accountability and the associated penalties, ensuring that the public administration and those affected by the employee's actions can seek justice. These rulings would provide constructive legal precedents, paving the way for legislative action to address the issue in future legal texts.

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