

The Legal Nature of the Employees Appointed Under the Special Occupational Regulations (Members of The Diplomatic Corps as an Example) "An Analytical Study"

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Abstract: This study dealt with the issue of determining the legal nature of employees appointed under the provisions of the special job regulations, and we took it upon ourselves to study this situation while highlighting the provisions of the Diplomatic Corps Regulation No. 68 of 1993 as one of several models that we find in the job conditions of the Jordanian legislator, where This study through divided into Two demands, so we dealt with it. The first requirement is what the diplomatic function is, and we have divided this requirement into two branches, where we explained the concept of the public employee in the first section of this requirement, and then we explained in the second section the concept of the diplomatic public employee. This request is divided into three branches. In the first section, we dealt with the relationship between the diplomatic public employee and the public administration, which is a contractual relationship. As for the second section, we devoted it to talking about the relationship between the diplomatic public employee and the public administration, which is a regulatory relationship. Finally, in the third section, we dealt with the validity of International agreements as a basis for determining the nature of the relationship between the diplomatic public servant and the public administration, and at the end of the research we concluded several results and recommendations that we included in the conclusion of the research.

Keywords: Legal Nature, Occupational Regulations, Diplomatic Corps.

1 Introduction

The public administration supervises the management of its public facilities so that the administration does this through public officials, who have a permanent and continuous relationship with the administration, according to a legal framework that defines their duties and rights and they are all subject to a system The Jordanian Civil Service No. 9 of 2020 and its amendments, and as a result of the state's association with international relations that it exchanges with other countries, it has become obligatory for the government of the Hashemite Kingdom of Jordan, in its capacity as a member of the international community, the Jordanian legislator decided to organize these jobs under a special system to preserve their privacy in line with the requirements of diplomatic representation in terms of appointment and other provisions that he singled out. The legislator in the Diplomatic Corps Regulation No. 68 of 1993 and its amendments.

1.1 The Importance of the Study:

The importance of this study lies in highlighting the private job systems that regulate some of the public jobs held by citizens, and showing the adequacy of the texts and provisions of the Jordanian Civil Service Law No. Finding legislative and organizational integration and bridging deficiencies in the general Sharia that regulates the provisions of the public office by creating a special system that governs jobs related to the diplomatic corps and gives them the required privacy due to the importance of those jobs in international representation.

1.2 The Problem of the Study:

The problem of this study lies in the existence of a civil service system that regulates the provisions of the public office on the grounds that it is the mother law of that organization, and the existence of a special system that regulates and governs the functions related to the appointment and exercise of members of the diplomatic corps for their jobs, and the following questions fall under this problem:

- What is the legal nature linking the diplomatic employee with the public administration?
- Are members of the diplomatic corps considered public servants within the meaning of the Jordanian Civil Service Regulation No. 9 of 2020 and its amendments, or is there a special legal concept for these positions, and what are the similarities or differences, if any?
- To what extent did the Diplomatic Corps Regulation No. 68 of 1993 absorb all the vocabulary of the public office

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contained in the Jordanian Civil Service System?

- Are there special conditions related to occupying positions in the diplomatic corps, or are they the same conditions that must be enjoyed by a public employee mentioned in the Jordanian civil service system?
- Are members of the diplomatic corps subject to the same procedures stipulated in the civil service system with regard to job status [appointment, transfer, assignment, secondment, assignment, agency]?
- Are there duties and rights for the occupants of the diplomatic corps, or are they the same rights and duties mentioned in the Jordanian civil service system?
- Is there a role for international agreements in determining the nature of the relationship of the diplomatic public employee with the public administration, especially the Vienna Convention on Diplomatic Relations?

1.3 Study Difficulties:

- lack of References or wrote legal and jurisprudence specialized or any previous studies related to the subject of the study, and this study is almost the first of its kind.
- There are no theses or legal researches that deal with the subject of the study.
- The lack of judicial rulings issued by the administrative judiciary regarding this study.

1.4 Study Methodology:

This study will use an analytical approach to the Jordanian civil service system and diplomatic corps system, as well as a comparative approach with Jordanian legislation. It is necessary to divide the study into three demands, as follows:

- The first requirement: The legal concept of an employee of the diplomatic corps.
- The second requirement: the legal nature of the relationship of the diplomatic employee with the administration.

2 What is the diplomatic function

Booting and splitting:

The public employee is the backbone and main engine of the process of managing and managing the public utility. It is not logical or logical to imagine the existence of a public utility without the presence of the human element necessary for its operation and management, and this is what we see in all public administrations in various countries of the world. We must address the issue of defining the concept of the public employee, which is due to the different economic, political and social systems that differ from one country to another, as well as the characteristics of public administration and its ability to modify, develop and continuous change prevented the culmination of any efforts that reach To the result of defining a specific concept of public servant [1] The functional legislation has only dealt with the concept of the public employee within the scope of its application [2], and as follows:

- The first section: the concept of public servant.
- The second branch: the concept of the diplomatic public employee.

2.1 The concept of a public servant

2.1.1 The position of jurisprudence on the concept of public servant

French jurisprudence did not know a specific concept of the public servant The jurist Maurice Herriot defined it as: "All those who are appointed by the public authority under the name of employees, servants, workers, or worker assistants who occupy a position in the permanent staff of a public utility run by the state or other public administrations." [3]. The jurist "Marcel Wallen" defined it as: "Every person who works in the service of a national authority, and contributes on a regular basis to the management of a public utility managed by the direct management method, and occupies a permanent position included in the administrative cadre." [4]. As for the two jurisprudences "Dowse" and "DeBeers", they said that the public employee is: "Every person who contributes to the management of a public utility that is managed by direct exploitation by the state and is permanently placed in a job within it within the scope of an organized administrative cadre." The Arab jurisprudence was not approached further than what was brought by the French jurisprudence, as some Egyptian jurisprudence came on me The concept of public servant that "Any person who is permanently entrusted with work in the service of a specific public utility, which is directly administered by the state or a person of public law." [5]. Another aspect defined it as: "Any person who is entrusted with permanent work in the service of a public utility run by the state or a person of public law." A part of Jordanian jurisprudence considers that a public servant is: "a person who performs permanent work in the service of a facility run by the state or one of the other public law persons, regardless of the legal system that governs that person and regardless of his consent or His dissatisfaction with the appointment, regardless of the way he receives the salary, the work he performs, or his job level." [6]. Another aspect defined it as: "the person appointed by the competent

public authority to assume, on a permanent basis, the task of managing a public utility that is directly managed by the state” [7]. On the other hand, some jurisprudence came to say that the public employee is: “The person appointed by the competent reference to work in the service of a public utility owned by the state or one of its departments, and managed by the state or a public law person, directly or indirectly.” [8]. Another aspect of jurisprudence addressed that concept by saying that the public servant is: “The person who is appointed by the competent authority to carry out permanent work in the service of a public utility managed by means of direct exploitation by the state or a person of public law.” [9].

From our point of view, we see that this definition is not suitable to be adopted to define the public employee, as this concept was limited only: It refers to the persons who undertake the tasks of administration, without referring to the jobs that are based on providing the service, as the person who provides a service and does not undertake the tasks of management is an employee, and vice versa, so it was more appropriate to include the word “providing public service” in the body of the definition to become comprehensive and preventive.

Some Saudi jurisprudence has defined it as: “Every person who occupies one of the positions subject to the civil service system by virtue of a royal order, a decision of the Council of Ministers, or a ministerial decision, as the case may be.” [10]. Some jurisprudence has determined the necessary elements to define the concept of the public employee, which are [11]:

- 1- **The public employee works in a public utility under the supervision and management of the state or a public law person.**
- 2- **That the person hold a permanent job.**
- 3- **Issuance of a decision by the competent authority or reference to appoint him.**

It should be noted here that an aspect of modern administrative jurisprudence did not stipulate that the public employee work in providing the service permanently, in addition to not requiring that the public facility be managed directly, so the word public employee is applied to every person against whom an appointment decision has been issued by the competent authority, whether he is Performing the service on a permanent or temporary basis, or in a public facility that is managed directly or indirectly [12]. Another aspect of jurisprudence confirms that the traditional concept of the public employee has been afflicted with the development of the public utility in terms of the concept, as the characteristic of permanence or the management of the public utility through direct exploitation are no longer essential elements for assigning the description of the public employee to that person, as that description has become inclusive of all Whoever is appointed to a temporary job, regardless of the method of managing the public facility [13], Another aspect of jurisprudence considers that a public employee is equal to occupying a job, with or without pay, voluntarily or compulsorily [14].

The question that may come to our minds here is, is it a condition for a person to acquire the capacity of a public employee that his occupation of the public office be by actual presence [in terms of time and place] in the facility or public administration in which he was appointed, and is it appropriate for a person to do his work remotely to bestow the description of a public employee on him Or not, in conjunction with the emergence of the term electronic public administration?

In our answer to this question, we would like to point out that the remote work system, whether in the public or private sector, began to appear in conjunction with the emergence of the Corona pandemic, which caused complete paralysis in the functioning of public facilities. However, the change in the pattern of the public employee's practice of his work, whether it is in the same corridors of the public utility or remotely, does not affect the concept of the generally accepted public employee. The measure of this is the performance of the person for the job or service for which he was appointed.

In light of this, we can define a public employee as: “He is every person entrusted with carrying out permanent work to serve a public utility run by the state or a public law person, whether this work is done remotely using modern means of communication, or from within the public utility itself. Whenever possible and legally permissible, for the public interest. From our other point of view, We see that the development of the concepts of the public office is nothing but the product of the characteristics of the administrative law, in terms of its flexibility and its susceptibility to modification and change to suit the developments and necessities of life that are constantly emerging, and which jurisprudence must address. We see that the Jordanian legislator has recently taken notice of this issue when approving the instructions for flexible working hours in the civil service [15] For this purpose, the Jordanian legislator defined remote work as: "Work outside the department's offices, whether from home or so, so that the job tasks required to be performed are handed over through modern technology applications or handed over personally to the department." From our point of view, we see that the Jordanian legislator has succeeded in approving these instructions, as it allows any employee, based on a decision from the Civil Service Council and based on a recommendation from the competent minister, to carry out his job duties remotely, provided that this work is commensurate with the nature of the services provided.

2.1.2 The position of the judiciary from the concept of public servant

The position of the judicial systems did not differ from the position of jurisprudence in the issue of defining the concept of public servant, The French Council of State, in one of its rulings, has determined that the public employee is: “the person who is entrusted with a permanent job within the staff of a public utility.” [16], The Egyptian Supreme Administrative Court

said in its ruling: "The basic elements upon which the idea of a public employee is based conclude that the appointment of employee with a legal instrument to perform permanent work in the service of a public utility run by the state or a person of public law." [17]. As for the Jordanian Administrative Court, it ruled in its ruling By saying that the public servant is "The person appointed by a decision of the competent reference in a job listed in the job formations table in the service of a public utility from the state's facilities, whether he works with a monthly salary in a job listed in the formations table, or with a lump sum salary, or is employed in it, and the distinction is eliminated between the employee and the employee so that they are subject to one system Without discrimination, the term "public employee" extends to all workers in the public utility service, with the exception of those who work for a daily wage. Jordanian Administrative Court By the decision of the General Assembly, they stipulated that the position to be appointed should be included in the table of job formations in the public service service" [18].

From the foregoing, we can conclude the position of the comparative judiciary that the public servant is ^[19]:

- Every person entrusted with providing a service or entrusted with a management task.
- The connection of the service or management task to a public facility.
- That person performs that service or management task on a permanent, continuous or even temporary basis.
- That the public facility be under the management of the state or a person of public law, and that it is managed through the direct or indirect method.
- Issuance of an appointment decision by the competent authority.
- The position for which he is appointed should be included in the list of job formations for a public utility service, provided that its inclusion precedes the appointment decision.

2.1.3 The position of the Jordanian legislation on the concept of the public employee

The issue of defining the concept of the public employee in relation to comparative legislation has been marred by some controversy, and this is due, from our point of view, to the nature of the texts that provided a definition of the public employee. Legal .The position of the French legislator is embodied that he suffice identifying the characteristics of persons to whom the description of public officials applies. [20]. And he came Egyptian legislator in the new civil service law, On the definition of Employ the public by saying that the public employee is: " Everyone who occupies one of the positions included in the state budget" [21]. The new Egyptian Civil Service Law is considered a radical turning point in the position of the legislator and a new approach, which throughout the previous years remained silent regarding setting a specific definition for the concept of the public employee.

As for the case of the Jordanian legislator, he provided a definition of the public employee in various legislations, each of which has its own purpose, such as the constitution, the penal code, and the civil service system, as follows:

a-Jordanian constitution:

The constitutional legislator has provided a definition of the public employee by saying: Taking into account the provisions of Article 52 of this constitution, it is not permissible to combine membership of the Senate or the House of Representatives with public positions. Public positions mean every job whose holder receives a salary from public funds, and this includes municipal departments. Likewise, membership of the Senate and the House of Representatives may not be combined." [22]. We see here that the purpose of this definition is to define the characteristics and conditions of persons who are entitled to run for membership in the House of Representatives.

B-Penal Code:

The penal legislator included a definition of the public employee in the articles of the Penal Code when it stipulated that: An employee within the meaning of this chapter is every public employee in the administrative corps And the judiciary, and every officer of the civil or military authority And one of its members, and every worker or employee in the state or in a public administration" [23]. We see here that the purpose of this definition is for the purposes of applying the provisions of the Penal Code and determining the characteristics of persons and the penalties imposed on them, or to define the characteristics of persons who will be covered by the penal protection umbrella. [24].

C-Civil Service System:

A definition of a public servant is given incivil service that "The person appointed by a decision of the competent reference, in a job included in the job formation table issued pursuant to the general budget law or the budget of one of the departments, and the employee appointed under a contract, and does not include the person who receives a daily wage." [25]. We see here that the purpose of this definition is to define the characteristics of the people who meet the description of the public employee and to determine the nature of the relationship that binds him with the administration, and this is what we mean in our study.

As for the case of the Emirati legislator, it was not different from the case of the Egyptian and Jordanian legislators, as it was known that: "Anyone who occupies one of the positions mentioned within the department's budget, and this includes males and females." [26]. We see here that the UAE legislator required a person to be called a public employee to entrust him

with a job whose financial allocations are included in the unit budget only. As for the case with the Saudi legislator, he came to define the public employee in the executive regulations for human resources in the civil service by saying that the public employee is: "Anyone who occupies a public civil position in the state or exercises its duties, whatever the nature of his work or the name of his position, whether by appointment. Contracting, permanently or temporarily. [27]"

2.2 The concept of the diplomatic public employee and the conditions for his appointment

2.2.1 The concept of the diplomatic corps employee

Through the Vienna Convention on Diplomatic Relations of 1961, the international community identified the foundations related to diplomatic work between countries, in the light of which it left or regulated the diplomatic work of each country independently through the legislation, regulations or functional instructions issued by those countries through which all legal aspects related to And related to the employee of the diplomatic corps, so the issue of defining the concept of the employee of the diplomatic corps raised the ire of jurisprudence—Especially—Jurists of administrative law, where we found that the issue and task of developing a specific concept for the employee of the diplomatic corps has been left to jurisprudence and legislation, as we find that the diplomatic corps system has come to define it as: "the employee appointed under the provisions of this system or the previous diplomatic corps regulations from the position of attaché to the position of ambassador." ".[28] As for jurisprudence, we see that a part of it has defined the diplomatic employee as: "The person who implements the policies of his state in its foreign relations with other countries.[29]And there is another aspect of jurisprudence that defines it as: "He is the person whose name is included in the diplomatic list issued by the Ministry of Foreign Affairs in the country to which it is accredited." [30]"

Through the previous definition, we see that the diplomatic employee is the one who is appointed only according to the provisions of the aforementioned diplomatic corps system. In other words, we conclude that the concept of the diplomatic employee deviates from the concept of the public employee contained in the Jordanian civil service system, given that that system is the general law for organizing the public office. And that what was stated in the diplomatic corps system is one of the first special regulations to apply in the event that the general administration represented by the Ministry of Foreign Affairs and Expatriate Affairs wishes to appoint diplomatic employees to be members of diplomatic missions—Especially—The selection of employees of the diplomatic corps is subject to special appointment procedures and conditions other than those stipulated in Civil Service Regulation No. 9 of 2020, and this is what highlights and shows us the privacy of the legal status of the diplomatic employee.[31]"

From our point of view, we see that the term "diplomatic employee" must be associated with the word "general" so that the term becomes a single unit as follows: "Diplomatic public servant".

Accordingly, and from our point of view, we can say that the employee of the diplomatic year: "Every person who is entrusted with providing a permanent diplomatic public service in a diplomatic public service, whether the diplomatic general service is internal or external, and an appointment decision is made for him by the competent administrative reference, and his name is included in the formations table and allocations are allocated for him Financial in the budget at the expense of public diplomatic posts".

However, what caught our attention when reviewing the texts of this system, we found that not all members of the diplomatic mission are considered diplomatic officials within the meaning of Article 2 of the Diplomatic Corps Regulation, as we find that this system came to define other concepts for members of the diplomatic mission that we review as follows:

1. **Technical supplement** it means the employee appointed under the provisions of the civil service system and whose work station is specified in a mission outside the Kingdom.
2. **Administrative employee** it means the employee appointed under the civil service system.
3. **Financial supplement:** The employee of the Ministry appointed under the provisions of the civil service system and whose work station is specified in the mission.

And when we scrutinized the text of Article 13 of the Jordanian Diplomatic Corps System and its amendments [32] and according to the text of Article 189 / A of the Jordanian Civil Service Law [33] we find that the diplomatic employee enjoys privacy from other state employees, and we infer that from the following:

- The competent reference for appointing diplomatic staff is the Prime Minister based on the recommendation of the competent minister only, while the appointment of employees subject to the civil service system is based on the decision and placement of the competent reference whose number is clear to us through the text of Article 2 of the same system [34]. With the exception of the Consul General and the Chargé affairs, who are appointed by a decision of the Minister based on the recommendation of the Secretary General, provided that the rank of either of them is not less than the rank of Counselor, and we also find that this procedure is also followed when appointing the head of the representation [35].
- Paragraph A of the text of Article 189 of the Jordanian Civil Service Law states explicitly that employees of the diplomatic corps are not subject to its provisions.

It is worth noting that the issue of defining the expression to be used to denote that that person is a diplomatic person has received a share of jurisprudence exposure to it, as one part of jurisprudence has called for the necessity of using the word diplomatic employee as a substitute for the diplomatic person, and jurisprudence justifies this approach by saying that in many countries The diplomat is not a professional employee and therefore he is not a public employee within the meaning of the comparative job regulations and legislation [36].

2.2.2 Conditions for occupying diplomatic corps posts

The job of a diplomat is one of the most important jobs in the state apparatus, and is subject to its legal and functional status to the diplomatic corps system. Article 14 of the Jordanian Diplomatic Corps System stipulates the conditions that must be met by those who wish or apply to occupy a position in the diplomatic corps, and the legislator made these conditions additional special conditions to those he provided in the civil service system [37].

Article 14 of the Diplomatic Corps Regulation states that applicants must have a bachelor's degree, a certain grade, proficiency in English or French languages, and not be married to a foreigner. They must also pass a general competition and be in the age group that has the right to occupy diplomatic posts. [38] Hence, we see that the Jordanian legislator, given the specificity and importance of the function of the diplomatic mission, has stipulated additional conditions for those who wish to run for a diplomatic position other than those stipulated in the civil service system currently in force.

The acquisition of diplomatic status for the staff of a permanent diplomatic mission is done through international practices and customs, registered in a small booklet issued by the Ministry of Foreign Affairs. The legal basis for the diplomatic capacity acquired by members of the diplomatic corps stems from internal laws, regulations and instructions for diplomatic functions, such as the Jordanian diplomatic corps system, and international agreements such as the Vienna Convention of 1961.

3 The legal nature of the relationship of the diplomatic public employee with the administration

Booting and splitting:

The issue of defining the legal nature of public officials appointed under special job regulations has raised the ire of comparative administrative jurisprudence [39]. There are various opinions and theories on the nature of this relationship, such as contractual or regulatory. This study aims to address the issue of The legal nature that governs the employee's relationship in general with their management in order to reach the legal basis that the administration adheres to give legitimacy to diplomatic posts, as follows:

- The first branch: The relationship between the diplomatic public employee and the public administration is a contractual relationship.
- The second branch: The relationship between the diplomatic public employee and the public administration is a regulatory relationship.
- The Third branch: The validity of international agreements as a basis for determining the nature of the relationship between the diplomatic public employee and the public administration.

3.1 The relationship between the administration and the diplomatic public employee is a contractual relationship.

The prevailing opinion in the previous historical stages is that adjusting the relationship between the public servant and his administration is a contractual relationship governed by civil law.[40] That is, this contract is no different from any contract entered into between persons of private law [41].It is an employment contract if it is associated with material work that the public employee performs in the interest of public administration, or an agency contract if it is associated with legal work.[42]. Hence, we see that the source of preventing the public employee from practicing the business of commerce is the contract, that is, that prohibition constitutes a source of commitment that the employee must fulfill as a condition of management dictated to the public employee when contracting, and non-compliance with it results in the termination of the contract, but this theory may It was subjected to criticism, which was the reason for its invalidity in the field of administrative law, and we explain it as follows:

- This theory disagree With the principle of the law of contracting parties, the administration cannot make any amendment to the legal position of the public servant without his approval, as the decision of appointing the public servant by nature is taken by its sole will.
- This theory grants a legal position to the public employee, so that he has the right to claim the termination of the contract concluded between him and the administration, if the latter abides by the terms of the contract.
- The absence of the public interest as one of the reasons for the presence of the public employee in the center of his job or in the management of the public utility [43].

Because of these criticisms went another direction of jurisprudence By saying The relationship between the public employee and the administration is a contractual relationship regulated by provisions and rules Public Law [44] And this aspect believes that the way out for the administration to liberate itself from the restrictions of private contracts is those tools that the administration possesses in its power to impose exceptional, unfamiliar terms on the contract concluded between it and the public employee, and from our point of view, we see that the owners of this approach have relied in their saying that the relationship Contractual is what gives the administration a sole authority to impose conditions or requests in the body of the contract, so that the latter enjoys a legal status that enables it to run the public utility in a way that aims for the public interest, but the owners of this approach did not come up with anything new, so we are still going around in the scope of contracts, and it does not serve the owners This trend is to say that the administration has the right to amend the unilateral will. The administration does not have absolute freedom to amend within the scope of the contract. It is not for it to amend the contract in a way that affects the acquired rights of the public employee [45].

3.2 The relationship between the administration and the diplomatic public servant is a regulatory one

The legal template for the relationship between the public employee and the administration is a template of two organizational regulations, subject to the provisions of the regulations and laws that have been legislated. The legal position that a public employee enjoys does not come from the contract, but from those legal and statutory texts [46]. Thus, the laws, regulations, and systems in France and Egypt deal with job creation, methods of appointing employees, and defining their rights and duties [47]. The French legislator adopted the idea of a regulatory or organizational center for public employees through the Employment Law of 1946, while the Egyptian jurisprudence, judiciary, and legislation took the direction that the relationship between the public employee and the administration is governed by laws, regulations, and regulations, meaning that the public employee enjoys an organizational legal status. The administrative judiciary in Jordan established the principle that the relationship between the public employee and the administration is an organizational relationship that derives its legitimacy from the laws, regulations, and bylaws that regulate the affairs of the public office. This theory is the best theory for evaluating the nature of the legal relationship, as it gives the administration the final say in issuing its decisions without comment from the public employee, and the right to make any amendment or change to the legal status of its employees. It also prohibits the public employee from striking due to its negative impact on the functioning of the facility. [48]. The organizational relationship between the public employee and the administration requires that the public employee respect the laws and regulations that regulate the affairs of the public office, and refrain from taking any action that could undermine the confidence of the legislator and the public. [49]. The general law for the diplomatic corps is the diplomatic corps system, which organized and defined the mechanism for appointing personnel and laid the foundations on which they are selected, terminated, and granted their salaries and allowances. The system also gave the competent authority to transfer the diplomatic employee from the diplomatic category to the civil service system, which governs the employee's relationship with his new category with the public administration. The laws, regulations, and instructions that govern the administration's relationship with the diplomatic public employee are the legal basis for determining the relationship of the former with the latter.

3.3 The validity of international agreements as a basis for determining the nature of the relationship between the diplomatic public employee and the public administration.

The jurisprudential debate has cast a shadow over the issue of defining the relationship between the public employee and his management. However, administrative jurisprudence has established that the relationship is an organizational relationship based on regulations, instructions, and job regulations that have drawn features of that nature. This study will address this issue after it has been dealt with in another place.

The Jordanian civil service system has excluded some public jobs from its provisions, including diplomatic jobs [50]. This reflects the legislator's goal to grant these jobs a kind of privacy, given the nature of the work carried out by the occupants of diplomatic posts. The Vienna Convention of 1961 on Diplomatic Relations [51] defines the procedures and controls for diplomatic work between countries, defines the rights and duties of the members of the diplomatic mission, and defines concepts related to diplomatic work such as diplomatic immunities. It also defines the privileges of diplomatic missions to enable their members to perform their functions freely and without the influence of the host countries. Its articles are considered a starting point for contemporary international relations.

Immunities and privileges are an exception to the state's authority and jurisdiction, as they aim to exempt some persons due to their job descriptions from the state's jurisdiction [52]. The purpose of granting privileges and guarantees to members of diplomatic missions is not to distinguish them from others, but rather to enable them to exercise their tasks and functions entrusted to them by virtue of the nature of diplomatic work. This is done to empower members of missions Diplomacy from doing their flags to the fullest.

Judicial immunity includes absolute immunity from criminal jurisdiction of the receiving state, while the immunity of the diplomatic envoy from the civil and administrative judiciary is not absolute. The territorial provision of the accredited country is complete and no exceptions can be made to it. It is the diplomatic envoy's duty to respect the laws of the receiving country and not interfere in its internal affairs, and it is a crime to inform his state that he has become a person not desirable and to

ask his government to withdraw him or terminate his duties. In the event that his country refuses or fails to do so, the accredited country has the right to refuse to recognize this person as an envoy diplomatically. Granting immunity from the judiciary extra does not mean to evade from punishment.

The nature of the relationship between the diplomatic public employee and the public administration is governed by internal regulations and instructions in the Jordanian diplomatic corps system. International agreements, such as the 1961 Vienna Convention on Diplomatic Relations, are limited to determining what privileges and immunities the diplomatic representatives of countries will enjoy in order to be able to carry out their work seriously.

4 Conclusion

The issue of determining the nature of the relationship between the diplomatic public employee and the public administration is an important one that legal jurisprudence rarely addresses due to the multiplicity of legal templates governing the function of the diplomatic corps. The Jordanian Civil Service System No. 9 of 2020 and Diplomatic Corps Regulation No. 68 of 1993 are the legal systems that govern the diplomatic corps, and defining its nature requires reading the texts of the Vienna Convention of 1961 combined with those functional regulations. We conclude this research by listing the most important results that we reached through what was stated in the body of the study as follows:

4.1 Results

1. The concept of the diplomatic public employee is similar to the public employee in the civil service system, but has a specific set of tasks and duties.
2. The relationship between the public employee and the public administration is governed by internal legislations, with international agreements only determining what privileges and guarantees are enjoyed by members of the diplomatic corps.
3. The relationship of the diplomatic public employee is a relationship that enjoys privacy, and this difference is due to the nature of the tasks that the diplomatic public employee exercises.
4. The protection prescribed for diplomatic public employees differs from that for public employees, as the former derives its legal origin from jurisprudential theories and the latter from internal legislation.
5. Heads of diplomatic missions are appointed after obtaining the approval of the country in which they are nominated to work, and the decision to appoint them from the competent authority is dependent on the acceptance of the accredited countries.

4.2 Recommendations

- The Jordanian legislator should abolish Article 6 of the Diplomatic Corps Regulation, which prohibits appointing any ambassador or any diplomatic employee other than civil servants who have graduated in diplomatic positions from the rank of attaché or above. This is because ambassadors and career diplomats are the most capable and qualified to represent their country and have full knowledge of the nature and privacy of diplomatic work.
- The Jordanian legislator should amend the provisions of Article 23 related to the transfer of the diplomatic employee to an administrative position, so that this transfer is reasoned and due to the inability of the diplomatic employee to perform the diplomatic functions entrusted to him in accordance with the provisions of the diplomatic corps system.
- The Jordanian legislator should amend the text of Paragraph 5/d of Article 21 of the Diplomatic Corps Regulations, so that the committee's decision related to the performance appraisal report of the diplomatic employee is subject to appeal before the Administrative Court, like other administrative decisions stipulated in Article 5 of the Administrative Judiciary Law No. 27 of 2014 And also amending the text of Article 5 of the same law to give the Administrative Court the jurisdiction to hear appeals related to the results of the performance evaluation reports of diplomatic staff, as indicated above.
- The Jordanian legislator should cancel Paragraph B of Article 14, which includes granting the competent minister the powers to exempt whomever he wishes from the conditions of appointment in diplomatic posts mentioned in Paragraph A of the same article of the Diplomatic Corps Regulation.

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