

# The Inspection on the Lack of Jurisdiction Defect in the Jordanian Administrative Judiciary

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## 1. Introduction

The defect resulting from the lack of jurisdiction is regarded as a means to cancel an administrative decision for such the jurisdiction represents the cornerstone among the administrative law systems. Therefore, each authority is named to authority to exercise its jurisdiction according to the bylaws and regulations stipulated by the state. Despite the fact that there have been other defects to influence the legitimacy of the administrative decision, the lack of jurisdiction defect has still been the sole significant shortcoming affecting the public order.

## 2. Statement of the Problem

Violating the basis of jurisdiction is one of the most arising issues that are reviewed before the Administrative Judiciary, and that the notion of jurisdiction when issuing an administrative decision is liked up to the principle of separation of powers and the principle of the administrative legitimacy. Although the presence of other defects for the lack of illegality of an administrative decision, the lack of jurisdiction defect is the only drawback which is part of the public order and leads in essential results. In the light of this, the research problem underlines the importance of the role of administrative judiciary inspection played in relation to the defect of jurisdiction.

## 3. Significance of the Study

The significance of research arises from that it highlights an important drawback concerning the illegality of the administrative decision which is called the defect of lack of jurisdiction. At the same time, the study sheds the light on the judicial inspection such a defect. because it is considered an essential reason for the administrative judge to cancel the administrative decision tainted with the defect of lack of jurisdiction, which contributes to which contributes to the protection of the individuals' rights and to oblige the management to the principle of legality.

## 4. Methodology

This research will follow the descriptive qualitative method of analysis. The analysis will be based on the opinions of the competent jurists in the field of administrative jurisprudence as well as the provisions issued by the concerned courts followed by the researcher's stance with regard thereon.

## 5. Discussion

### 5.1 *The Concept of Lack of Jurisdiction Defect*

In the narrow sense, the lack of jurisdiction defect is seen as the illegitimacy of an administrative decision resulting from the violation of the jurisdiction rules. Henceforth, the lack of jurisdiction is confined to the cases related to the decisions only issued by an individual non-defined according to the jurisdiction rules.

The lack of jurisdiction defect is defined as the absence of legal capacity to issue a particular administrative decision. qualification legal for the issuance of a particular administrative decision. It is, in other words, the legal incapability to take an administrative decision given the need to release a member of staff or a particular body (AlAbbadi, 2007).

Khalifah (2008:172) defines the concept of jurisdiction as: "providing the authority of decision issuance in accordance to law and public regulations to a particular person or administrative body representing the administration's will". In addition, others are concerned with jurisdiction as "the competence of an employee to take an administrative decision" (Sanousi, 2007:92); or as it is "the legal capacity to direct a particular administrative act" (Kanaan, 2010: 251). Henceforth, this concept is seen as the power or legal authority enjoined by the decision maker when issuing a decision, whether in terms of quality or place that is the geographic or regional zone to which the concerned management practices its activities (AlHilu, 2012). It is the legal capacity to direct a particular act concerning an administrative issue where a decision must be made legally (Fawzi, 2016). With this regard, the most highlighted feature of the lawful state is to abide by the principle of separation of powers; thus, the Common Law jurists agree on that the jurisdiction rules shall follow the public order, and a judge then to protect this order by cancelling and decision against the public order (Khatir, 2011).

On the contrary, the lack of jurisdiction defect is denoted to as: "the illegal capacity to hold a particular administrative decision not legal to take a particular administrative decision needed to be issued by an employee or another concerned body" (AlAbbadi, 2008:431). Similarly, Attamawi (1982:196) says that it is again "the inability to perform a certain legal act due to the legislator's will in considering it a case of an individual's or other body's authority". Besides, others define such a defect from the narrow sense as: "the illegitimacy affecting an administrative decision for violating the rules of jurisdiction" (Shatnawi, 1995:508).

The defect of lack of jurisdiction is seen as the most important aspects of the illegitimacy which flouts the disciplinary decisions. It is not only considered as the most emerging defects in the French Council of State, but it is the cause for the emergence of Administrative Judiciary; therefore, an appellant can refer to this drawback to appeal against the disciplinary decisions and demand its cancellation, as provided in Article (7) of the Jordanian Judiciary Law No. 27 of 2014 concerning the lack of jurisdiction.

It is evident from the abovementioned definitions that the lack of jurisdiction is achieved when a member of the administrative authority performs an act not authorized by law or when a layman not possessing an administrative authority does so. It adds to this, the issuance of the concerned decision but accompanied by a phase of violation such as the violation of time, place or theme of jurisdiction. Henceforth, the concerned administration is seen as exceeding the limits of its authority, so it violates the rules of jurisdiction as well as other aspects of appeal against the administrative decision accompanied by the annulment lawsuit. Referring to the Jordanian legislator's Article (8/A) of the Administrative Judiciary Law No. 27 of 2014, it emphasizes on the defects of the administrative decision resulting on annulment as stipulated: "The filing of concerned lawsuit is based shall be due to one or more of the following reasons: lack of jurisdiction, violation of the Constitution or of laws or regulations or a fault in their application or interpretation, the malformation of the decision or its issuance according to a defect of form, and the abuse of power and the cause deficiency".

It is deduced, accordingly, that the jest of the defect of lack of jurisdiction is the public office which holds this defect by presence and absence. The issue of jurisdiction might be exercised by someone who does not represent this description of public office, so he acts upon the absence of the case; while some other cases fit to what is called the case of actual staff or employee (AlJabouri, 2009).

As well-known, law is based on the notion of jurisdiction, and the idea of defining certain competences for management officials is the result of the separation of powers principle which requires that each high authority to exercise its powers assigned to it in accordance with the provisions of the Constitution (Attamawi, 1974). Following this, the activity of an employee or authority is limited to exercise jurisdiction specified by law, noting that it is prohibited for any of them to exceed that jurisdiction to the other; otherwise, his or its work is considered deficient by the lack of jurisdiction defect and, hence, might be revoked (AlAttar, 1968).

Law, by default, defines the general principles of the jurisdiction concerning any member of an administrative authority; either the selected jurisdiction is defined explicitly or implicitly by the legislator. Therefore, if the legislator defines a specific jurisdiction, but it is not assigned to a particular department, the legal premise inspects that the competence here is implicit for the employee whose job nature and title go line by line with jurisdiction assigned. With this regard, the Supreme Administrative Court of Jordan stipulates: "Animosity is considered a sort of public order acts, and the court shall raise it by its own. Thus, the contested decision is issued by the first appellant is against firstly the Council of Ministers,

which is the sole and original stakeholder of jurisdiction but does not have the authority for issuance” (Note 1).

Accordingly, the rules relating to defects of lack of jurisdiction is the only phase of the phases of their annulment that relate to the public order, where the administrative judge shall rule on his own even if he is not overturned by the opponents. And during any stage of the lawsuit proceedings, before issuing the last provision, any person or any certain body shall not be authorized the jurisdiction granted to him or it with accordance to legislation unless this person or body is authorized to do so by law, nor shall the concerned management violates the rules of jurisdiction due to the cause of urgency. Besides, the invalid decision shall not be corrected by a follow-up procedure done by a specialized legal authority as well as it shall not be waived even if the appellant, the stakeholder, himself, has waived; thus, the judge has to encounter his appeal and issues his judge considering his case as phase of public order.

### *5.2 Categories of Lack of Jurisdiction Defect*

The Jordanian jurisprudence and judiciary has defined two categories of the lack of jurisdiction: the simple one which seeks the authority abuse and the complex one which seeks the authority usurpation. In general, the duty of defining jurisdiction refers to the legislator who has the power to not only assign people who have the right to exercise their administrative competencies, but also defines the duties for each one of them within the scope of the employee’s specialty.

#### *5.2.1 The Simple Lack-of-Jurisdiction Defect*

This category of defect is seen as the most prevailing categories known for the public office and within its executive authority and management. In case the disciplinary decision is exposed to this defect, it is then considered void and able to be annulled in accordance to a time period scheduled by the legislator during which the appellant must file a lawsuit of annulment. To hint, if this period expires, the defected disciplinary decision becomes unable to receive appealing of annulment. In other words, this defect denotes that an administrative body issues a decision that does not have the legitimacy or law to issue it due to the fact that such a decision comes under the specialty of another body. This is achieved when the legal impact behind this decision does not meet with the decision maker in terms of legal positioning, which is called the positive lack of jurisdiction defect. On the other hand, there is the negative defect which occurs in case of the failure of an administrative authority to exercise its power or specialties, believing that this jurisdiction is subject to another administrative authority (Shatnawi, 1995). It is then the defect caused by the lack of jurisdiction is regarded simple when it is referred to violating the jurisdiction rules in terms of the administrative job or duty. To note, this phase of defect is seen as frequently recurring but less harmful in the public office (Assaroukh, 2010).

Emphasizing on the negative phase, it is based on the employee’s rejection to issue a decision related to him, believing that this decision is not fallen within his competence scope. Henceforth, an appeal is to be filed against the decision resulted from the concerned management due to its rejection to exercise its power and jurisdiction (AlOyouun, 2010). In contrary, the positive phase of defect, it represents the employee’s issuance of a decision not held within his jurisdiction scope defined by law.

There are three traditional forms of the simple lack-of-jurisdiction defect on which the jurisprudence have agreed, namely as the following:

#### **First: Lack-of-jurisdiction by theme:**

This forms indicates the issuance of a decision by an employee in terms of an issue not fallen under his jurisdiction (Khalifah, 2008). The thematic lack-of-jurisdiction, according to the disciplinary decisions, occurs in case of issuing a disciplinary decision on behalf of either a public official or an employee whom does not have an authority to issue it whether due to being incompetent to issue disciplinary decisions or he has exceeded his authority in disciplining, or he has surpassed to exercise the authorized terms after the expiration of the authorization.

There are several sub-forms of the thematic lack-of-jurisdiction as: the infringement of the presidential power on the subordinate; the infringement of the presidential power on the jurisdiction of the subordinate, the infringement of an administrative power over the jurisdiction of another administrative power having the same position; the infringement of the centered authority over the jurisdiction of the decentralized bodies; and the issuance of a decision based on invalid authorization. These sub-forms are briefed by the following categories:

1) The abuse by an employee or administrative body over the jurisdiction of another employee or administrative body equal to that in terms of the administrative hierarchy:

This can be done by a particular administrative employee or an administrative body over the jurisdiction of an employee or an administrative body equaling to the former in terms of the presidential hierarchy. To clarify, there is no superordinate-subordinate relationship. One of the ministers, for example, cannot issue a decision within the scope of the others, which is a matter that might

happen only in some ministries show relevant competencies altogether like the Ministry of Finance and the Ministry of National Economy. In this context, the decision of the Supreme Administrative Court of Jordan states: "Since the Association Council has issued this punishment in spite of the lack of jurisdiction issued, the case shall be returned to the Disciplinary Board to consider the punishment which has become its specialty, which makes the decision of the respondent, the Association Council, has been released by an incompetent body and shall be then annulled."(Note 2)

Originally, the disciplinary decision must be established by the presidential authority; i.e. it must be issued by the senior Head who has the right to supervise, control, guide, and assess the decisions of the subordinate. Therefore, he has the right to approve, ratify, amend, or cancel these decisions. However, the legislator paves the way for the subordinate to issue administrative decisions without referring to the precedential authority through giving them authorization and power. If a senior Head, for instance, makes such decisions, his decisions are considered defected in terms of thematic lack-of-jurisdiction because of the infringement of the precedential authority over the jurisdiction of the subordinate, so the decision is illegitimate and null (Ghouweri, 1989).

As for the adoption of an administrative authority on the jurisdiction of the other administrative authority equal to that in hierarchy, the base of this defect represents the administrative body's abuse over the jurisdiction of the other administrative authority parallel or equal to it so that there is no superordinate-subordinate relationship between them as if the Minister of Justice had issued a decision is the prerogative of the Minister of Finance. As for the case of jurisdiction in terms of issuing a particular decision for more than one entity, the legislator states that if one of the two bodies has issued the concerned decision, the other body which is passive must reject to issue a decision that contradicts with the first one (Nedah, 1972).

In this regard, it has been decided by the ex-Supreme Court of Justice of Jordan in its Provision No. (74/2011): "the Ministry of higher education is the body authorized to recognize educational institutions, non-Jordanian and the treatment of the certificates issued by it. Therefore, the respondent (Board of Engineers) does not have to comment on the Ministry's decision after it has equalized their certificates. Thus, the contested decision is considered impugned to law and order, and it shall be annulled". (Note 3)

2) The abuse on the jurisdiction of the presidential authority (a lower administrative authority) over the powers of a higher administrative authority:

This means that one of the ministry officials, for example, issues a decision involved within the jurisdiction scope of the Minister or if the Minister himself issues a decision related to the jurisdiction of the Prime Minister's Board. Henceforth, it is illegal for any ministry to suspend any decision issued any the Prime Ministry because it is considered the supreme authority in the state.

For the Court of Justice of Jordan's previous decisions in the area of the defect of lack of jurisdiction on the recognition of presidential power on the competence of the subordinate, and these decisions its judgment dated 21/3/2012, in which it decided: " use of materials, (5-6-7) of the law Regulatory Authority the road transport (No. 4) For the year 2011 that the application of any method or the introduction of any system to adjust the road transport is the prerogative of the Council of the regulatory body of road transport, and the decision of the Director-General of the report of the new mechanism, and determine the number of trips freight cars to apply a new electronic system is the decision of the competence of the board of Regulatory Authority, Land Transport, not the competence of the Director General of the solo, and thereby exceeded his powers, which makes the decision The impugned decision must be annulled because it was issued by a body not competent to issue it."(Note 4)

With regard to the recognition by authorities subordinate to presidential power in the disciplinary decisions, the origin of the inadmissibility of the taking of disciplinary decisions by the authority subordinate, as it enters it within the scope of presidential power only if you find the delegate, and if the decision was made like this it would be invalid, revocable, such as that issued the deputy governor a decision falls within the powers of the governor, bringing this resolution be aesthetically lack of jurisdiction rational material.

### 3) The Abuse by a higher administrative authority over the power of a lower administrative authority:

This sub-form of the defect of lack of jurisdiction *ratione materiae* attack the president on the powers of the subordinate, and requires this case to the decision of the disciplinary hand at the top; while the law has granted exclusive jurisdiction to enact it for the minimum.

#### **Second: Lack-of-jurisdiction by place:**

Intended defects, lack of jurisdiction spatial measurement of one of the men of the department to issue a decision spill over to outside the territory which carries on its competence, the decision of the aesthetically non *ratione loci* if the one of the members of the administrative authority of a decision beyond his sphere of competence of the regional recognized and a member of the administrative authority to the jurisdiction of another member follows the same administrative agency and the same class, like say the branch manager of the ministry in one of the provinces issuing the disciplinary decision against an employee works in another province and to ministry in another province, so the resolution issued by the non-specialist to exceed the scope of territorial jurisdiction (Albbadi,2007).

Uses spatial domains: the first is inclusive, the second exclusive, especially since the staff of the department who have the authority to take administrative decisions are not in the level of one function, which entails the difference of their mandate, the regional issuance of these decisions.

Some of them extends the scope of its mandate, geographical cover all regions of the state and its boundaries, as head of state and the prime minister, his deputies, and some of them confined to its mandate in the scope of a particular territory, such as the governor, mayors and the local units, and these may not exceeded this range in your decisions, otherwise it was marred by defects of non-territoriality, whatever the reasons behind those decisions, even if the agreement between the owner of the jurisdiction inherent and resolution; because the rules of jurisdiction may not be modified or the agreement on the dangers of it, to hang it for a year only if you solve the last shop the owner of the jurisdiction, Provided that this dream in his absence, and to check the conditions measured in the system of milk as a picture of Copies of the exercise of jurisdiction (Darwish, 2012).

Even in the scope of judicial power the jurisdiction of the court be restricted spatially interests existing within the territorial scope specified, otherwise ruled it had no jurisdiction to spatial system and transmitted to the competent court which is located in the scope of the dispute (Leila, 1967).

And apps that the disciplinary authority its authority in signing of the punitive sanction extraterritorial jurisdiction, in the area of disciplinary removal no can of the Disciplinary Board to issue a decision to dismiss an employee outside the scope of competence of the regional.

#### **Third: Lack-of-jurisdiction by time:**

This type of defect lack of jurisdiction in determining the time scale of duty to exercise jurisdiction therein, beginning and end, if the decision of the administrative surpassing this range either before its beginning or after its expiry, the decision defective defects, lack of *ratione temporis* is, in fact, not only the forms or procedures in the administrative decision, or cases set titled Reason and purpose, the reference is to the abduction of jurisprudence and the judiciary in the adoption of pressure or tension in the introduction of the idea of jurisdiction.

The disadvantage that is engaged in man management competence without taking into account the factor of time provided for the issuance of disciplinary decisions, and that the person of the administrative individual or body or council, not the scope of my time is sold in its terms of reference as it is not imagined to have jurisdiction over life unlimited certain time, if the decision is not in the period of time which be the laboratory in which released a resolution adopted resolution that aesthetically lack of *ratione temporis*(Leila, 1985).For example, to bless the general attitude of its terms of reference in time that is labeled as general, the end of his attainment of his retirement age or legal separation, or resignation from public office.

It is determined by the time element of my terms of reference to several important things, it happens to the site sometimes a certain length for a certain decision, and the implications of the expiration without exercise of jurisdiction, and varies depending on what turn to him the intention of the legislator when it is selected for these cities, it may be that the selection is just concerning about the desire of the legislator in the age of the implementation of the law, this does not lead to the expiration of the period necessarily to the demise of the jurisdiction, either if it detects the conflict on the intention of the cutter in it, or it was a project for the benefit of individuals, the risk here lead inevitably to the government the annulment of the

decision.

In a decision of the Jordanian Supreme Administrative Court, it stated: "the 15-day period is for the purposes of appealing the disciplinary sanctions mentioned from the date of the decision. as for the time of appeal against disciplinary decisions in the courts; they start from the date of notification or the place of notification." (Note 5)

Therefore, define the time scale in this case is associated not with the status of general supervisor of the issue resolution inside the functions of his job, and beyond that if the Legislature has imposed a time limit given to the initiative of the competence of certain of the tasks of public employee, despite being employed, however, not choose this work before the term or after its termination, but continued status as a public official.

### 5.2.2 The Complex Lack of Jurisdiction Defect

The disciplinary decisions tinged defects, lack of jurisdiction of the particle or defect usurpation of power, is non-existent which does not have any managerial, and hands have no rights, as it does not protect from challenge despite the passage of time prescribed by law, so, therefore, entitled to administrative whatever to withdraw this decision at any time, without advancing the dates of the appeal of the at the core of the law, and thus don't enjoy the resolution and ratified by a description of disciplinary decisions but is a material, and within range of physical work such as mining or anger, the Do not expect any effects of law and forum.

And there is no subject differed in the opinions of the scholars and adopted the views for no more of this subject (Abu Zaid, 2004), and can be a return to the instability of the judgments on the criterion of the fixed station, and some of the jurisprudence uses the term (lack of jurisdiction of the particle) and others uses (usurpation of power) and see that administrative courts use the same terms but they chose to term against peace in abundance in usage.

The decision of the aesthetically seize the goods when the breach of the rules of jurisdiction are evident and have to semi its release from a specialist (ALHilu, Majid), descended the usurpation of power by resolution to the degree of absence and is not bound by the appeal by date.

The Judicial decisions of the Supreme Administrative Court of Jordan which can make use of it criteria to distinguish between defect simple and very few, we believe that it is not available in the application of the idea of lack of jurisdiction of the particle, the first such standards developed by the court as a case of usurpation of power is: the issuance of a decision based on the authority prescribed by law where it is stated in its decision: "As to the authority of the minister of the interior to issue expulsion decision based on the recommendation of the director is discretionary and is thus the authority does not happen only to recognize the restoration of peace is a non-binding statement of the reason for deportation and that the original administrative decision to issue a sound and proves the abuse of power or any fault of the clinic." (Note 6)

The administrative, non-existent, which does not adhere to the appeal is a decision in which the violation flagrant as to lose him the resolution of his nature and of his service the application of the general provisions of administrative decisions, as if released from someone who is not her recipe originally issued or is not a public official (Kannan, 2010).

There are cases went the case to the report lack that the administration was not out of the competence of the administrative authority, unless they have exceeded the jurisdiction to adjudicate the issue of different administrative body other independent of it, which means the expansion of the case in the introduction of the idea of grabbing power rescue on some of the judicial applications that are offered.

There are some cases that the judiciary has considered as cases of powerlessness, as follows:

- 1) Violation by an administrative authority of the jurisdiction of another independent administrative body with no connection to it
- 2) Understanding not only the drawback that surrounds the work of the Department on the defect of lack of jurisdiction simple, but it exceeds the limit against the authority; as knowledge of competence here is an administrative authority independent of the report of the independent shall not be infringed, or taken away by other administrative authority. For example, the minister of finance decision on the appointment of staff in the Ministry of Education (Attamawi, 1974).
- 3) Abuse by a subordinate of the authority of his superior:

This type of objection to jurisdiction is evident in the extent of judges in conferring the idea of anger, after this image was a fall in cases of exceeded jurisdiction simple appeared the provisions of the State Council, the bank has adopted the subordinate to the jurisdiction of the boss, such as anger authority of the president, where it was held that the law had been made: "... Transfer of staff of the Egyptian up to the third degree of competence of the director of the unit, therefore the decision to transfer the plaintiff has been issued from the general secretary of the issuer to be issued by the officer not competent, which is this Pakistan flaws usurpation of power which makes it non-existent no effect". (Note 7)

Came in the case of Jordan it is considered the law of development of the Jordan Valley, No. 19 of 1988 is applicable to the issuance of the impugned decision prior to the issuance of the amendment and the usurpation of the authority of the Council of ministers regarding the extradition of projects among which building of the Farmers 'Union of Jordanians within a the circles of the municipality of Deir-bug, which makes its resolution aesthetically serious incline to the point of nothingness because it was issued by an administrative authority is entrusted with the released code and thus can be challenged without the date the decision shall become payable when the cancellation (Otaibi, 2015).

#### 4) Invalid Authorization:

The doctrine of invalidity or absence of a decision based on an invalid warrant has divided into two directions:

##### **The first view:**

I think that the decision of the commissioner to build on the delegate is null, or if not issued on interpretation decision as a usurpation of power, and thus be read as non-existent, as well as the decision would be non-existent if the chest is useful to him after the yields of the hands of the inspector for the exercise of the competences that were the subject of negotiation, or after the expiration of the negotiation, the resolution issued based on the violation of the principles of interpretation in administrative law, such as wins in all disciplines it leads to the invalidity of the administrative decision and not the lack thereof.

##### **The second view:**

As this trend went from jurisprudence to the need to distinguish between two cases for delegation of falsehood: the first: the state of being delegated does not have the authority of the report, the second: Being useful to him he can't represent the administrative authority, in the first case, the decision issued based on the authorization invalid and considered non-existent, and for being the source of the decision cannot represent the administrative body based on the authorization is void, and the decision of which is considered a rape to the administrative authority, and if the source Resolution who choose to issue administrative decisions and issued his decision without authorization, so as to rely on the competence of the president or of such as lack of jurisdiction simple and therefore his decision is invalid and non-existent (Sherif, 2014).

It is already the second direction is the closest of the cross as it is in line with the logic of usurpation of power the disadvantage of lack of jurisdiction simple, where stable due to spend is considered the decision of the officer no authority to report non-existent, and therefore the law does not authorize the mandate as well.

## **6. Conclusions**

The researcher derives the following conclusions:

- 1) It is summed up that the lack of jurisdiction is achieved if any member of the Administrative Authority practices an illegal act, or if such an act is exercised by an ordinary citizen who is authorized by the given authority as well as in the case of the non-issuance of decision or acting of the mandate holder.
- 2) The Jurisprudence and judiciary has pointed out two categories of lack of jurisdiction, which are: The simple lack of jurisdiction seeking the abuse of authority; and the complex lack of jurisdiction called the authority usurpation. In general, the determination of jurisdiction refers to the concerned legislator; thus, not only does the latter appoint the persons who are entitled in the exercise of administrative functions, but he assigns to all of them all duties that come within their specialty. As a result, the appointed employee is committed to his own specialty, otherwise his job is considered invalid.
- 3) The Jordanian judiciary system states the possibility of correcting the administrative decision which us exposed to the lack of jurisdiction defect once it is rightly by an exclusive jurisdiction. Thus, the decision becomes legal and is regarded right.

## 7. Recommendations

- 1) It is hoped that the administrative courts will examine more closely the question of the lack of jurisdiction in order to find a specific criterion for distinguishing between the disadvantages of simple and complex lack of jurisdiction.
- 2) It is recommended the Jordanian judiciary to abandon the idea that it is possible to correct the administrative decisions tainted with defects of lack of jurisdiction, aiming at abiding by the legal norm which results from the relationship between lack of jurisdiction and the public order. In addition, it is worthy to note that the lack of jurisdiction does not remove the of the legal defect of the administrative decision.
- 3) It is recommended to follow up with the judiciary updates in this areas, especially the updates concerning the lack of jurisdiction in exceptional conditions as these cases do not represent in a way a defect in the administrative decision.

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## Notes

Note 1. See: The Jordanian Justice Court Decision No. 318/2017, 10/1/2018. Adalah Centre Publications.

Note 2. See: The Jordanian Justice Court Decision No. 28/2018, 28/1/2018. An Ordinary Commission. Adalah Centre Publications.



Note 3. See: The Jordanian Justice Court Decision No. 74/2011. The Jordanian Advocates Journal , v(1-2-3)/2012: p.21.

Note 4. See: The Jordanian Justice Court Decision No. 201/2012. The Jordanian Advocates Journal , v(7-8-9)/2012: p.936.

Note 5. See: The Jordanian Justice Court Decision No. 102/2019, 23/4/2019. An Ordinary Commission. Adalah Centre Publications.

Note 6. See: The Jordanian Justice Court Decision No. 161/2016, 31/5/2016. A tri-Commission. Adalah Centre Publications.

Note 7. See: The Jordanian Advocates Journal v(4-5-6)/2010: p.443.

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