THE LOCAL ADMINISTRATION IN ACCORDANCE WITH THE JORDANIAN CONSTITUTIONAL LEGISLATOR PLAN

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Abstract - This paper deals with an important topic of administrative law which is local administration. This study aims to find out the Jordanian constitutional legislator's treatment of local administration applications. It concluded that the constitutional legislator organized the local administration according to Article (121) of the constitution, where he specified what are the applications of the local administration, namely: municipal councils and local councils which organized according to special laws, and it also concluded that the Jordanian Constitutional Court in its interpretation of the text of Article (121) of the Constitution has determined the conditions for establishing local administrations, the most important conclusion of this paper is that the constitutional legislator is required to amend the text of Article (121) of the constitution to include the foundations upon which the local administration is based.

Key words - The local Administration System, Jordanian Legislator, Jordan Constitution.

I. INTRODUCTION

The constitution is considered the supreme legislation in any legal system through which the powers of the state authorities are determined according to powers separation principle, so we find that the power respective directorates derive its legality and existence from the constitution provisions. From such point, this research is set out to show the position of constitutional legislator and Jordanian constitutional court judiciary of the Local administration.

II. THE JORDANIAN CONSTITUTIONAL LEGISLATOR POSITION OF FROM THE LOCAL ADMINISTRATION.

The Jordanian constitution falls under the category that treated slightly the local administration. Article 121 of 1952 constitution states "Municipal affairs and local councils are controlled by municipal or local councils according to special laws" without any additional details. We have conducted analysis of this constitutional text and came out that the constitutional legislator included some basis that administration applications. He referred to municipal affairs and local councils as an expression on local interests, Controlling thereof is assigned to the municipal councils and local councils rather than central authority. However he left defining the remaining basis relating to municipal councils' formation, competency, administrative & financial independence, and reporting to the central authority, to the normal legislator under the local administration act issued based on such article.

This constitutional approach may lose the basis, that the regional decentralization must be based on as real guarantees to restrict the normal legislator power in establishing laws in a way that displays constitutional legislator real concern as to such administrative method. Furthermore, the constitutional provisions, which are the historic source of article 121 text.

III. CONSTITUTIONAL COURT POSITION FROM INTERPRETS THE PROVISIONS OF THE ARTICLE (121).

The Constitutional Court in Jordan is the authority to interpret the provisions of the Jordanian constitution according to Article (59/2).

The court issued its interpretive decision No. 1 of 2015. This decision fixed the basis, which should be devoted in the laws that institute the local administration levels represented by municipalities and local councils.

Referring to the constitutional court decision, we can find that it reached to a conclusion concluded that the legislator in the laws that establish local administrations must take into account the following.

1) Recognizing the legal personality of the administrative unit or the local council
2) Financial and administrative independence of the local bodies.
3) Election should be part of forming the local councils.
4) To be subject to central State control, to ensure the general policy of the State in its central and decentralized bodies and make sure that the offered activities and services are offered in efficient, equal manner.

IV. CONCLUSION

Whereas we completed our searching in the local administration in accordance with the Jordanian constitutional legislator plan, we shall tackle the most important outcomes, which we reached at:

1. The constitutional legislator organized the local administration according to Article (121) of the constitution.
2. The applications of the local administration according to the Jordanian constitutional legislator is: municipal councils and local councils.
3. The Jordanian Constitutional Court in its interpretation of the text of Article (121) of the Constitution has determined the conditions for establishing local administrations.

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