

Legal System of Qualifying Administrative Leaders in the French National School: An Analytical Study in Light of French Legislation

By

Associate Prof. Dr. Mohmmad Husien Almajali
Faculty of law, Al-Zaytoonah University-Jorden
Corresponding Author's Email: moh.almajali@zuj.edu.jo

Dr. Ahmed Hmoud Salem Maaya
Jordanian Ministry of Interior, Department of Legal Affairs-Jorden
Email: ahmad.maaya64@gmail.com

Abstract

This study, entitled (Legal System of Qualifying Administrative Leaders in the French National School: An Analytical Study in Light of French Legislation) a subject related to the science of public administration and administrative law at the same time. This is because it relates to one of the most important job categories in the state, which are the administrative leaders; the two researchers studied the appointment system in those senior positions and the job competition procedures. The purpose of this study is to present a sophisticated and ancient legal and administrative model at the same time, at its conclusion, the study reached a number of results and recommendations, the most prominent of which was that the administrative leader has scientific and practical advantages, deep experiences in administration, law, skills, competencies, and outstanding personal characteristics.

Keywords: National school, administrative leaders, French law.

Introduction

The Jordanian legal system for appointment to senior leadership positions is considered one of the modern systems in its inception in comparison with other systems, such as the French system in particular, as in the topic of the present study (Al-Rufou', 2021). That system combines administration and law in the sense that, no matter what legal systems the state has created, it cannot find the administrative leader who expresses their will to empower and raise the administrative and economic status of the state in all its political, economic, and social fields and at the international level, as long as it does not begin to qualify administrative leaders according to a scientific approach that ultimately aims to qualify administrative leadership that can be employed in the various departments of the state (Al-Khatir, 2022).

The public office is considered the basis on which the administration of the state is based and the foundations of the administrative and legal construction (Al-Mutlaq, 2021). Therefore, the legislator must organize all issues related to the public office in developed laws and regulations for the purposes of increasing trust between the citizen and the public administration in the state, so as The administration does not misuse the powers vested in it by legislation ((Aliyat, 2020; Yamani, 2022).

In this regard, it should be noted that there are agreed upon conditions in most legislations for assuming a public position, including identity, competence, integrity, and

honesty (Ali, 2021). However, some jobs in the state may require special conditions and procedures for qualifying administrative leaders (Aliyat, 2020). Researchers are urged to try to present a unique legal and administrative model represented by the French National School of Administration (Louis, 2006).

One of the most important goals pursued by the National School is to qualify administrative leaders for assignment to senior leadership positions (AUBY, 2009). Hence, the two researchers seek to provide a legal and administrative model for specialists and administrative leaders in the Hashemite Kingdom of Jordan.

Significance of the Study

The present study comprises a political and administrative significance. From the political point of view, qualification of administrative leaders must eventually lead to benefiting from these experiences on the ground in a way that benefits the state and brings about development that is capable of raising its international status in all aspects. These leaderships must be compared in sound and modern ways so that it becomes possible to choose the right person in the right place. This comparison must be based on a tight legal system through which people with experience can be placed in leadership, especially since the role of nepotism constitutes a great burden on this category of jobs (DUTREIL, 2004).

From the administrative side, this study is significant due to combating administrative corruption and curtailing it. The present study seeks to highlight the smallest points in the texts of comparative legislation to differentiate between candidates for senior positions, as well as framing the appointment process with regulations and laws that are subject to appeal before the judiciary. Thus, the distinguished leadership is appointed in its right place. Hence, the authority becomes able to evaluate and follow-up their actions according to the provisions of the law (PIQUEMAL, 2006).

The Problem Statement

The problem of the present study stems from the fact that the Jordanian legal system regarding assuming leadership positions is newly established for the first time in 2020. It did not address the presentation of court texts in the appointment of senior leadership positions in its administrative systems. There is also a legislative shortcoming at all time stages in this aspect, which can be remedied in the best way, as is the experience in the comparative study.

Methodology

The two researchers adopt the analytical approach by addressing the issue of appointment to senior leadership positions in French legislation due to the depth of the legal experience in it and its closeness to the nature of the Jordanian experience. Comparative studies are important, especially in the legal field. Such type of studies provides an opportunity to benefit from other legal experiences.

Study Plan

The two researchers divide the present study into the following sections:

1. Section one: The system of appointment in the French senior leadership in accordance with the legislation in force
2. Section two: Executive regulations according to Decree No. 2283 of 1945 and its amendments until 2017 by Law No. 86 regulating enrolment in the National School
3. Section three: Types of national school competitions

4. Section four: Procedures of appointing students in the national school

Section One

System of Appointment of French Senior Leaderships According to Law No. 16 of 1984

Perhaps, the most important legislation that states update and develop is that related to the public service because the management of public utilities in countries is a steady and continuous process. Therefore, many practical changes occur. Such changes need to be codified from time to time in order for the state to be able to manage its utility activity on a regular basis (Ali, 2021). Senior leadership positions are different from those sovereign positions such as the position of the President of the Republic, Speaker of the House of Representatives, Prime Minister, ministers, governors, and employees of the diplomatic staff (Al-Zubaidi, 2021).

Returning to the selection of employees occupying senior positions, the legislative organization for them was stipulated by the legislator in Article 25 of Law No. 16 of 1984 regarding the founding provisions in the public office. It stipulated that the State Council shall issue the statute for determining senior positions in each administrative authority in the country and the clarification. Article 25 stipulates that the legislator left it to the regulatory organization to determine who are the supreme leaders in each administrative authority (THOMAS, 2005). In fact, the decree of July 24, 1985 regarding the statutory organization for the selection and appointment of senior leaders, amended by Decree No. 694 of 2018 issued on August 3, 2018, states in its first article stated that according to the text of Article 25 of the law issued on January 11, 1984, if a decision is issued to appoint someone in one of the following positions, they are considered senior positions:

State administration in general (PLANTEY, 2001)

1. All those who are directly subject to the authority of the competent minister, including general commissioners, high commissioners, general secretaries, and general delegates.

General managers and central managers

Positions related to the Prime Minister:

General secretaries of the government

1. Secretary General of Defence and Secretary General of Security
2. Commissioner for coordination affairs between ministries and commissioners

Positions related to foreign minister

1. Chairman of the Diplomatic Committee with the rank of ambassador.
2. Head of the Consulate Department with the rank of Consul General.

Positions related to the Ministry of Interior and Local Administration

1. Mayors
2. Head of the General Inspection Service of the Department
3. Director of Active Police Services at Headquarters and Head of the General Inspection Service of the National Police

Positions related to the Ministry of National Education and the Ministry of Economy, Finance, and Industry without prejudice to the applicable laws specifying the rules for their appointment, he/she shall be appointed by a decision of the competent minister (Art 1 Modifié par Décret n° 2018-694).

The role of the French Council of State in assessing the nature of the supreme leaders

In fact, the judiciary of the French Council of State considered that what was stated by the legislator in the aforementioned article put an indefinite limitation on the concept of leadership positions and ruled that this list is not exclusive, but it is a matter of models to be emulated, or to be measured against (PEISER, 2003). It was also decided that the heads of institutions and bodies affiliated with the state or one of the administrative bodies, such as the head of the National Research Centre, are considered among the supreme leaders, in addition to the director of the French Press Agency, the director of the French Centre for Judicial Research, the director of the National Centre for Cinematic Documentation, the director of the National Centre for Returnees, the general manager of the National Agency for Automated Securities, and the Director General of Hospitals in Lyon. It was estimated that the number of leadership positions in France is 700 leadership positions, in addition to 192 mayors and 192 ambassadors.

Article 3 of Law No. 16 of 1984 stipulates that senior positions are appointed by virtue of a decision issued by the Prime Minister. Thus, the incumbent of the leadership position may be among public employees or non-employees. The principle in appointing leadership positions is that the government has complete freedom in selecting the persons occupying those positions. It is the principle that is in line with the fact that these jobs have a kind of loyalty towards the government. Therefore, it is necessary that their incumbents be selected within the policy chosen by the government.

As a matter of principle, according to the text of Article 13 of the Constitution, the President of the Republic has the power of appointment to public office. However, this appointment authority is subject to a set of objective and formal conditions (SAKR, 2008):

A. Objective conditions

The first condition; Respect for the general rules for joining public administrative positions

It was stipulated by the legislator in Article 5 of the Law of July 13, 1983. It required a set of conditions for every occupant of a public position, namely being a French, as all countries emphasized the condition of nationality, which is not only a condition for assuming the senior position, but it is an important condition for continuing in it (Dhiyaf, 2020), enjoying full civil and political rights, performing obligations related to national service, and physical competence.

The second condition; Equal access to leadership positions

In fact, the text of Article 25 of Law No. 16 of 1984 on the Basic Provisions of Public Offices was challenged as unconstitutional, as it violates the system of equal access to public office. It also contradicts the text of Article 6 of the Declaration of Human and Citizen Rights issued in 1789, which stipulates equal access to Public jobs. The text of the article does not set objective rules or conditions through which equality in choice can be verified.

However, the French Constitutional Council rejected the appeal and decided in its ruling issued on January 28, 2011 that if the text in question gives the government full freedom and power to choose and appoint the incumbents of the senior positions in the state's general administration and public positions, this authority is granted by the legislator to the government to choose the best elements capable of implementing its policy in the appointed location. The Declaration of Human and Citizen Rights stipulated in Article Six that

employees are selected taking into account their competence in carrying out the tasks of the position. It is proven that when equality is achieved in assuming senior leadership positions, sustainable development is achieved because human wealth is the main base for the wealth of countries. Without equality, other productive factors lose their value and become ineffective (AUBY, 2009).

The third condition; Objectivity in equality between men and women

The first article of the French constitution stressed the issue of equality between men and women. In fact, the fourth clause of Article VI of Law of July 13, 1983, amended by Law No. May 12, 2012, stipulates that 40% of the opposite gender must occupy civil jobs (DUEZ, 2006).

The fourth condition; Age restrictions

Article 3 of Law of September 13, 1984, amended by the law promulgated on May 31, 2011, stipulates that if the person occupying a leadership position has reached the legal age for retirement, then based on a reasoned decision, the authority to appoint him/her may extend him/her to occupy the position for a period not exceeding two years. However, before the expiry of this period, he/she may terminate his/her employment.

In this regard, the French Council of State ruled that in principle, the administration has complete freedom in selecting the persons who occupy the senior leadership positions in the administrative apparatus of the state, but this freedom must respect the age condition set by law for the incumbents (GAUDEMMENT, 2008).

The fifth condition; Respecting the rules of public office etiquette

Article 25 of the aforementioned law requires the employee occupying a senior position not to mix his/her personal interests with the interest of the facility or administration. It also requires the employee not to have a relationship with interests related to the entity he/she supervises or occupies to avoid any suspicion of committing a profit-making crime or trading in the public office mentioned in Article 432-12 of the Penal Code (Yamani, 2022).

The sixth condition; Respecting institutional rules

Access to certain senior positions is often subject to specific legal regulations, particularly when they are to be filled by members of a specific body such as ambassadors and police chiefs. In this regard, the State Council required the authority to appoint senior leaders to respect the institutional rules that were implemented in appointing their leadership. It ruled that it is inconceivable that the head of France's diplomatic mission abroad would be anyone other than ambassadors, diplomatic attachés, or professional consuls (Piquemal, 2006).

B. Formal conditions for appointing senior leaders

In fact, Article 13 of the current constitution requires the President of the Republic to consult Parliament in appointing some leadership positions in the state. The Basic Law issued on January 13, 2009, as well as the Basic Law issued on March 5, 2009, specified those jobs that are subject to consultation with Parliament in both chambers.

Dismissal According to the provisions of Article 25 of Law 16 of 1984, the dismissal of the leadership position can take place at any time. In this regard, the French Council of State ruled that the policy through which the leadership position was appointed can be changed and removed by the same procedure he/she was appointed to and for the same justifications (lois organiques du 13 January 2009 et du 5 March 2009)).

In this regard, the French Council of State ruled that Article 13 of the constitution required the President of the Republic, within the framework of his/her appointment of ambassadors, to issue a decree to that effect in the Council of Ministers based on the recommendation of the Minister of Foreign Affairs. Whereas, the challenge against the decision to appoint another ambassador in his/her place in one of the countries relied on the fact that the president's decision to appoint another ambassador is not based on the procedural rules because it lacks the nomination of the Minister of Foreign Affairs for the new Minister (CE, 16 may 2012). Hence, in the present study, the two researchers follow up the French system of appointment to senior leadership positions through the executive regulations in the French National School to show the committees, the methods of their formation, and the distribution of students to leadership positions.

Section Two

The executive regulations according to Decree No. 2283 of 1945 and its amendments until 2017 by Law No. 86

governing admission to the national school
Introducing the National School of Administration

Pursuant to Decree No. 2283 of 1945 regarding the qualification of some categories of employees who assume leadership of public positions and the Permanent Council of Civil Administration, the French legislator dealt with the text in Article 5, amended by Law No. 86 of 2017, which stipulates that the National School of Administration shall be established, and it shall be responsible for qualifying employees who are on the brink of promotion to work in the State Council, the Court of Accounts, in diplomatic posts, auditors general of finance, in the civil administrative apparatus, as well as in some agencies and facilities that are determined by ministerial decrees after consulting the Council of State and signing by the competent minister (Art 5 de l'Ordonnance n° 45-2283 modifié par loi n° 2017-86 du 27 janvier 2017).

According to Article 6 of the amended Decree by Law No. 699 of 2018, "The composition of the Board of Directors of the National School of Administration includes, among its members, a member of the National Assembly or a member of the Senate, as well as a member of the European Parliament elected by France. The executive regulations define the tasks, formation, organization, and operation of the National School Board of Directors. As for Article 7 of the same decree, it stipulates that the conditions for joining the national school, preparing the curriculum, scholarships, and the rules for qualifying students for it are determined by virtue of Art 6 de l'Ordonnance n° 45-2283, a decree issued by the Council of State (modifié by LOI n°2018-699 (.

If those enrolled in the National School have not acquired the title of employee, they shall be granted the title of employees under training and shall receive a non-taxable civil compensation for this. They are treated within the school according to the staff system, without prejudice to the exceptions contained in the school regulations.

Student Selection and Admission Committee

Article 8 of the decree amending Law No. 86 of 2017 indicates that the selection committee for students who pass the national school exam is a qualified person specializing in human resources and five other members who are not among the public employees and are chosen based on their experience.

Training centres may be relied upon, such as the national school previously referred to in Article 5, by virtue of a decree issued by the Council of State.

This is stipulated in Article 9 of Executive Regulations No. 50 of 2002 issued on January 10, 2002, which was cancelled and introduced by Decree No. 1449 of 2015 regarding the conditions for joining the National School of Administration.

First: Admission to the National School

Announcing the start of admitting students

Every year, the French National School of Administration announces the three competitions for those wishing to enrol in the school within the nature and conditions of each competition, the applicants, the mechanism of the committee's work, how to arrange the names of the participants confidentially, and to address the Prime Minister and the competent minister with the final report until a decision is issued with the approved names within the order of degrees obtained by the applicants as follows:

The first article of the regulations indicated that enrolment in the National School of Administration is permitted every year in the following ways:

1. The external competition for the candidates who fulfil the conditions set forth in Article 9 of these bylaws.
2. The internal competition for public employees who fulfil the conditions stipulated in Article 15 of those regulations.
3. The third competition, which is permitted for candidates who meet the conditions set forth in the law issued on January 2, 1990.

In any case, in order for the application to join the competition to be acceptable, the applicant must fulfil the conditions set forth in Article 5 in its fifth paragraph of the law issued on July 13, 1983.

Likewise, it is not permissible to accept the application of employees who belong to the authorities for which the National School has the authority to choose its employees, students enrolled in the school, as well as employees who previously failed to enrol in the school in light of the provisions set forth in Article 49 of these regulations. In any case, it is not permissible to apply for the competition exam more than three times a year and five times to apply for the exam in an absolute manner (LOUIS, 2006).

In the second article of the regulations, the number of semesters allowed in the three competitions referred to in Article 1 is indicated. It is determined every year by a decision of the minister concerned with the public office.

The number of places that can be awarded for the external competition is equal to or more than 60% of the final number granted for the three competitions.

The number of places that can be awarded for the third competition ranges from 5 to 10% of the number awarded to the three competitions for joining the national school for the same year (Art 2 du Décret n° 2015-1449).

In addition, Article 3 of the decree referred to the model for organizing the internal competition, the external competition, and the third competition, which is determined every year according to the decision of the minister concerned with civil service affairs. The decision of the minister concerned with public service affairs shall include the conditions for correcting the competition exam.

Second; The Student Admission Committee

Article 4 of the decree indicates that the arbitrators are appointed according to a decision issued every year by the Prime Minister, the Minister concerned with public office affairs, and a proposal to do so by the director of the French National School of Administration. Other than the chairman of the arbitration committee, the number of the arbitration committee consists of fourteen to eighteen arbitrators, as well as five employees other than the teaching staff, and more than four others who do not work in the public office.

The president and at least three members of the arbitration committee should have participated in three national school enrolment competitions.

The decision referred to in the first paragraph includes the appointment of an alternate chairperson for the committee in the event that there is something that impedes the completion of the tasks of the committee related to the arbitration of the exam for admission to the National School of Administration.

In the event of legal equality in the votes of the arbitrators in the settlement of the applicants, the vote of the Chairman of the Committee shall prevail for any of them.

Specialized examiners may be appointed, according to a decision issued by the principal of the National School, to participate with the members of the jury in correcting the written competition exam, as well as in the oral interview. These examiners shall have an advisory vote only in setting the scores of the contestants (Art 4 du Décret n° 2015-1449)

The confidentiality of the names of the participants and the correction committee is referred to in Article Five of the regulations. The names of the students participating in the written exam are kept confidential. The exam is corrected by two correctors, at least one of them is a member of the arbitration committee and not less than two examinees participate in the oral exam, one of whom is a member of the arbitration committee. Nevertheless, it is permissible to correct the foreign language exam by specialized correctors.

The exam for passing the competition is graded from zero to twenty marks. It is corrected by the head of the national school and four other members for those who have passed. It is not permissible to announce the name of any person who is admitted to join the school unless he/she participates in all the exams (Art 5 du Décret n° 2015-1449).

Article 6 of the decree stipulates that at the end of the competition exam, the head of the school shall send a report to the Prime Minister and the Minister concerned with public service affairs. A copy of this report shall be deposited with the National School Administration (Article 6 of the Decree n° 2015-1449)

After that, the student is treated as a student and acquires the status of a temporary employee as stated in Article 7 of the decree. Once enrolled in the school, the student is entitled to a reward. If one of the candidates to join the National School is a pregnant woman, then at her request, her acquisition of the title of a student at the National School is postponed to the next batch. Likewise, a candidate to join the National School, and based on his request for health reasons, does not wish to be appointed as a student. It is permissible, after a decision is issued to that effect by the Minister concerned with public service affairs, and based on a medical report, to postpone announcing his appointment decision for a future batch (Art 7 du Décret n° 2015-1449)

The two researchers believe that the formation of the committee in this legal context leaves no room for questioning the integrity and impartiality of the National School in admitting students.

Section Three

Types of National School Contests

There are three competitions for admission to the French National School. The first one is for public officials and the like. It has its own terms and admission procedures. The second competition is directed to academics holding postgraduate diplomas, master's, and doctoral degrees. It also has its own conditions and admission procedures. The third competition targets elected political persons in their regions. It has its own conditions and admission procedures. Each of the three types will be explained as follows:

First: Postgraduate academics competition (external competition)

The external competition is explained in Article 8 of the decree and is available to every candidate who holds a national diploma for a period of study of no less than three years of postgraduate studies, a certificate or diploma equivalent to the second level in force in France, or a qualifying certificate recognized as equivalent, or at least, any of the previous diplomas and within the limits set forth in the provisions. (Art 8 du Decret n° 2015-1449 Decree of February 13, 2007).

Article 9 of the decree stipulates that the external competition exam includes an admission exam and a passing exam. Their nature, duration, study program, as well as study materials are specified by a decision of the Minister concerned with public service affairs and the opinion of the National School Board of Directors (Article 9 of the Decree n° 2015-1449).

Preparation for the external competition

Article Fourteen of the decree indicates that the necessary preparations for the external competition should be made in a way that ensures equal opportunities for candidates, regardless of their place of residence, in the buildings of educational institutions for postgraduate studies or in public educational centres designated for that purpose.

It may also be organized directly by the National School of Administration. The conditions for joining introductory courses are determined by a decision issued by the minister concerned with the public office (Article 14 of the Decree n° 2015-1449).

Second; Competition for Public Employees and the like (internal competition)

The scope of the employees concerned with this competition is mentioned in Article 10 of the decree. The internal competition is available to public state employees, employees of local administrations, employees of public institutions whose job provisions are specified in Article 2 of the Law of January 9 of 1986, military personnel, judges who, at the date of their registration, were working or in part-time or have left the service, and employees working in international organizations and non-governmental organizations. The applicant is required to have spent at least four years in the public office on December 31 of the year of applying for the competition. It is stipulated that this period shall not be interrupted by training periods at any other school or training centre.

As for candidates holding a doctoral degree, with regard to the duration of the job, the provisions of the fifth paragraph of Article 412-1 of the Scientific Research Law are applied (Article 10 of the Decree n° 2015-1449).

According to the text of Article Eleven of the decree, the internal competition exam includes an admission exam and a passing exam. Their nature, duration, study program, and study materials are determined by a decision of the Minister concerned with public service affairs and the opinion of the National School Board of Directors (Art 11 du Décret n° 2015-1449).

Preparation for the internal competition

Enrolment in introductory courses is permitted for employees as stated in Article Fifteen of the Decree. Before entering the competition exam, the candidate may enrol in introductory courses, which are held in light of the conditions set forth in this chapter. Persons who have already been nominated by the internal competition may not attend these preliminary courses (Art 15 du Décret n° 2015-1449).

Article 16 of the decree stipulates that candidates applying to the preliminary courses must fulfil the conditions in the form and the condition that they have not previously attended the school, in addition to the conditions indicated in the first and second paragraphs of Article 10. The candidate for the preliminary study must be involved at the time of filling out the form and shall continue to do so until the start of the study in the preliminary study. A decision is issued with the names of those admitted to the preparatory study from the director of the national school (Art 16 du Décret n° 2015-1449). Article 17 of the decree stipulates that the nature and duration of the study in the exam for admission to the preliminary study and in the exam competition for the internal competition, including the admission certificate and the certificate of passing the competition, shall be determined by the decision of the competent minister for the public office. The decision of the National School Principal determines the model for preparing this exam every year (Article 17 of the Decree n° 2015-1449). Likewise, Article 18 of the decree states that no one may take the preliminary exam for the internal competition more than three times (Article 18 of the Decree n° 2015-1449).

As for Article 19 of the decree, it indicates the authority that decides on the persons nominated and accepted in the preliminary round. The arbitration committee, which was previously appointed by a decision of the Minister concerned with public office affairs, based on a proposal from the director of the National School, decides the persons nominated and accepted in the preliminary round in the National Administration School enrolment competition.

The above-mentioned arbitration committee, in addition to the chairman, includes:

1. Two non-teaching employees
2. Two teaching staff members
3. Two representatives from the former trade union determined by the list sent to the Supreme Council of the Public Service.

The decision referred to in the first paragraph includes the appointment of an alternate chairperson for the committee in the event that there is something that impedes the completion of the tasks of the committee related to arbitration on the exam for admission to the National School of Administration. In the event of legal equality of the votes of the arbitrators in separating the applicants, the vote of the Chairman of the Committee shall prevail for any of them.

Specialized examiners may be appointed, according to a decision issued by the principal of the National School, to participate with the members of the jury in correcting the written competition exam, as well as in the oral interview. These examiners shall have an advisory vote only in setting the scores of the contestants (Art 19 du Décret n° 2015-1449)

In Article 20 of the decree, it is indicated that the decision of the minister concerned with civil service affairs determines the number and locations of the preliminary courses each year. Based on the decision of the Minister concerned with public office affairs, the arbitrators arrange the names of the candidates for the preliminary courses in a list in alphabetical order in the places specified for holding the preliminary training courses, with the acceptance of a number of accepted candidates that exceeds 10% of this number. This list is published by the school by any available means of advertising. The arbitrators may prepare a list of potential candidates, i.e. in case if any of the admitted candidates actually apologizes (Article 20 of the Decree n° 2015-1449).

Article 21 of the decree stipulates that a decision shall be issued by the minister concerned with public service affairs based on a proposal from the arbitration committee set forth in Article 19 of these regulations. The admission of scholarship holders to preliminary courses in the internal competition of the National School of Administration is set for one year, provided that this period is extendable until the end of the school entrance examination period. Based on a proposal from the granting authority, the competent minister may terminate the scholarship holder's participation in the preliminary course if he breaches the obligation to participate in the preliminary study and other studies related to the scholarship. The stakeholder must be notified of this decision one month before its legal effects become effective (Art 21 du Décret n° 2015-1449).

Article Twenty-Two of the Decree confirms the importance of attendance. It states that without prejudice to the provisions of Article 10 of these regulations, the scholarship holder must join the training course from the internal competition and commit to attending the lectures of the preliminary course. The scholarship may not be renewed in the training course in the internal competition. However, if the scholarship holder suffers from illness or an accident, the duration of the preliminary study may be extended for another year based on a decision issued by the Minister concerned with public service affairs, accompanied by a medical report from the competent medical committee (Article 22 of the Decree n° 2015-1449).

Article 23 of the decree regarding tuition fees indicates that the national school may contribute to the preliminary study expenses, provided that these courses are held in institutions of higher education or in centres established or existing for this purpose, or under

an agreement to establish them with the national school (Article 23 of the Decree n° 2015-1449).

The student is granted the necessary certificate as stated in Article 24 of the decree. The director of the national school can issue a certificate, to be awarded to the centres where the preliminary courses are held, based on a proposal from the competent authority offering the scholarship, and The decision of the Minister concerned with public service affairs conditions for granting this certificate (Art 24 du Décret n° 2015-1449).

The two researchers believe that this competition is the closest to the legal systems governing the assumption of leadership positions in Jordanian legislation, which directs its announcement to state employees. It is possible to consider how the selection and appointment committees are formed, which guarantees the highest level of transparency and integrity away from nepotism. Such membership includes specialized trade unions and external arbitrators.

Second; Third competition; Contest of elected officials in localities and the like

This is stipulated in Article Twelve of the Decree to show that the third competition is available to everyone who completed on December 31 of the year of applying for the competition. That person should have fulfilled any of the activities mentioned in the third clause of Article 19 of the Law of January 11 of 1984.

For candidates holding a doctoral degree, it is taken into account in determining the three-year period, as well as the period of doctoral preparation. The provisions of the fifth paragraph of Article 412-1 of the Research Law are applied.

No consideration shall be given to any parallel work that the candidate may have performed or to perform repeated acts (Article 12 of the Decree n° 2015-1449).

As stated in Article thirteen of the decree, the third competition exam includes an admission exam and a passing exam, whose nature, duration, study program, as well as study materials are determined by a decision of the Minister concerned with public service affairs and the opinion of the National School Board of Directors (Art 13 du Décret n° 2015-1449).

Preparing for the third competition

Article 25 of the decree stipulates that before joining the third competition, the candidate may enrol in an introductory course organized according to the conditions set forth in these regulations. This competition takes one of the forms that the candidate chooses. It may be a full-time preparation competition. It may take place through correspondence. The scholarship holder who chooses to attend the introductory course may benefit from the National School bearing the expenses of that study on his/her behalf in light of the conditions set forth in these regulations (Art 25 du Décret n° 2015-1449).

As for Article 26 of the decree, the duration of study in the third competition is one year for each admitted candidate. This period may be extended until the end of the entrance exam. The preliminary scholarship may not be renewed in the third competition. However, if the scholarship holder suffers from illness or an accident, the period of preliminary study may be extended for another year based on a decision issued by the Minister concerned with public service affairs, accompanied by a medical report from the competent medical committee (Art 26 du Décret n° 2015-1449).

Article 27 of the decree indicates that applicants to the preliminary courses from the candidates in the third competition must fulfil the conditions in the form within a period not exceeding six months before the start of the session, as well as the conditions specified in Article 12 of these regulations, especially those set forth in Articles 5, Paragraph 5, of the July 13 Law for 1983.

A list of the names of candidates for preliminary study is published based on a decision issued by the director of the national school.

As for the candidates in the study by attending the preliminary session in the third competition, the period of their attendance at these courses is not considered a professional activity according to the text of Clause 3 of Article 19 of the Law of January 11, 1984 (Article 27 of the Decree n° 2015-1449).

The composition of the jury is as follows:

An arbitration committee is appointed every year based on a decision by the Minister concerned with public service affairs and based on a proposal from the Director of the National School. Its task is to select candidates to join the preliminary study mentioned in Article 25 of these regulations.

The above-mentioned arbitration committee, in addition to the chair person, includes:

1. Two employees, one of whom at least is selected by the National School
2. Two non-employees chosen based on their experience.

The decision referred to in the first paragraph includes the appointment of an alternate chairperson for the committee in the event that there is something that impedes the completion of the tasks of the committee related to the arbitration of the exam for admission to the National School of Administration. In the event of legal equality of the votes of the arbitrators in separating the applicants, the vote of the Chairman of the Committee shall prevail for any of them.

Specialized examiners may be appointed, according to a decision issued by the principal of the National School, to participate with the members of the jury in correcting the written competition exam, as well as in the oral interview. These examinees shall have an advisory vote only in determining the contestants' grades, as stated in Article 28 of the decree (Article 28 of the Decree n° 2015-1449).

Article 29 of the decree states that the exam for the third competition for preliminary study includes an admission exam and a passing exam. Their nature, duration, study program, and study materials are determined by a decision of the Minister concerned with public service affairs.

The arbitrators arrange the names of the candidates for the preliminary courses in a list in alphabetical order in the places specified for holding the preliminary training courses, with the acceptance of a number of accepted candidates that exceeds 10% of this number. This list is published by the school by any available means of advertising. The arbitrators may prepare a list of potential candidates if any of the accepted candidates actually apologizes (Art 29 du Décret n° 2015-1449).

Article 30 of the decree requires that no one may sit for the preliminary round exam for the third competition more than three times within the same year (Art 30 du Décret n° 2015-1449).

The decision of the Minister concerned with public service affairs determines the number of places specified for the preliminary courses for the third competition each year (Article 31 of the Decree n° 2015-1449). The decision is issued by the Minister concerned with public service affairs, based on a proposal from the arbitrators' committee, to accept the scholarship holders' candidates in the preliminary round for the third competition (Article 32 of the Decree n° 2015-1449). If requested, without prejudice to the provisions of Article 12 of these regulations, grant holders applying for the preliminary round in the third competition are required to attend lectures (Article 33 du Decree n° 2015-1449). Candidates who are committed to attending regularly and interactively in the preliminary session of the third competition are awarded a certificate by the director of the national school at the request of the authority specializing in the school administration for qualification. This certificate allows the candidate who passed the National School Entrance Examination to apply for the competition indicated in Article 2 of the Law of January 2, 1990 (Article 343 du Decree n° 2015-1449).

The National School may contribute to the expenses of the preliminary study in the third competition, provided that these courses are held in institutions of higher education or in centres established or existing for this purpose, or according to an agreement to establish them with the National School (Art 35 du Décret n° 2015-1449).

Third; Evaluating and ranking the students of the National School
First; Ranking of students

Every year, the director of the national school prepares a list of the names of the accredited rehabilitation centres responsible for preparing for the entrance competition to the national school (Article 36 du Decree n° 2015-1449). The basic qualification of students who have previously won the three competitions, as stipulated in Article 37 of the decree, is represented by acquiring the status of a student in the National School. The study in the national school extends over a period of twenty-four months. Studying at the National School is a combination of scholarships and education. Each student studies two live foreign languages during that period. During the study period, each student benefits from a personal companion who aims to raise his level and cooperate in preparing his project. During the period of study at the National School, students are subject to a periodic assessment, with points, of their level of academic progress. The internal regulations of the National School determine the evaluation methods (Article 37 of the Decree n° 2015-1449).

Article 38 of the decree indicates that the school's internal scholarship is as follows:

1. The number and forms of scholarships are determined by the internal regulations of the National School of Administration.
2. The scholarship can be completed through one of the French departments or courts, one of the public or private sector institutions, private institutions of public interest, before one of the bodies of the European Union, before the body to which the student belongs, before an international body, or before an administration of a foreign country (Article 38 du Decree n° 2015-1449.).

Second; Assessment of students' grades

Article 39 of the decree clarifies the method of studying and evaluating grades as follows:

1. The study method is regulated in the internal regulations of the National School
2. The study is subject to the grading system during attendance and exams. The internal regulations of the school determine the method of this.
3. The awarding of grades is subject to the evaluation of the arbitrators appointed by the Principal of the National School, including a chair person and at least two members. Specialized examiners may also be appointed by decision of the National School Principal.
4. It is also permissible to provide other services and activities, but outside the evaluation system.

It is not permissible to participate in the membership of the arbitration committee for everyone who was a student or has one of his relatives within the National School of Administration (Art 39 du Décret n° 2015-1449).

Students are generally arranged on the basis of the grades obtained by each of them in terms of attendance, follow-up, and exams. The school's internal regulations determine and distribute those grades. The evaluation scores should not be less than 30% of the total final scores.

If two or more students are equal in the same degree and general arrangement, the student who has the highest score in the scholarship indicated in Article 38 shall be evaluated first (Article 40 of the decree). In the event that the grades obtained by a student are insufficient, it is permissible, after taking the opinion of the Board of Directors of the National School, to notify the Minister concerned with public service affairs. He shall have the right to decide whether the student will complete the scholarship or exclude him partially from the study or completely (Article 40 of the Decree n° 2015-1449).

Every student who has not been subject to an explicit exclusion from the study, who is absent from the national school and subject to evaluation and control, or who is absent from one of the exams related to the arrangement or activities, and after being notified by the director of the national school of this, is considered dismissed from the national school and a decision is issued by the competent minister of Public office affairs after consulting the principal and the board of directors of the national school (Article forty-two of the decree).

In contrast to annual or casual vacations, the absence of any student from attending the national school lectures is considered a violation of study duties. The school principal may re-study in full for each violator in accordance with the controls set forth in this regulation (Article 41 of the Decree n° 2015-).

If the student's absence is not a violation according to the rules of the internal regulations, then the school principal may decide to repeat part of the study only for the absent student. In this case, the grades obtained by the student during the repeat period replace the previous grades obtained previously (Art 42 du Décret n° 2015-).

As for Article forty-three of the decree. It stipulates that a student who, for some reason, did not complete his study period or did not fulfil the obligations set forth in Article

50 of these regulations, is considered dismissed. A decision with that effect is issued by the Minister concerned with public office affairs after taking the opinion of the director and the board of directors of the national school. However, the principal of the national school may refuse to re-register him as a former student in the national school after taking the opinion of the school board of directors (Article 43 of the Decree n° 2015-1449).

Section Four

Student recruitment procedures

First: Appointment Committee

At the end of the study, students are appointed according to a decision issued by the Minister concerned with public service affairs in one of the bodies chosen by the National School, in accordance with the procedures set forth in Articles 47 to 50 of these regulations.

A committee is formed to follow up the appointment procedures. It guarantees the integrity of these procedures and equality in treatment between students by the administration and employees. The committee consists of five qualified persons, one of whom is the chairperson. They are appointed for a period of three years based on a decision issued by the Prime Minister. If an obstacle occurs that prevents any of the members of this committee from completing his duties before the expiry of his term, he shall be replaced by another who is specified in the same decision to complete the term of the first employee. The director general of administration and the public office, as well as the director of the national school, may participate in the work of the committee, but in an advisory capacity (Art 46 du Décret n° 2015-1449). Before at least six months of the expiration of study, the Prime Minister issues a specific decision for the employees to be selected from among the students in the National School. The ones who have been selected by the National School to occupy the positions of civil administrators are distributed according to a ministerial decision issued in this regard. Three months before the expiration of the study, the functional departments and institutes send and appoint a file to the follow-up committee containing their needs and suggestions. As well as job descriptions and suggestions for their occupants, and the data specified in Article 48. The other contents of this file are determined by the minister concerned with public service affairs. The Follow-up and Appointment Committee ensures appointments and completes the files of candidates for administrative positions and sends them to the school, which distributes them to students.

Since the students are arranged in light of the provisions of Article 40 above, students are informed by the departments and employment institutes of which job positions they will join.

Functional departments and institutes should receive students for individual interviews to find out which centres or jobs they wish to join (Article 47 of the Decree n° 2015-1449).

Through these interviews, students are identified and their data are completed, their aspirations are identified to develop the jobs they will join, taking into account their specialties. These interviews are held in a standard manner with all students under the umbrella of the Human Resources Department.

In the week following the end of the interviews with the students, the administration or employment institutes send their opinion about the job that the students expressed their

desire of enrolment. This opinion is within the concept of prefers or reserves it. This opinion is also notified to the appointment follow-up committee (Article 48 of the Decree n° 2015-1449).

In the event of reservations about the request of the student, the Human Resources Department clarify this verbally or in writing to the requester, including the reasons for the reservation. In any case, all opinions must be notified within a period not exceeding eight days prior to signing the employment decision set forth in Article 50.

Since the students are arranged in light of the provisions of Article 40 until the final selection for appointment is made, each student may resort to the committee responsible for follow-up and appointment procedures to consult it in determining his choice in appointment.

Within the same period, the committee to follow up the procedures or appoint on its own or at the request of one of the students may object, if it turns out that the procedures were not respected. In this case, the student submitting the complaint, the administration, or the Employment Institute is heard, and a memorandum of observations is made before the Human Resources Department. The committee shall notify the student, administration or employment institute of the outcome of the complaint.

After the student chooses the appointment authority, the committee prepares a report on the observations it has verified and on the necessary development to avoid these observations in the future. This report is handed over to the Prime Minister, who sends it to the members of the National School Board of Directors. This report is discussed in the agenda of the first meeting of the School Board of Directors after the appointment of students, with the participation of the Chairman of the Follow-up Committee on Procedures and Appointment (Art 49 du Décret n° 2015-1449).

Second: The right of students to choose a job according to their grade

Without prejudice to the provisions of Article 5 bis of the July 13, 1983 law, the trainee students exercise their choice among the positions offered to them according to their ranking in the national school success list. They are appointed to the positions they have chosen based on a decision issued by the minister concerned with civil service affairs. Provided that he adheres to and signs the job requirements from the date of his appointment within a period not exceeding ten years:

- 1- If the appointment was made by choosing from the national school
- 2- For the oldest student who was not appointed to the administrative body in the city of Paris in the following cases:
 - A - For the separate jobs mentioned in Items 1, 2, 3, 6, 7, 8, 10, 11, 12 and 13 of Article 14 of the Decree of September 16, 1985.
 - b- For the separate jobs mentioned in Clauses 3, 6, and 11 of the Decree of January 13, 1986, if the appointment was made in one of the state administrations or one of the public companies for a non-competitive sector, or one of the companies working for the public interest.
- 3- For the oldest student appointed in the city of Paris in the following cases:
 - A - For the separate jobs mentioned in items 1, 2, 4, 7, 8, 10, 13, 14, 15, 16, 17, 18 and 19 of Article 2 of the Decree of January 13, 1986.
 - B - In the separate jobs mentioned in items 3, 6 and 11 of Article 2 of the decree issued on January 13, 1986.

After the appointment of the oldest student, he is given a complementary qualifying course organized by the National School of Administration, after consulting the employment departments and institutes. A decision is issued by the Minister concerned with public service affairs specifying the nature and form of this supplementary course (Art 55 du Décret n° 2015-1449).

The National School is also committed to scientific and professional communication throughout the life of the graduates. The National School of Administration guarantees scientific and professional communication throughout the life of French and foreign graduates at the European and international level. The National School may propose scholarships in partnership with major universities and institutes in light of the provisions set forth in Articles 613-1 and 613-2 of the Education Code (Art 51 du Décret n° 2015-1449).

The National School of Administration guarantees the educational tasks set forth in Article 7 and Article 9 BIS of Decree No. 945 of 1999 relating to the level of civil administrators. It also guarantees every work that would prepare and nurture the concept of responsibility of public officials (Art 52 du Décret n° 2015-1449).

International undertakings to admit foreign nationals

The National School may accept foreign nationals to participate in some study and qualification programs, whether held in France or abroad. Registration in international programs may include exemption from tuition fees, in accordance with the controls set forth in the internal regulations (Art 53 du Décret n° 2015-1449).

The two researchers find that this is a real opportunity for comparative administrations to conclude agreements and memorandums of cooperation with the French National School to take advantage of this point in training promising young leaders in preparation for entering the full experience of the National School.

The nature of the study and programs of interaction with students indicated in the previous article, as well as the admission requirements and student evaluation forms, are determined by the director of the national school in the internal regulations. In this case, the national school may ask the student to present a diploma certificate or level of education in agreement with one of the major universities or institutes in accordance with the provisions of Articles 613-1 and 613-2 of the Education Law (Article 54 of the Decree n° 2015-1449).

Based upon, it is clear that the National School of Administration guarantees the optimal choice and the students' access to the best training. Since the founding of the French National School of Administration, the name of the school has been included in the two poles of higher institutions that were established more than two centuries ago.

The results

1. There is no specific definition of administrative leadership in the science of law, but it can be defined through what the legislation on leadership positions has been subjected to.
2. Administrative leadership is a responsibility distributed in the administrative apparatus of the state among several authorities, the most important of which is the supreme administrative head of the state, who is the president of the republic in a presidential system such as the United States. In the parliamentary system, the

- supreme administrative head is the King or the President of the Republic, who practices his powers through the responsible ministry.
3. From the point of view of law, the characteristics of the administrative leader are scientific capabilities, career history, development proposal, personal characteristics, standard of leadership, administrative capabilities, general impression, and skills.
 4. Qualifying leaders in the French system begins before entering the job, while in the comparative Egyptian system, leaders are trained under Law 5/1991 after candidacy and acceptance for the leadership position. Under the new Law 81/2016, this training method is not adopted.
 5. The National School of Administration in France is still the supreme and best model in the programs for qualifying leaders.
 6. Enrolment in the French National School is through an advertisement addressed to three categories: state employees, academics with higher degrees, and persons who have previously been elected to any region, syndicate, or the like.
 7. French National School of Administration graduates are evaluated through a comprehensive exam for study curricula and an interview. This is done through a committee selected annually by the Student Admission Committee.
 8. According to a decision issued every year by the Prime Minister and the Minister concerned with public service affairs, and a proposal to do so by the director of the French National School of Administration, other than the chairman of the arbitrator's committee, the number of the arbitration committee includes from fourteen to eighteen arbitrators, as well as five employees other than the teaching staff and more than four Persons who do not work in public office. The chairperson and at least three members of the jury should have participated in three national school enrolment competitions.

The Recommendations

1. Accrediting private training centres within specific agreements to start training candidates to join leadership positions, whether at the expense of the trainee or by the grant system.
2. Reconsidering the criteria for promotion by selection in the public service and applying the criteria for personal characteristics and achievements that the employee has achieved during his job career, as a kind of practical training for leadership positions and to reduce crowding for higher ranks.
3. Gradually transferring the French experience of the National School of Administration by recognizing the patterns of forming arbitration committees and the criteria for selecting applicants to join the school and introducing them to the governing legislation.
4. Drawing on the French experience in the three national school enrolment competitions in selecting employees, academics, and Locally elected persons. The advertisement for the vacant job is only in these categories within the percentages for each of them to join the training centres approved by the Central Agency for Administration.

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