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Legislative Approaches to the Rights of Government Employees and Applicants for Public Employment in the Legal Systems of Iraq, Egypt, and Lebanon

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This study examines legislative approaches to the rights of government employees and applicants for public employment in Iraq, Egypt, and Lebanon, with particular attention to the extent to which existing legal frameworks secure equality, equal opportunity, merit, transparency, and protection against arbitrary administrative action. The study adopts a descriptive, analytical, and comparative legal method to evaluate the main statutory structures governing public employment and to identify the principal weaknesses affecting recruitment, selection, appointment, promotion, disciplinary procedures, administrative grievances, and judicial protection. The analysis distinguishes between the legal position of existing public employees and that of applicants who have not yet acquired formal employment status but who nevertheless participate in legally regulated recruitment procedures. The findings indicate that all three systems formally recognize important principles related to public employment, but significant gaps remain between legislative recognition and practical implementation. In Iraq, fragmentation of recruitment rules and the absence of a sufficiently unified procedural framework weaken consistency and legal protection. In Egypt, legislative modernization has improved the formal structure of public employment, but transparency, access to information, reasoning of administrative decisions, and effective review mechanisms still require reinforcement. In Lebanon, the legal framework is affected by institutional and political constraints, including the influence of sectarian and political considerations on recruitment and appointment. The study concludes that effective employment justice requires integrated legislative and institutional reform based on clear recruitment procedures, objective selection criteria, mandatory reasoning of adverse decisions, access to relevant administrative records, independent supervisory bodies, effective grievance procedures, and accessible judicial review. It further argues that applicants for public employment should be expressly recognized as holders of procedural rights from the beginning of the recruitment process and that reform should seek to structure, rather than eliminate, administrative discretion.

Keywords: *Public Employment; Government Employees; Job Applicants; Equal Opportunity; Administrative Justice; Recruitment; Merit; Judicial Review*

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1. Introduction

Public employment occupies a distinctive position within administrative law because it simultaneously concerns the organization of the state apparatus, the continuity of public services, and the legal position of individuals who either serve within public administration or seek admission to it. Access to public

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employment is therefore not merely an internal administrative question concerning personnel management. It is closely connected with the principles of equality, legality, equal opportunity, merit, transparency, and protection against arbitrary administrative action. A public position is exercised within an institutional framework established to serve the public interest, yet decisions concerning access to that position directly affect individual legal interests. For this reason, modern public-employment systems increasingly require a balance between the administration's authority to organize its workforce and the individual's entitlement to fair treatment during recruitment, appointment, promotion, discipline, and other stages of the employment relationship. Administrative law traditionally recognizes that public authorities may exercise only those powers granted to them by law and that the exercise of such powers remains subject to legal controls intended to prevent abuse or deviation from the public interest (Al-Sanhuri, 1959). In the field of public employment, this principle acquires particular significance because employment decisions frequently involve broad administrative discretion capable of affecting both applicants and existing employees.

The legal regulation of government employment in Iraq, Egypt, and Lebanon provides an important field for comparative examination because the three systems share several historical and doctrinal characteristics while differing in the degree to which legislative reform has modernized recruitment and employment guarantees. Administrative law in the Arab legal tradition has long treated the public employee as occupying a statutory legal position rather than a purely contractual relationship with the administration (Al-Basyouni, 2000). This approach means that the rights and duties of government employees are generally determined by legislation and administrative regulations rather than by individually negotiated agreements. The statutory character of public employment allows the legislature to establish uniform rules intended to protect the public interest, but it also increases the importance of clear legal safeguards because the individual employee usually possesses limited bargaining power in determining the content of the employment relationship. The public administration, by contrast, possesses organizational and disciplinary powers that may significantly affect an employee's professional and financial status. As a result, public-employment legislation must not be viewed only as a mechanism for facilitating administrative control. It must also constitute a legal framework for protecting individuals against arbitrary governmental action.

The position of applicants for public employment raises an additional problem. Traditional civil-service legislation has often concentrated on persons who have already acquired the status of public employees, while the legal interests of candidates participating in recruitment procedures have received less systematic attention. Yet an applicant may suffer serious legal harm before any formal appointment occurs. An individual may be unlawfully excluded from a competition, denied information concerning eligibility conditions, subjected to discriminatory criteria, disadvantaged by an improperly constituted selection committee, or deprived of the opportunity to challenge examination results. The principles governing public employment therefore need to extend to the pre-appointment stage. The process through which individuals enter public service must itself be governed by legality and equal opportunity. Public recruitment has been described as a legal mechanism through which the state selects individuals possessing the qualifications required for the performance of public functions (Fayyad, 1996). Such selection cannot be regarded as legitimate merely because the administration has ultimate authority to appoint. The process must also satisfy requirements of impartiality, transparency, competence, and procedural fairness.

This issue is particularly important in legal systems where public employment represents a significant source of social status and economic security and where recruitment decisions may be influenced by political, sectarian, regional, familial, or personal considerations. Administrative discretion is necessary because public authorities must evaluate qualifications and determine institutional needs, but discretion cannot be transformed into uncontrolled freedom. The general theory of administrative law requires public authorities to exercise discretionary powers for legally permissible purposes and within the limits imposed by principles of legality and public interest (Ibrahim, 2012). Where appointment authority is exercised without objective standards, adequate reasons, or meaningful review,

recruitment may cease to operate as a merit-based mechanism and become vulnerable to favoritism and discrimination. Such practices harm individual applicants, but their consequences extend further. They weaken administrative competence, undermine citizens' confidence in state institutions, and reduce the legitimacy of public administration.

The legal protection of public employees must similarly extend beyond the initial act of appointment. Once an individual enters public service, a broad range of administrative decisions may affect the employee's legal position, including probation, confirmation in office, transfer, promotion, performance evaluation, remuneration, disciplinary measures, suspension, and termination. The administration requires sufficient authority to manage these matters effectively, yet the employee must enjoy corresponding safeguards. The relationship between administrative authority and individual protection is one of the central themes of public law. Al-Saidi emphasizes the need to balance administrative control with public freedoms and judicial oversight, reflecting the broader principle that administrative efficiency cannot justify unlimited governmental power (Al-Saidi, 2010). Within public employment, this balance requires clear substantive standards and procedural guarantees capable of ensuring that personnel decisions are made lawfully, rationally, and for legitimate administrative purposes.

The comparative dimension of the present study is especially useful because Iraq, Egypt, and Lebanon illustrate different legislative experiences. Iraqi public employment continues to be influenced by an older civil-service framework and by multiple legislative and regulatory instruments governing recruitment and personnel matters. This fragmentation may create uncertainty concerning the procedures applicable to applicants and the guarantees available when administrative decisions are challenged. Iraqi administrative law nevertheless possesses established principles concerning judicial review and the legal position of public employees, and the administrative judiciary has an important role in protecting legality (Imran, 2004). The challenge lies in translating general constitutional and administrative principles into detailed recruitment rules that operate consistently across public institutions.

Egypt has undertaken more extensive civil-service reform and has attempted to establish clearer mechanisms for recruitment, evaluation, and personnel administration. Egyptian administrative-law scholarship has long examined the legal organization of public employment and the need to reconcile administrative efficiency with the rights of public employees (Abu Al-Ula, 1998). More recent legislative development has strengthened the formal importance of competence and objective recruitment standards. Nevertheless, the existence of legislative provisions does not automatically guarantee effective protection. Transparency in competitions, access to relevant information, reasoned administrative decisions, and effective grievance mechanisms remain necessary if formal legal standards are to produce genuine employment justice.

Lebanon presents another distinct context. Its public-employment framework has historically relied on legislation that establishes the institutional structure of the civil service and the role of central administrative bodies. Yet the operation of public recruitment cannot be separated from the political and sectarian environment within which Lebanese institutions function. Where political considerations influence staffing decisions, the legal principles of merit and equality may be weakened even if they are formally recognized. The problem demonstrates a central proposition of administrative law: legislative rules require institutions capable of applying them independently and consistently. The effectiveness of a legal rule depends not only on its wording but also on the procedural, supervisory, and judicial mechanisms through which compliance is secured. General administrative-law doctrine therefore emphasizes the relationship between legal rules, institutional competence, and mechanisms of review (Amr, 2005).

The rights relevant to this study can be divided conceptually into substantive and procedural protections, although the two categories frequently overlap. Substantive rights include equality, nondiscrimination, equal opportunity, and selection on the basis of competence and merit. Procedural rights include transparent announcement of vacancies, access to accurate information concerning recruitment requirements, objective examination procedures, impartial selection committees, disclosure of results, reasoned administrative decisions, access to

administrative files, opportunities to submit grievances, and effective judicial remedies. Existing employees require similar procedural guarantees when administrative decisions affect their careers. These protections are closely linked with broader human-rights concepts because a right has limited practical value unless institutions and procedures exist to protect it. Legal protection therefore requires not only recognition of an interest but also mechanisms capable of preventing or remedying unlawful interference (Kazim, 1999).

Judicial review has particular importance in this framework. Administrative courts are responsible for ensuring that public authorities act within the limits of their legal powers and respect procedural requirements. Judicial review in public-employment disputes may concern lack of competence, procedural irregularity, violation of law, misuse of power, or errors affecting the legal basis of a decision. Iraqi and comparative administrative jurisprudence illustrates the importance of judicial control over administrative decisions affecting public employees (Imran, 2004). Yet judicial review is effective only when affected individuals can obtain the information necessary to challenge a decision and when procedural barriers do not render litigation impractical. An applicant who is merely informed that an application has failed, without knowing the relevant scores, assessment standards, or grounds for exclusion, may possess a theoretical right of challenge but lack the evidentiary means necessary to exercise it meaningfully. Another important issue concerns the obligation to provide reasons. Administrative reasoning performs several legal functions. It requires decision-makers to articulate the factual and legal basis for their action, facilitates administrative and judicial review, allows affected individuals to understand how their legal position has been determined, and discourages arbitrary decision-making. In public employment, reasoning is especially important when an applicant is excluded, an employee is disciplined, or a promotion is denied. Judicial protection becomes significantly weaker where the administration can take adverse decisions without explaining the grounds on which they rest. Administrative procedural guarantees should therefore be regarded as components of employment justice rather than optional techniques of good administration.

The objective of this article is to analyze and compare the legislative approaches adopted in Iraq, Egypt, and Lebanon concerning the rights of government employees and applicants for public employment. It seeks to determine the extent to which the three legal systems protect equality, merit, transparency, procedural fairness, and effective review throughout recruitment and public service. It also examines whether applicants should be recognized as holders of an independent legal position deserving explicit legislative protection before appointment. Particular attention is given to recruitment procedures, selection and appointment criteria, access to information, reasoned decisions, grievance mechanisms, judicial review, disciplinary safeguards, and the institutional independence of bodies responsible for public employment. The article further identifies shared legislative weaknesses and proposes a comparative reform approach capable of strengthening administrative justice without preventing public authorities from managing their personnel efficiently.

The study adopts a descriptive, analytical, and comparative legal method. The descriptive dimension identifies the principal legislative structures regulating government employment in the three countries. The analytical dimension examines the effectiveness of the legal guarantees contained within those structures and considers the relationship between statutory principles and procedural implementation. The comparative dimension identifies convergences and divergences among Iraq, Egypt, and Lebanon and evaluates the possibility of developing common reform principles. The central argument is that employment justice cannot be achieved through general declarations of equality and merit alone. Effective protection requires legislation that treats recruitment and personnel management as legally regulated processes, defines the rights of both employees and applicants, limits administrative discretion through objective standards, guarantees access to information and reasoned decisions, and provides independent administrative and judicial remedies.

2. Legislative Foundations of Rights in Public Employment

The legislative foundations of public-employment rights arise from the special legal nature of the relationship between the state and individuals who perform public

functions. Public employment is not merely a means by which the state purchases labor. It is an organizational mechanism through which the administration carries out public services and exercises responsibilities assigned to it by law. For that reason, the public employee has traditionally been regarded as occupying a legally regulated position within the administrative apparatus. Fayyad describes public employment as a legal system structured around the requirements of public service and the rules governing appointment, duties, rights, and termination of service (Fayyad, 1996). This statutory framework distinguishes public employment from ordinary private employment and explains why legislative regulation is particularly significant. Because the administration possesses powers derived from public law, the legal position of employees must be protected by rules that define both administrative authority and individual rights.

The principle of legality provides the most fundamental foundation for those protections. Public authorities may not determine employment conditions entirely according to institutional preference because recruitment, appointment, promotion, discipline, and termination must remain within the boundaries established by legislation. Administrative law is built on the proposition that executive authorities are legally constrained and that administrative decisions may be reviewed when they exceed statutory powers or disregard mandatory procedures (Al-Sanhuri, 1959). In public employment, legality therefore performs a dual function. It authorizes the administration to organize personnel while simultaneously protecting individuals by preventing the arbitrary exercise of that authority. A recruitment authority may possess discretion in assessing candidates, for example, but it should not be permitted to alter eligibility standards after applications have been submitted, manipulate assessment criteria, or introduce considerations unrelated to the advertised position.

Equality is closely connected with legality and constitutes a central legislative foundation of public employment. Equality before the law requires similarly situated individuals to be treated according to consistent standards unless an objective legal reason justifies differential treatment. In recruitment, this principle means that public vacancies should be accessible under conditions that do not privilege particular candidates on irrelevant grounds. Equal opportunity does not require every applicant to obtain the same outcome; rather, it requires every qualified applicant to have a genuine opportunity to compete according to predetermined and lawful criteria. Public administrative law has traditionally linked equality in public employment with the objective character of state functions because government positions are created to serve public needs rather than private interests (Al-Basyouni, 2000). Accordingly, appointments based on favoritism, personal relationships, political loyalty, or other considerations unrelated to professional qualifications conflict with the legal logic of public service.

Merit provides the operational dimension of equal opportunity. A system may formally allow all citizens to apply yet remain unjust if selection criteria are vague, manipulable, or disconnected from the functions of the position. Merit-based recruitment requires the legislature or competent regulatory authority to identify objective factors relevant to professional competence. These may include academic qualifications, specialized training, experience, written examinations, practical assessments, and structured interviews. Recruitment should be designed to identify the candidate most capable of performing the public function rather than merely satisfying minimal eligibility conditions. Abu Al-Ula's treatment of public employment in Egyptian administrative law emphasizes the structured legal character of appointment and the importance of conditions governing access to public office (Abu Al-Ula, 1998). The value of such conditions lies in their ability to transform the abstract principle of equal opportunity into an administratively workable mechanism.

The Iraqi legal framework reflects the importance of constitutional equality and public-service regulation but also demonstrates the difficulties created by legislative fragmentation. Civil-service matters have historically been governed by longstanding statutory provisions supplemented by subsequent legislation, budgetary rules, administrative instructions, and decisions of competent authorities. Fragmentation is not necessarily incompatible with legality, but it can create uncertainty when different institutions apply recruitment conditions in inconsistent ways. Jawad's discussion of Iraqi administrative law shows the importance of clear legal competence and organized administrative authority in ensuring lawful governmental action (Jawad, 2008).

Where several rules govern the same recruitment process without a unified procedural structure, applicants may encounter different announcement requirements, assessment mechanisms, documentary conditions, or grievance procedures depending on the employing institution.

Such fragmentation has particular consequences for the legal status of applicants. Traditional public-employment statutes frequently devote greater attention to the rights and obligations that arise after appointment than to the period preceding it. Yet the absence of a formal employment relationship does not mean that the applicant lacks legally protected interests. Once the administration announces a public competition and establishes participation conditions, it creates a regulated process in which applicants are entitled to lawful and equal treatment. General administrative-law principles support the proposition that authorities must comply with their own legally established procedures and may not depart arbitrarily from the criteria governing an administrative process (Ibrahim, 2012). Applicants should therefore be regarded as holders of procedural rights even though they have not yet acquired the status of public employees.

Egypt provides a more modern legislative model in the sense that public-service reform has sought to rationalize recruitment and make competence a more explicit basis for appointment. Egyptian public-employment law historically developed through a substantial body of legislation and administrative jurisprudence concerning appointment, promotion, discipline, and termination. Abu Al-Ula explains the public employee's position within a statutory structure in which legal rules regulate entry into service and subsequent career stages (Abu Al-Ula, 1998). Reform-oriented legislation strengthens this structure when it specifies objective conditions for recruitment and reduces opportunities for uncontrolled administrative discretion. Nevertheless, the effectiveness of reform depends on procedural implementation. A law may declare that selection is based on competence while leaving significant practical questions unresolved, including the content of examinations, the manner in which interview scores are calculated, access to evaluation results, and the grounds on which a candidate may challenge exclusion.

This demonstrates the importance of legislative precision. Broad expressions such as "public interest," "suitability," or "administrative need" may be unavoidable in some contexts, but excessive dependence on undefined concepts can create opportunities for unequal treatment. Administrative legislation should therefore distinguish between areas where discretion is genuinely necessary and areas where uniform standards are required. Al-Muhanna's treatment of administrative-law principles underscores the importance of regulating administrative power in a manner that preserves both effective government and legal control (Al-Muhanna, 1978). Recruitment provides a clear example. The administration may need discretion to determine how many employees are required or what specialized competencies a particular role demands, but the process for comparing candidates should operate according to published and reviewable standards.

Lebanon illustrates the additional challenge created when formal legal rules operate within a political environment characterized by competing communal and institutional interests. Lebanese civil-service legislation provides an organized statutory framework, yet its effectiveness depends on the extent to which recruitment is conducted according to merit rather than political or sectarian considerations. The public institution is legally understood as a professional structure created to perform public functions, and its personnel should consequently be selected in a manner consistent with those functions (Al-Qabbani, 2001). When exceptions to ordinary recruitment procedures become frequent or when appointments occur outside centralized mechanisms, the normative force of merit-based rules is weakened. Formal legality may therefore coexist with practices that undermine substantive equality.

The legislative foundation of employment rights must also encompass nondiscrimination. Equality and nondiscrimination overlap but are not identical. Equality requires comparable treatment, while nondiscrimination prohibits distinctions based on irrelevant or legally impermissible characteristics. In the context of public employment, discriminatory barriers may appear directly in eligibility requirements or indirectly through practices that systematically disadvantage particular groups. Human-rights theory treats legal protection as requiring not only formal

recognition but also practical mechanisms capable of securing equal enjoyment of rights (Hani, 2004). Public-employment legislation should accordingly prohibit arbitrary discrimination and establish procedures through which applicants and employees can challenge it.

Transparency is another foundational principle. The legality of recruitment cannot be meaningfully assessed when vacancy information, selection criteria, examination results, or appointment decisions remain inaccessible. Transparency begins with the public announcement of vacancies and should continue throughout the recruitment process. Applicants should know the qualifications required, the documents to be submitted, the stages of assessment, the weight given to different criteria, relevant deadlines, and available avenues of challenge. This information should be disclosed before selection begins rather than reconstructed after complaints arise. Administrative transparency limits discretionary manipulation and provides a factual basis for both internal oversight and judicial review. It also promotes public confidence by demonstrating that positions are genuinely open to competition.

The duty to provide reasons follows from the same logic. A legal system that grants an individual the right to challenge an administrative decision but does not require the administration to disclose the basis of that decision creates an incomplete remedy. Reasons allow an applicant to determine whether exclusion resulted from an objective failure to satisfy legal conditions or from an error capable of challenge. They similarly allow an employee to understand the basis for denial of promotion, disciplinary punishment, transfer, or another adverse employment decision. Al-Saidi's analysis of administrative powers and judicial oversight demonstrates the importance of review mechanisms capable of testing whether governmental authority has been exercised consistently with legal limits (Al-Saidi, 2010). Meaningful review is substantially easier when the factual and legal basis of the decision is expressly recorded.

Existing employees require legislative guarantees extending across the entire career cycle. Appointment creates a legal status involving rights and obligations that cannot be reduced to the initial decision admitting an individual to service. Employees may possess rights relating to remuneration, leave, promotion, professional stability, retirement, defense in disciplinary proceedings, and judicial protection against unlawful measures. Disciplinary authority is especially important because it represents one of the strongest powers exercised by the administration over its personnel. Al-Ajarmeh's analysis of disciplinary authority emphasizes that disciplinary mechanisms must operate within a legal framework regulating competence, procedure, and sanctions (Al-Ajarmeh, 2003). A disciplinary system that grants the administration unrestricted authority may transform legitimate managerial control into an instrument of intimidation or retaliation.

Procedural guarantees in disciplinary matters include prior notification of allegations, sufficient opportunity to respond, impartial consideration of evidence, proportionality between misconduct and sanction, and access to administrative or judicial appeal. The possibility of disciplinary punishment is necessary for maintaining the integrity of public service, but sanctions cannot be validly imposed solely because the administration considers them convenient. The legal nature of public employment requires disciplinary decisions to remain subject to the principle of legality. Al-Qaisi's work on disciplinary sanctions illustrates the importance of legal rules governing the continuation and termination of disciplinary consequences (Al-Qaisi, 2009). This demonstrates that employee protection should not be confined to the moment when a sanction is imposed but should extend to its duration, effects, and eventual expiration.

The independence of supervisory institutions forms another part of the legislative foundation. Public-employment regulation cannot depend exclusively on the same administrative authority that makes contested recruitment or personnel decisions. Internal review is valuable, but independent oversight provides stronger protection against institutional self-interest. Central civil-service bodies, administrative tribunals, independent grievance institutions, and courts can each contribute to legality. Their effectiveness depends on clearly defined jurisdiction, institutional independence, access to relevant documents, and authority to provide meaningful remedies. Judicial protection has particular importance because courts can annul unlawful administrative decisions and establish authoritative interpretations of statutory employment rights. Imran's

analysis of Iraqi and comparative administrative judiciary demonstrates how judicial review functions as a principal guarantee of legality within public administration (Imran, 2004).

The three legal systems therefore share a common normative foundation even though their legislative structures differ. Public employment must be governed by legality, equality, merit, nondiscrimination, transparency, and effective protection against administrative arbitrariness. These principles cannot remain limited to constitutional statements or general administrative doctrine. They must be translated into detailed statutory and regulatory rules governing every stage from vacancy announcement to appointment and from active service to termination. The principal legislative challenge is not simply to declare rights but to define their practical content. Without procedural requirements, institutional oversight, and remedies, abstract rights remain vulnerable to inconsistent application.

3. Rights and Legal Guarantees of Government Employees and Public-Employment Applicants

The effectiveness of public-employment legislation ultimately depends on the guarantees through which rights can be exercised and enforced. A legal system may formally recognize equality, merit, or protection against arbitrary administrative action while failing to provide individuals with the procedural instruments necessary to invoke those principles. Rights in public administration are therefore inseparable from guarantees. Kazim's treatment of rights and public freedoms reflects the broader proposition that a protected legal interest requires institutional recognition and mechanisms capable of preventing or remedying infringement (Kazim, 1999). In public employment, these mechanisms must protect both applicants seeking entry into public service and employees whose existing legal positions may be affected by administrative decisions.

For applicants, the first significant guarantee is equal access to reliable information about public vacancies. Recruitment cannot be genuinely competitive when vacancies are circulated selectively or when important information is withheld from portions of the eligible population. Announcement rules should require publication through accessible and standardized channels and should identify all material conditions of competition. These include the number and classification of vacancies, qualifications, professional experience, age or other legally permissible requirements, documents, deadlines, examination procedures, scoring criteria, and methods of appeal. Fayyad's analysis of the legal system of public employment treats recruitment as a structured legal process rather than an informal exercise of managerial preference (Fayyad, 1996). That conception necessarily requires information to be disclosed in a manner allowing individuals to determine whether they are eligible and how their applications will be assessed.

The right to information should continue after the application has been submitted. Candidates should receive confirmation that their applications have been registered and should be informed of decisions affecting their participation. Where an application is rejected at the preliminary stage, the candidate should know which condition was not satisfied. Where written or practical examinations are used, applicants should have access to their scores and to the general standards governing evaluation. When interviews contribute to final rankings, the legislature should require sufficient documentation to permit later review. Administrative files should record the composition of committees, scoring methods, relevant minutes, and final rankings. Hani's discussion of fundamental freedoms supports the wider idea that rights become ineffective when individuals lack practical access to information necessary to defend their legal positions (Hani, 2004). In public recruitment, secrecy can transform administrative discretion into an effectively unreviewable power.

The requirement of reasoned decisions is therefore one of the most important legal guarantees. A reasoned decision enables an individual to identify the factual and legal grounds supporting administrative action. It also disciplines the decision-maker because the administration must articulate the considerations that justify its conclusion. In recruitment, reasons should ordinarily accompany decisions excluding applicants from competition, invalidating applications, rejecting grievances, or departing from expected ranking outcomes. In employment relationships, reasoning is especially important in disciplinary sanctions, promotion decisions, transfers that adversely affect the employee, and termination. The traditional principles of administrative law recognize that judicial oversight

becomes more effective when courts can examine the stated basis on which administrative action was taken (Al-Sanhuri, 1959). The absence of reasons may not always prove unlawfulness, but it significantly weakens the ability of affected persons to identify misuse of authority or factual error.

Another guarantee is the legal regulation of selection committees. Recruitment decisions are frequently presented as institutional acts, but in practice they are made by individuals appointed to committees or assessment panels. The fairness of the process therefore depends on committee composition, qualifications, impartiality, and accountability. Legislation should prohibit participation by persons having personal or professional conflicts of interest and should establish procedures for recusal when impartiality is reasonably questioned. Committee members should apply predetermined criteria and should not introduce unofficial considerations. The theory of professional public institutions assumes that administrative functions should be carried out by competent officials operating within legally defined structures (Al-Qabbani, 2001). Recruitment committees should therefore be treated as components of a regulated decision-making process rather than temporary groups possessing uncontrolled evaluative authority.

Standardization is particularly important where oral interviews are used. Interviews can help assess communication skills, professional judgment, and suitability for particular responsibilities, but they can also become channels for subjective preference. A fair system should specify the competencies being evaluated, the weight assigned to the interview, and the manner in which scores are recorded. Where written tests provide objective measures, their results should not be displaced by unexplained interview scores. This does not require eliminating qualitative assessment. It requires converting qualitative judgment into a legally accountable process. The general administrative-law approach described by Ibrahim supports the proposition that discretionary authority must remain connected to the purpose for which it was granted and cannot be exercised on arbitrary grounds (Ibrahim, 2012).

A right to administrative grievance should also exist throughout recruitment rather than only after final appointment decisions. Applicants may need to challenge eligibility conditions, preliminary exclusion, examination irregularities, inaccurate scoring, or the composition of assessment bodies. If the law requires candidates to wait until the entire competition has concluded, procedural defects may become difficult to correct. A staged grievance system can allow errors to be remedied before they affect final outcomes. Administrative grievances are valuable because they may provide faster and less expensive relief than litigation. However, they should not be controlled exclusively by the same officials responsible for the contested decision. A reviewing body should possess sufficient independence to reconsider the relevant evidence and, where necessary, suspend or correct an unlawful procedure.

Judicial review remains indispensable even where internal grievance mechanisms are available. Administrative authorities should not possess final authority to determine the legality of their own actions. Imran's work on the Iraqi and comparative administrative judiciary illustrates the central function of courts in reviewing administrative legality and protecting individual legal positions (Imran, 2004). Judicial review of recruitment decisions should extend beyond the final appointment itself. Courts should be able to examine unlawful exclusion from a competition, violations of mandatory procedures, discriminatory conditions, manipulation of assessment criteria, and misuse of administrative authority. The remedy should be adapted to the nature of the violation. In some cases, annulment of the contested decision may be sufficient; in others, reconsideration, restoration of participation, or compensation may be required.

Access to evidence is essential if judicial review is to function effectively. Public authorities frequently possess virtually all documentation concerning recruitment. Applicants may know that they were unsuccessful without knowing how their score was calculated or how competing candidates were evaluated. If courts require applicants to prove irregularity while allowing the administration to withhold the necessary records, the burden of proof becomes practically impossible to satisfy. Legislation should therefore impose a duty on the administration to preserve and produce relevant recruitment files when a grievance or judicial challenge arises. Transparency in evidentiary matters is consistent with the broader function of judicial oversight discussed by Al-Saidi (Al-Saidi, 2010).

Courts can protect legality only when administrative decision-making is sufficiently documented to permit examination.

Nondiscrimination guarantees must also be enforceable rather than symbolic. Public-employment discrimination can take multiple forms. Direct discrimination occurs when an applicant is explicitly excluded because of a prohibited characteristic. Indirect discrimination may arise where apparently neutral criteria disproportionately disadvantage a particular group without adequate relation to the requirements of the position. Political or sectarian preference represents another difficulty, especially where public positions become part of informal arrangements concerning institutional influence. Human-rights protection requires substantive attention to the practical effects of governmental rules and not merely their formal wording (Hani, 2004). Recruitment legislation should consequently identify prohibited grounds of discrimination and establish procedures through which applicants can obtain review without facing unrealistic evidentiary burdens.

The legal position of existing government employees requires a broader range of guarantees because administrative authority continues throughout the employment relationship. The employee's right to professional stability does not ordinarily prevent the administration from reorganizing services, transferring personnel, or evaluating performance. It does, however, require such decisions to be based on legally relevant considerations. The statutory nature of public employment means that employees must comply with lawful organizational decisions, but that same statutory structure imposes limits on the administration (Al-Basyouni, 2000). A transfer undertaken for legitimate operational reasons differs fundamentally from one imposed as disguised punishment or retaliation. Judicial and administrative review should therefore examine the real purpose and legal basis of personnel actions where abuse is alleged.

Promotion represents another area in which employee rights and administrative discretion intersect. Promotion decisions may depend on seniority, performance, qualifications, competitive examination, or combinations of these factors. The law should define the applicable criteria with sufficient precision to reduce favoritism. Employees should know what requirements must be satisfied and how comparative evaluations are conducted. Where promotion depends on performance appraisal, evaluation criteria should be known in advance and employees should be able to challenge manifestly inaccurate assessments. Public-employment regulation cannot guarantee promotion as an automatic individual entitlement in every case, but it should guarantee a lawful and impartial process.

Disciplinary protection is one of the clearest examples of procedural justice within public employment. The administration must have authority to address misconduct because public employees perform responsibilities connected with state institutions and public resources. Nevertheless, disciplinary action may seriously affect reputation, income, career progression, and continued employment. Al-Ajarmeh emphasizes the distinctive legal character of disciplinary authority and the necessity of regulating its exercise through defined rules (Al-Ajarmeh, 2003). The accused employee should be informed of the allegations, allowed sufficient opportunity to examine relevant evidence, permitted to present a defense, and protected against sanctions imposed by unauthorized bodies. The final decision should be reasoned and should identify the proven misconduct and applicable legal basis.

Proportionality should also guide disciplinary sanctions. Not every breach justifies severe punishment, and the administration should distinguish between minor procedural failures and serious misconduct affecting integrity or public-service performance. Disciplinary law loses legitimacy when similar misconduct produces radically different consequences without explanation. Al-Qaisi's examination of disciplinary sanctions demonstrates that legal rules governing sanctions are essential to protecting employees against indefinite or uncontrolled punitive consequences (Al-Qaisi, 2009). Proportionality also facilitates judicial review because courts can examine whether the sanction bears a reasonable relationship to the established misconduct.

Employees should additionally enjoy protection concerning access to their personnel files. Performance reports, disciplinary records, promotion assessments, and other administrative documents may influence career development. An employee who cannot inspect relevant records may be unable to correct factual errors or challenge unlawful decisions. The right of access should therefore be subject only to narrowly defined

exceptions justified by legitimate confidentiality concerns. The same principle applies to applicants. Access need not mean unrestricted disclosure of other candidates' personal information, but privacy can be protected without preventing an individual from obtaining sufficient information about their own evaluation and the general basis of the final decision.

Independent supervisory bodies can strengthen these protections substantially. A centralized civil-service institution may establish common standards, review recruitment plans, monitor compliance, investigate complaints, and reduce the extent to which individual ministries develop inconsistent practices. Independence is crucial because oversight loses value when supervisory institutions are subordinate to political actors or employing authorities whose decisions they are expected to review. Amr's discussion of administrative-law structures reflects the importance of institutional allocation of competence and oversight in maintaining lawful administration (Amr, 2005). A supervisory body should possess clearly defined authority, professionally qualified personnel, access to administrative records, and the capacity to issue binding or legally consequential decisions.

The comparative position of Iraq, Egypt, and Lebanon demonstrates that legal guarantees should be understood as an integrated system. Iraq requires greater procedural unification and stronger statutory recognition of applicants' rights. Egypt possesses a more developed reform framework but still requires effective implementation and transparent review mechanisms capable of turning legislative principles into practical safeguards. Lebanon requires both procedural modernization and stronger insulation of recruitment from political and sectarian pressures. The problems differ in emphasis, but the underlying legal requirement is similar: public-employment rights must be protected through procedures that produce evidence, require reasons, enable review, and subject decision-makers to accountability.

These guarantees should not be viewed as bureaucratic obstacles to efficient administration. Clear procedures can improve efficiency by reducing disputes, standardizing recruitment, and ensuring that qualified individuals enter public service. Transparent selection also improves institutional legitimacy because citizens are more likely to trust public administration when access to employment appears fair and predictable. The central purpose of legal guarantees is therefore not to eliminate administrative discretion but to structure it. Public authorities must retain sufficient flexibility to respond to institutional needs, yet individuals must be protected against decisions that are discriminatory, arbitrary, politically motivated, procedurally defective, or disconnected from the legitimate objectives of public service.

4. Comparative Evaluation of Recruitment, Selection, and Appointment Mechanisms

Recruitment, selection, and appointment constitute the practical stages through which constitutional and legislative principles governing public employment are translated into administrative action. The quality of a public-employment system depends not merely on whether its legislation recognizes equality and merit but on whether recruitment procedures are designed to make those principles operational. The legal organization of public employment requires clear rules governing entry into service because appointment is the point at which the individual becomes integrated into the administrative apparatus and acquires the corresponding statutory position (Fayyad, 1996). When admission procedures are fragmented, opaque, or susceptible to political influence, substantive rights may be undermined before an employment relationship is formally created.

The first element of a fair recruitment system is the identification and announcement of genuine vacancies. Public positions should correspond to actual institutional needs and approved organizational structures. Recruitment should not be initiated merely to accommodate particular candidates or create exceptional paths into public service. Administrative authorities have responsibility for determining staffing requirements, but those determinations should remain subject to applicable budgetary and civil-service rules. Jawad's treatment of administrative authority in Iraq emphasizes the importance of legally defined competence and adherence to organizational rules in the exercise of governmental functions (Jawad, 2008). Recruitment conducted outside established staffing structures may create unequal access and weaken centralized personnel planning.

Vacancy announcements should be standardized and sufficiently detailed. A fair announcement must allow applicants to understand both eligibility and the method by which comparative selection will occur. It should specify qualifications, experience, relevant professional requirements, the number of available positions, geographic or institutional placement where appropriate, the assessment stages, and application deadlines. Legal problems arise when administrations publish vague announcements and later apply unpublished preferences during selection. Such practices contradict the basic requirement that administrative procedures operate according to predetermined rules. Ibrahim's exposition of administrative-law principles supports the requirement that administrative authorities act consistently with rules established before the exercise of discretionary power (Ibrahim, 2012).

In Iraq, the challenge is particularly connected with the multiplicity of legislative and administrative instruments affecting public employment. Where ministries and other institutions rely on different instructions or interpret general rules inconsistently, applicants may encounter variable recruitment standards. One institution may place strong emphasis on academic qualifications, another on interviews, and another on criteria arising from administrative instructions that are not easily accessible. Such variation can be legitimate when positions genuinely require different competencies, but the absence of a common procedural framework makes it difficult to distinguish necessary differentiation from arbitrary inconsistency. Iraqi administrative judiciary provides an important avenue for reviewing administrative legality (Imran, 2004), yet judicial review cannot substitute entirely for clear ex ante regulation.

A more coherent Iraqi system would therefore require a unified procedural framework defining the principal stages of government recruitment while allowing limited sector-specific adaptations. The framework should regulate vacancy announcements, registration, verification of documents, preliminary eligibility decisions, examinations, interviews, scoring, publication of results, grievances, and final appointment. Each stage should generate an administrative record. Applicants excluded at an early stage should receive reasons, and deadlines for grievances should begin only after effective notification. Standardization would reduce institutional disparities and strengthen judicial oversight because courts could assess decisions against a common legal benchmark.

Egypt presents a comparatively more developed statutory approach to civil-service regulation. Egyptian administrative law has long treated appointment to public positions as a legally organized process governed by conditions intended to protect both administrative efficiency and equality (Abu Al-Ula, 1998). Modern reform has reinforced the importance of competence and objective selection. Nevertheless, the gap between formal regulation and administrative practice remains legally significant. A centralized legal framework is beneficial only if ministries and agencies consistently comply with it. Variations in implementation, inadequate disclosure of assessment details, or unexplained exceptions can weaken the practical effect of legislative reform.

The Egyptian experience demonstrates why legal modernization should include strong procedural accountability. A recruitment system may use competitive examinations and still produce disputes if applicants do not know how scores were calculated or if interview assessments can substantially alter rankings without explanation. Objective written examinations generally provide stronger evidentiary transparency because answers and scores can be preserved. Interviews, by contrast, require carefully structured scoring matrices to reduce subjectivity. The legislative framework should therefore require written documentation of qualitative assessments and identify the weight attached to each stage of selection. Public-employment scholarship recognizes that appointment conditions must be organized in a manner that serves both competence and equal access (Abu Al-Ula, 1998). This balance cannot be achieved if decisive criteria remain hidden from applicants.

Lebanon raises a different but related problem: the interaction between legal recruitment mechanisms and political or sectarian considerations. Public-service legislation may establish centralized bodies and formal competitive procedures, yet exceptions can weaken the uniformity of the system. The legal theory of the professional public institution assumes that staffing should reflect the functional needs of the institution rather than external political interests (Al-Qabbani,

2001). When recruitment is influenced by political allocation, the principle of merit becomes secondary and individuals may perceive access to public employment as dependent on affiliation rather than competence.

The Lebanese framework therefore requires particular attention to exceptions. Even a carefully designed general system can be undermined if numerous positions are filled through exceptional mechanisms. Legislation should define narrowly the circumstances in which ordinary competitive procedures may be bypassed and should require public justification whenever an exception is used. Temporary appointments, contractual engagements, or specialized recruitment pathways should not become substitutes for ordinary merit-based appointment. Oversight bodies should have authority to review whether the legal conditions for exceptional recruitment are genuinely satisfied.

Selection criteria constitute the core of recruitment. Qualifications should be related directly to the functions of the vacant position and should be defined before applications are evaluated. Academic degrees provide one measure of professional preparation but should not automatically dominate all other indicators. Relevant experience, professional certification, written examinations, practical testing, and demonstrable competencies may also be appropriate. The legislature should establish a framework governing which factors may be used and should require employing institutions to disclose their relative weight. Administrative discretion is legitimate only when it remains connected to the purpose of the statutory authority (Al-Sanhuri, 1959). Consequently, criteria unrelated to professional performance should not influence selection.

The treatment of oral interviews deserves special legislative attention in all three systems. Interviews may be necessary for positions involving leadership, communication, negotiation, or public interaction, but they create greater opportunities for subjective preference than standardized tests. A legally defensible interview process should rely on predefined questions or competency areas, multiple assessors, written scoring, and documented reasons for unusually high or low scores. Where possible, candidates should be evaluated independently by several committee members. These safeguards do not eliminate judgment but make it traceable and reviewable. The principle of balancing administrative authority with oversight, emphasized by Al-Saidi (Al-Saidi, 2010), is particularly relevant in this context because recruitment committees need evaluative freedom while remaining accountable for its exercise.

Appointment procedures should also respect the ranking produced by competitive selection. If the administration may disregard final rankings without legal justification, earlier procedural safeguards become largely meaningless. Legislation should identify the limited circumstances in which departure from ranking is permitted and require written reasons for any such departure. Where medical fitness, security requirements, or other lawful post-selection conditions apply, they should be defined clearly and applied consistently. Applicants who satisfy all published conditions and achieve a ranking sufficient for appointment should possess a legally protectable expectation that the administration will follow the announced rules.

Digitalization offers significant potential for improving recruitment integrity. A centralized electronic platform could publish all government vacancies, receive applications, verify basic eligibility, communicate examination schedules, publish results, and receive grievances. Automated systems could reduce opportunities for manual alteration of applications and create auditable records of each procedural stage. Technology, however, should not be treated as a substitute for law. Digital systems must themselves operate according to transparent criteria, and applicants should be able to challenge incorrect automated classifications. The legal system must remain responsible for ensuring that technological processes respect the same requirements of equality, legality, and reviewability that apply to traditional administrative procedures.

A national recruitment database could contribute to procedural unification in Iraq, Egypt, and Lebanon, although implementation would require adaptation to each country's administrative structure. Centralized publication would make vacancies more accessible and reduce the possibility of selective notification. Standard application formats could simplify comparison and reduce administrative burdens. Electronic tracking could notify applicants of each decision affecting their status and automatically calculate relevant grievance

deadlines. The broader administrative-law requirement is that procedures remain traceable. Documentation allows oversight bodies and courts to reconstruct what occurred and determine whether the administration complied with applicable rules.

Appeal mechanisms should correspond to the sequential nature of recruitment. Applicants should not be required to wait until final appointment before challenging a defect that occurred during preliminary screening. A candidate wrongly excluded for allegedly lacking a qualification should be able to obtain rapid reconsideration before examinations take place. Similarly, allegations concerning examination irregularities should be reviewable before appointments become irreversible. Administrative grievance procedures should therefore be designed to produce prompt decisions. Excessively delayed review may provide formal legality without effective relief.

Independent review committees can play an important role in this process. Their members should be institutionally separate from the original decision-makers and possess relevant legal or technical expertise. They should have authority to inspect recruitment records, correct scoring errors, order reconsideration, and refer serious irregularities for disciplinary or judicial action. Internal review mechanisms reduce the burden on courts while offering applicants accessible remedies. However, judicial review must remain available because administrative committees cannot provide the same level of institutional independence as courts. Imran's comparative treatment of administrative judiciary underscores the importance of judicial institutions as ultimate guarantors of legality (Imran, 2004).

Remedies should be capable of producing practical consequences. If an unlawful exclusion is established before the completion of recruitment, the applicant should be restored to the process. If illegality is discovered after appointment, the appropriate remedy becomes more complex because the rights of other individuals may have arisen. Courts may need authority to annul decisions, order reconsideration, or award compensation depending on circumstances. A system that recognizes violations but provides no meaningful remedy does not offer effective legal protection. Hani's broader treatment of rights and freedoms supports the proposition that enforceability is essential to the practical existence of legal rights (Hani, 2004).

The protection of existing employees must be connected to recruitment reform because appointment is only the beginning of the public-service relationship. Unified standards should continue to govern promotion, evaluation, and disciplinary processes. Employees who enter through merit-based recruitment may still experience arbitrary personnel decisions if later career stages remain opaque. Promotion systems should therefore use measurable criteria and publish vacancies or advancement opportunities where competitive promotion is required. Performance evaluations should be documented and reviewable. Disciplinary procedures should comply with the guarantees associated with lawful administrative punishment. Al-Ajarmeh's analysis of disciplinary authority confirms that employee discipline must be exercised through legally regulated procedures rather than uncontrolled managerial discretion (Al-Ajarmeh, 2003).

The comparative evaluation of the three systems shows that effective reform requires convergence around several principles while respecting national legal structures. Iraq needs greater consolidation of recruitment rules and clearer statutory recognition of applicant protections. Egypt should strengthen the implementation, transparency, and reviewability of its modernized recruitment framework. Lebanon needs to reinforce centralized merit-based procedures and reduce exceptions that allow political or sectarian considerations to influence appointment. In all three systems, selection and appointment criteria should be publicly known, recruitment bodies should be accountable, digital tools should increase traceability, and grievance mechanisms should operate before procedural defects become irreversible.

The central comparative lesson is that administrative justice depends on the architecture of procedures. General statements of equal opportunity become meaningful only when they determine who may apply, how applications are assessed, who makes decisions, what information is recorded, how results are communicated, and how mistakes are corrected. Recruitment law should therefore be drafted as an integrated procedural system rather than a collection of isolated principles. Clear procedural rules do not diminish administrative capacity. They strengthen it by ensuring that appointments are based on professional competence, reducing opportunities for corruption or

favoritism, and improving public confidence in the neutrality of state institutions.

5. Legislative and Institutional Reform of Public-Employment Rights

Reforming public-employment rights in Iraq, Egypt, and Lebanon requires more than amendment of isolated provisions. The principal weakness revealed by comparative analysis is the separation between broad legal principles and the institutional mechanisms required to implement them. Equality, transparency, competence, and legality are widely accepted as desirable norms, but they cannot regulate administrative conduct effectively unless legislation translates them into enforceable obligations. Administrative-law scholarship consistently demonstrates that legal rules must operate through clearly allocated powers, procedures, and supervisory institutions (Amr, 2005). Reform should therefore address the entire structure of public employment, from recruitment and appointment to promotion, disciplinary proceedings, and judicial protection.

The first requirement is legislative consolidation. Fragmented regulation creates uncertainty for applicants, employees, administrators, and courts. This is particularly significant where civil-service statutes coexist with ministerial instructions, budget laws, sector-specific regulations, and exceptional appointment rules. Consolidation does not necessarily require a single statute governing every detail of public employment, but it requires a coherent hierarchy of norms and a clear identification of the rules applicable to recruitment and personnel decisions. Al-Muhanna's analysis of administrative-law principles reflects the importance of coherence between legal authority and administrative implementation (Al-Muhanna, 1978). Where different public institutions apply contradictory procedures, equal treatment becomes difficult to guarantee.

Iraq would benefit considerably from a unified legislative framework governing government recruitment. Such a framework should define applicants' legal status expressly and establish the minimum procedural rights applicable to all public institutions. Existing employees already occupy a recognized statutory position, but applicants should also be treated as participants in a legally regulated administrative process. The law should establish their rights to accurate information, equal treatment, objective assessment, reasons for exclusion, access to relevant parts of the recruitment file, administrative grievance, and judicial review. These rights should arise from participation in the recruitment process rather than from eventual appointment.

The Iraqi framework should also reduce reliance on institution-specific interpretations. Central authorities may remain responsible for technical implementation, but basic procedures should be mandatory across ministries and agencies. Selection criteria should be linked to job descriptions and publicly available. Examination and interview procedures should be standardized sufficiently to permit comparison and oversight. Judicial review should extend to all legally significant stages rather than only completed appointments. Imran's discussion of Iraqi administrative judiciary demonstrates the capacity of judicial control to protect legality (Imran, 2004), but its effectiveness would increase substantially if legislation generated clearer standards against which recruitment decisions could be tested.

Egypt's reform priorities differ because the country possesses a more developed statutory civil-service framework. The principal need is to strengthen implementation and ensure that modern legislative standards operate consistently across administrative institutions. Abu Al-Ula's account of Egyptian public employment illustrates the established legal organization of appointment and public-service status (Abu Al-Ula, 1998). Reform should therefore focus on detailed procedural transparency, including the publication of assessment methods, documentation of interviews, disclosure of results, and accessible grievance systems. Rules concerning recruitment should be supplemented by legally enforceable duties to provide reasons for adverse decisions and to preserve evidence relevant to potential challenges.

Egypt could also strengthen external supervision of recruitment. Central administrative institutions can contribute to uniformity by approving or monitoring recruitment procedures, but their effectiveness depends on independence and technical capacity. Oversight bodies should be able to audit competitions, examine complaints, and require corrective measures. Administrative control should operate before litigation becomes necessary. Judicial review remains essential,

but it should function as part of a broader system rather than as the sole effective guarantee of legality. Al-Saidi's treatment of judicial oversight indicates the importance of balancing administrative authority with external mechanisms of legal control (Al-Saidi, 2010).

Lebanon requires a more structural response because the legal organization of public employment may be weakened by political and sectarian considerations. Reform should preserve legitimate constitutional and institutional arrangements while ensuring that professional public-service positions are filled according to competence. The theory of professional public institutions emphasizes that administrative bodies exist to perform public functions through organized and specialized personnel structures (Al-Qabbani, 2001). Political allocation of ordinary administrative positions is difficult to reconcile with this professional conception because it introduces criteria unrelated to the functions of the office.

Lebanese legislation should therefore strengthen the authority of centralized civil-service institutions and restrict recruitment outside ordinary competitive procedures. Exceptions should be narrowly defined and publicly justified. Where temporary or contractual personnel are required, the law should prevent temporary arrangements from being used systematically to circumvent competitive appointment. Recruitment files should document the legal basis for every appointment pathway. Oversight authorities should possess the power to invalidate appointments made in violation of mandatory procedures and to refer responsible officials for appropriate administrative accountability.

A second major reform requirement concerns the legal recognition of administrative human rights within public-employment legislation. The expression refers to procedural and substantive protections that individuals possess in their dealings with public administration, including equality, transparency, participation, access to information, reasoned decision-making, proportionality, and effective review. Hani's discussion of human rights and fundamental freedoms supports the importance of protecting individuals against governmental power through legally structured guarantees (Hani, 2004). Public-employment laws should therefore move beyond technical personnel administration and expressly incorporate these principles.

The duty to give reasons should become a general rule for adverse employment decisions. Reasoning is particularly necessary for exclusion from recruitment, rejection of grievances, disciplinary sanctions, and decisions that significantly affect career progression. The law should distinguish between routine administrative acts and decisions requiring detailed individual justification, but the absence of reasons should not be allowed to frustrate review. A reasoned decision should identify the relevant legal authority, material facts, and principal considerations supporting the outcome. This approach improves both accountability and administrative quality because decision-makers are more likely to identify errors when required to articulate their reasoning.

Access to information should similarly be regulated as an enforceable procedural right. Applicants should be entitled to their own examination scores, reasons for rejection, and sufficient information concerning general assessment standards. Employees should have access to personnel documents materially affecting their legal status. Confidentiality concerns can be addressed through redaction or limits on disclosure of third-party information. The objective should be to avoid a situation in which secrecy protects administrative irregularity. Information rights are especially important where the administration controls all relevant evidence.

A third reform requirement is the creation of independent and specialized oversight mechanisms. Public-employment disputes frequently involve technical issues that ordinary internal administrative review may not handle effectively. Independent civil-service grievance bodies could examine recruitment complaints, promotion disputes, and certain personnel decisions before litigation. Their members should possess expertise in administrative law and human resources and should be protected against arbitrary removal or political direction. Their decisions should be reasoned and subject to judicial review. Such bodies would not replace administrative courts but could resolve many disputes more quickly.

Judicial reform should accompany administrative oversight. Courts must be able to provide timely remedies where employment rights are threatened. Delayed judicial decisions may become practically ineffective when a recruitment competition has been completed or an employee has suffered prolonged career

consequences. Procedural rules should therefore permit expedited review where appropriate. Courts should also have access to complete administrative files and authority to require disclosure. The broader doctrine of administrative legality described by Al-Sanhuri provides the legal foundation for reviewing whether public authorities have acted within their powers and according to lawful procedures (Al-Sanhuri, 1959).

The burden of proof requires particular attention. Applicants often cannot prove favoritism, discrimination, or manipulation because relevant evidence lies exclusively within administrative files. Reform should therefore permit courts or review bodies to draw appropriate conclusions when the administration fails to preserve or disclose required documentation. In discrimination cases, once an applicant establishes facts giving rise to a reasonable inference of unequal treatment, the administration could be required to demonstrate an objective justification. Such procedural adjustment would make nondiscrimination guarantees more realistic without presuming illegality in every disputed decision.

A fourth reform priority concerns disciplinary safeguards for existing employees. Public-service discipline is necessary to ensure professional integrity and effective performance, but it must not become a mechanism for political retaliation or administrative intimidation. Al-Ajarmeh explains the special legal nature of disciplinary authority exercised over public employees (Al-Ajarmeh, 2003). Reform should clearly identify disciplinary offenses or sufficiently precise categories of misconduct, establish investigative procedures, guarantee defense rights, separate investigation from final decision-making where feasible, and provide proportionate sanctions.

The duration and consequences of disciplinary sanctions should also be regulated. Al-Qaisi's work on the expiration of disciplinary sanctions illustrates the importance of preventing punitive consequences from continuing indefinitely without legal justification (Al-Qaisi, 2009). Public-employment legislation should specify when disciplinary records cease to affect promotion or other employment rights, subject to reasonable exceptions for serious misconduct. Rehabilitation after minor sanctions can promote fairness and prevent disciplinary systems from permanently damaging careers for limited infractions.

A fifth reform requirement is the standardization of selection and appointment criteria. Each public position should have a legally approved job description identifying essential qualifications and competencies. Recruitment criteria should derive from those descriptions rather than being designed after candidates become known. The relative weight of academic qualifications, experience, examinations, interviews, and other factors should be disclosed in advance. Fayyad's treatment of public employment as a structured legal regime supports the importance of objective entry requirements (Fayyad, 1996). Standardization would not require identical criteria for all positions but would require comparable procedures for developing and applying those criteria.

The use of technology can support these reforms. Unified digital platforms can centralize vacancy announcements, reduce opportunities for selective access, create automated application records, and improve communication with candidates. Digital systems can also record the time and content of administrative actions, making later review easier. However, electronic recruitment must remain subject to legal standards. Algorithms or automated filters should not apply undisclosed criteria, and applicants should be able to challenge errors. Technology should therefore be treated as an instrument of administrative transparency rather than a substitute for legal accountability.

Institutional integrity requires sanctions for deliberate violations of recruitment law. Rules lose credibility when officials can manipulate procedures without consequence. Legislation should distinguish between ordinary administrative error and intentional misconduct such as falsification of results, concealment of vacancies, discriminatory exclusion, or manipulation of rankings. Serious violations may justify disciplinary responsibility and, where applicable, other forms of legal liability. At the same time, sanctions should not discourage legitimate administrative judgment. Officials acting reasonably within lawful discretion should remain protected against liability merely because their decisions are later overturned.

Compensation may also be appropriate where unlawful administrative action causes measurable harm. Annulment alone may not restore an applicant who lost an employment opportunity because a competition concluded years earlier. Similarly, an employee

unlawfully suspended or deprived of promotion may suffer financial loss. Legal systems should therefore recognize remedies capable of addressing both legality and injury. The precise conditions for compensation may differ across Iraq, Egypt, and Lebanon, but the general principle is that effective protection sometimes requires more than setting aside an administrative decision.

Public participation and publication of recruitment data could further improve accountability. Central civil-service authorities should issue periodic reports identifying numbers of vacancies, applicants, appointments, grievances, successful appeals, and use of exceptional recruitment mechanisms. Aggregate data can reveal patterns that individual cases do not show. Persistent disparities between institutions may indicate inconsistent application of merit standards or excessive dependence on exceptions. Transparency at the systemic level therefore complements individual rights.

The reform model appropriate to the three countries should ultimately combine legislative clarity, procedural standardization, institutional independence, transparency, and judicial protection. The particular legal reforms required in Iraq, Egypt, and Lebanon will necessarily differ because their administrative structures and political contexts are not identical. Nevertheless, the underlying principles are transferable. Recruitment should begin with open access and predetermined criteria, continue through documented and impartial assessment, and conclude with reasoned decisions subject to grievance and judicial review. Existing employees should receive equivalent protection throughout promotion, evaluation, discipline, and termination. Public authorities should retain sufficient discretion to manage institutions effectively, but that discretion should operate within a framework capable of preventing arbitrary, discriminatory, or politically motivated action.

6. Conclusion

Public employment lies at the intersection of administrative organization and individual rights. The state requires qualified personnel capable of ensuring continuity, efficiency, and integrity in public services, while citizens and government employees require protection against arbitrary exercises of administrative power. The comparative examination of Iraq, Egypt, and Lebanon demonstrates that these objectives are not contradictory. A public-employment system becomes more effective, not less effective, when recruitment and personnel decisions are governed by clear rules, transparent procedures, objective standards, and meaningful accountability.

The principal challenge in the three legal systems is the gap between the formal recognition of public-employment principles and their practical implementation. Equality, equal opportunity, competence, legality, and merit may be acknowledged at constitutional or legislative level, but these principles cannot achieve employment justice when recruitment procedures remain fragmented, assessment criteria are insufficiently transparent, administrative decisions are not reasoned, or oversight bodies lack effective independence. Legislative protection must therefore extend beyond general declarations and regulate the practical stages through which public authorities make decisions affecting applicants and employees.

Applicants for public employment should be recognized as holders of a distinct legal position from the moment they participate in an officially established recruitment process. Their lack of employee status should not deprive them of legal protection. They should enjoy rights to accurate information, equal access, objective assessment, transparent criteria, impartial decision-makers, reasoned exclusion decisions, access to relevant records, administrative grievance, and judicial review. Recognition of these rights is essential because many of the most serious violations of employment justice occur before appointment.

Government employees require equally strong safeguards after entering public service. Their statutory relationship with the administration necessarily imposes duties and subjects them to managerial and disciplinary authority, but it also creates legal interests that must be protected. Promotion, transfer, performance evaluation, disciplinary sanctions, suspension, and termination should all remain subject to legality, proportionality, procedural fairness, and review. Public employment should not create a sphere in which managerial necessity displaces individual rights. Administrative efficiency must operate within legal limits.

Iraq's principal reform need is the consolidation and unification of public-employment procedures. Fragmented rules and institution-specific practices

create uncertainty and permit inconsistent approaches to recruitment. A modern framework should establish common procedural standards applicable across the public sector, expressly recognize applicants' rights, regulate selection criteria, require reasoned decisions, and strengthen administrative and judicial remedies. Greater procedural uniformity would improve both equality and institutional efficiency.

Egypt presents a comparatively more developed reform model but still faces the problem of translating statutory modernization into consistently transparent practice. The existence of formal recruitment criteria must be accompanied by disclosure of evaluation methods, documented interviews, accessible grievance procedures, independent supervision, and meaningful judicial review. The Egyptian experience demonstrates that legislative modernization is only the first stage of reform; institutional implementation determines whether the values expressed in legislation become effective rights.

Lebanon requires both procedural modernization and stronger insulation of public recruitment from political and sectarian influence. Merit-based recruitment cannot function effectively when ordinary procedures are weakened by extensive exceptions or when appointment decisions are shaped by considerations unrelated to professional competence. Reform should reinforce centralized civil-service mechanisms, restrict exceptional recruitment, require justification for deviations from ordinary procedures, and strengthen independent oversight.

Across the three systems, mandatory reasoning should become a central component of administrative justice. An individual affected by a recruitment or employment decision should normally be able to understand why that decision was made. Reasons improve transparency, discipline administrative decision-making, facilitate grievances, and enable effective judicial review. The same is true of access to information. Applicants and employees cannot defend their legal positions when the evidence relevant to administrative decisions is unavailable to them.

Independent oversight is equally essential. Internal administrative review has value but cannot alone provide sufficient protection where the institution reviewing a decision is closely connected to the authority that made it. Specialized civil-service grievance institutions, central supervisory bodies, and administrative courts should therefore function as complementary layers of protection. Their jurisdiction should be clearly defined, their independence secured, and their access to administrative records guaranteed.

Recruitment reform should also take advantage of digital technology. Central electronic platforms can increase access to vacancies, standardize applications, document assessment stages, communicate decisions, and facilitate grievances. Digitalization can reduce opportunities for informal interference and create auditable records. However, technological modernization must remain legally controlled. Automated systems should not introduce new forms of opacity or discrimination, and applicants must remain able to challenge incorrect or unfair decisions.

The most appropriate comparative model is therefore one based on integrated employment justice. Such a model begins before appointment and continues throughout the public-service career. It combines equal access, objective criteria, transparent procedures, reasoned decisions, access to information, independent review, judicial protection, disciplinary safeguards, and appropriate remedies. It does not eliminate administrative discretion but places that discretion within legal boundaries and requires public authorities to demonstrate that employment decisions serve legitimate institutional purposes.

The protection of government employees and applicants should ultimately be regarded as part of the broader legitimacy of public administration. Recruitment determines who exercises public authority and delivers public services. When citizens believe that government positions are distributed through favoritism, political influence, sectarian allocation, or opaque procedures, confidence in state institutions declines. Conversely, when recruitment is visibly based on competence and when administrative decisions can be reviewed through credible legal mechanisms, public employment strengthens institutional trust.

Legislative reform in Iraq, Egypt, and Lebanon should therefore focus not simply on adding new rules but on constructing coherent systems of rights and guarantees. The law should clearly identify the rights of applicants and employees, define the obligations of recruiting authorities, regulate each significant stage of decision-making, and establish institutions capable of enforcing

compliance. Effective employment justice requires a combination of sound legislation, professional administration, independent supervision, and accessible judicial remedies. Only through such an integrated approach can public employment develop from a field dominated by administrative discretion into a system that simultaneously protects the public interest, promotes professional competence, and respects the legal rights of individuals.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

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