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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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**Received:** 2026-06-01 **Revised:** 2026-10-27 **Accepted:** 2026-11-02 **Initial Publish:** 2026-11-18 **Final Publish:** 2027-01-01

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## 1. Round 1

### *1.1. Reviewer 1*

Reviewer:

The paragraph in the Introduction beginning “The comparative dimension of the present study is especially useful because Iraq, Egypt, and Lebanon illustrate different legislative experiences” should be converted into a clearer comparative hypothesis. At present, Iraq is characterized mainly by fragmentation, Egypt by legislative modernization, and Lebanon by political and sectarian constraints. The article should explicitly state that these three jurisdictions represent different types of regulatory deficiency and then test that proposition systematically throughout the manuscript. For instance, Iraq could be analyzed primarily as a problem of normative fragmentation, Egypt as a problem of implementation despite legislative modernization, and Lebanon as a problem of institutional and political interference. This comparative typology would make the article substantially more analytical.

In the Introduction, the sentence “The rights relevant to this study can be divided conceptually into substantive and procedural protections, although the two categories frequently overlap” introduces a valuable analytical distinction that is not used consistently enough later in the article. The authors should construct the analysis around this distinction. Substantive guarantees should include equality, nondiscrimination, equal opportunity, merit, and protection against arbitrary exclusion, whereas procedural guarantees should include notification, access to information, reason-giving, access to files, impartial assessment, grievances, and judicial review. The comparative sections should then evaluate each jurisdiction against these categories. Doing so would reduce repetition and produce a more rigorous doctrinal matrix.

The paragraph concerning Lebanon, particularly the sentence “When exceptions to ordinary recruitment procedures become frequent or when appointments occur outside centralized mechanisms, the normative force of merit-based rules is weakened,” identifies an important problem but needs more doctrinal elaboration. The authors should examine the legal character of such

exceptions: whether they are expressly authorized by legislation, created through special legislation, implemented administratively, or produced through practices that depart from the formal framework. The legal consequences differ significantly depending on the source of the exception. The analysis should also distinguish constitutionally recognized representational arrangements from unlawful patronage or circumvention of merit-based recruitment, since conflating these issues would weaken the precision of the Lebanese analysis.

In Rights and Legal Guarantees of Government Employees and Public-Employment Applicants, the paragraph beginning "For applicants, the first significant guarantee is equal access to reliable information about public vacancies" should specify the legal content of the proposed right to information. The article should distinguish general publication of vacancy information from an individualized right of access to documents after a candidate participates in recruitment. These are different legal protections. The authors should also address legitimate limitations, including protection of third-party personal data, examination confidentiality, internal deliberative materials, and security-sensitive positions. A stronger analysis would formulate a proportional approach under which applicants receive sufficient information to challenge decisions without compromising legally protected confidentiality.

The paragraph stating "The requirement of reasoned decisions is therefore one of the most important legal guarantees" should be developed into a more precise doctrinal argument concerning whether reason-giving is proposed as a condition of validity, a procedural obligation, or a guarantee relevant mainly to judicial review. These possibilities have different consequences. If failure to provide reasons renders a recruitment decision void or voidable, that should be clearly stated and justified. If reasons may instead be supplied during litigation, the protective effect is considerably weaker. The authors should therefore explain what legal consequence should follow from noncompliance with the proposed duty to give reasons, particularly in cases of exclusion from competition, disciplinary sanctions, and denial of promotion.

In the paragraph beginning "Another guarantee is the legal regulation of selection committees," the recommendations should be made more operational. The article correctly refers to composition, conflicts of interest, recusal, and predetermined criteria, but it should explain the minimum institutional safeguards necessary for committee independence. These might include restrictions on appointing direct supervisors, declaration of conflicts, minimum professional qualifications, representation of an independent civil-service body, written minutes, individual scoring sheets, retention of records, and explicit consequences for participation by a conflicted member. The current language is normatively persuasive but needs greater legal specificity to become a meaningful reform proposal.

Authors revised the manuscript and uploaded the document.

### *1.2. Reviewer 2*

Reviewer:

The final methodological paragraph of the Introduction, particularly the statement "The study adopts a descriptive, analytical, and comparative legal method," is currently too general for a publishable comparative-law article. The authors should explain what legal materials constitute the primary objects of analysis, what criteria are used to compare the three systems, and how conclusions about effectiveness are reached. The article presently moves between statutory analysis and claims concerning practical implementation without clearly distinguishing doctrinal findings from implementation-oriented observations. The methodology should therefore state whether the analysis concerns legislation alone, legislation plus administrative practice, or legislation plus judicial and institutional effectiveness. This clarification is essential because conclusions concerning a "gap between law and practice" require a different evidentiary basis from purely doctrinal conclusions.

In Legislative Foundations of Rights in Public Employment, the paragraph containing "The principle of legality provides the most fundamental foundation for those protections" should more carefully distinguish legality from administrative discretion. The discussion correctly notes that discretionary powers are legally constrained, but it would benefit from identifying the specific dimensions of judicial control relevant to public-employment decisions, such as competence, form and

procedure, factual basis, legal basis, purpose, and misuse of power. This would allow the authors later to explain precisely how recruitment decisions may be unlawful even where the appointing authority formally possesses discretionary competence.

The paragraph in Legislative Foundations of Rights in Public Employment stating "Equality is closely connected with legality and constitutes a central legislative foundation of public employment" should distinguish formal equality, equal opportunity, and merit more carefully. These principles presently appear partially interchangeable. Formal equality concerns consistent treatment of persons in comparable legal positions; equal opportunity concerns fair access to competition; and merit concerns the substantive criteria by which competing candidates are ranked. A recruitment regime may satisfy formal equality while using criteria that poorly measure merit, or it may recognize merit while restricting equal access to competition. Clarifying these distinctions would significantly strengthen the article's analytical precision.

In the same section, the paragraph beginning "The Iraqi legal framework reflects the importance of constitutional equality and public-service regulation but also demonstrates the difficulties created by legislative fragmentation" requires greater legislative specificity. The article repeatedly characterizes Iraqi regulation as fragmented but does not sufficiently demonstrate the precise form of that fragmentation. The authors should identify which aspects are divided among civil-service legislation, Federal Public Service Council regulation, annual or periodic budgetary provisions, ministerial instructions, and sector-specific rules, and explain what concrete legal conflicts or gaps result from this multiplicity. Merely stating that fragmentation exists is insufficient; the article should show its consequences for vacancy announcements, eligibility, ranking, appointment, grievances, or review.

The paragraph on Egypt beginning "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" requires a more balanced assessment. The manuscript currently uses Egypt as the relatively advanced comparator but does not establish a sufficiently detailed set of legal criteria demonstrating why it deserves that characterization. The authors should identify specific features of the Egyptian framework that constitute genuine legislative advancement and then separately identify the remaining deficiencies. Otherwise, "more modern" risks becoming an evaluative conclusion rather than a demonstrated comparative finding.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor's decision: Accepted.
Editor in Chief's decision: Accepted.