

The rights of persons with disabilities to hold public office in accordance with the Jordanian legislation

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Abstract

Conventions and human rights principles affirm the right of persons with disabilities to hold a public office, and to equal them with others in this right to enable them to live easily and conveniently, and in a manner commensurate with the requirements of the job and the nature of the disability.

Jordan, like other countries, pays particular attention to persons with disabilities, especially in their right to take up a public job by creating laws and regulations that guarantee this right in parallel with the requirements of a public job, and the requirement of physical fitness in recruitment to it.

The study concluded with a number of results, most notably that there are some shortcomings in Jordanian legislation governing the access to public office by persons with disabilities, and that they are free from sanctions and penalties against those who fail to apply them on the part of the administration, and the study recommended the need to pay attention to this category and update the medical standards that are dealt with it regarding appointing them to the public office and granting them their basic rights to a decent life, on an equality with others, in a manner that does not affect the public job and its objectives.

Introduction

The international treaties and the Universal Declaration of Human Rights are the cornerstones in the consolidation of human rights in general, and the rights of persons with disabilities in particular, which included basic principles that served as legal guarantees of their rights, most notably the right to work, equality and the right to hold public office, Although the Universal Declaration did not mention this category as a separate category, it emphasized the general human rights and equality, and the Declaration on the Rights of Persons with Disabilities issued by the General Assembly of the United Nations in 1975 emphasized that the disabled enjoys the same civil and political rights as anyone else. human beings, including the right to vocational training and qualification, counseling and employment services, the right to economic and social security, an adequate standard of living, and the right, according to his ability, to obtain a job or practice a profession.

Through the attention of international treaties and conventions to the rights of persons with disabilities, in particular, disability has gained recognition at the international level, as one of the international human rights issues, which aim to integrate persons with disabilities with equal duties and rights, as natural persons and an integral part of the components of peoples.

People with disabilities are a category that cannot be excluded, and their needs and problems must be addressed so that they are a productive nucleus and not a burden on society.

Like other countries, Jordan pays great attention to people with disabilities and provides care and support for them by various available means through creating laws and legislation and ratifying

international conventions, to enable them to obtain their rights to live and work on an equality with others with easily and conveniently and in proportion to the nature of their disability, knowing that the disability rate in Jordan reaches 13% of the total population, which means that there are one million citizens suffering from various disabilities.(1)

The research problem

Despite the Jordanian legislative texts regulating the right of persons with disabilities to hold public jobs and Jordan's ratification of international conventions related to this right, the issue of appointing persons with disabilities to public jobs is still deficient and has not been achieved the minimum objectives set by the legislation In integrating these people and promoting the principle of equal opportunities providing them with vocational rehabilitation services and training in order to enable them to obtain employment opportunities and settle in them We will try to talk about this problem by asking the following questions:

- What is the legislation governing the work of persons with disabilities in Jordan?
- What is the position of the Civil Service Regulations on the appointment of persons with disabilities?
- What are the mechanism for determining disability and its proportions and its suitability for appointment to a public job?

Objectives of the Research

The research aims to identify the most prominent challenges and obstacles facing persons with disabilities in Jordan, especially their appointment to the public office, and to explain the mechanism of dealing with them in occupying the job, and the Jordanian laws regulating this issue and trying to reach any problems or obstacles regarding their appointment in public service, and to develop recommendations and suggestions to overcome these difficulties.

Research importance

The importance of the research emerges from the scarcity of independent studies that talked about the appointment of persons with disabilities in the public office in Jordan and identify the legislation regulating this subject and the obstacles facing their appointment in order to shed light on these difficulties and overcome them.

Research Methodology:

The Research relied on the descriptive analytical method in collecting information from its various sources and analyzing it in order to reach the desired results of the Research and to make appropriate recommendations.

The Limitations of the Study:

The scope of the study is determined by studying the rights of persons with disabilities in accordance with Jordanian legislation, especially in the civil service regulation.

Previous studies:

- Al-Sharari, Bandar Daifallah (2015), Administrative Judiciary's control of Public sector recruitment Procedures: A Comparative Study, Master's Thesis, Yarmouk University, Jordan, Irbid, talked about the principles that govern the Public sector recruitment Procedures, and the administrative judiciary's control over The Pre-appointment and post-appointment procedures, but it did not talk about the persons with disabilities appointment and the details of that in the Jordanian legislation.
- Jamal, Muhammad Khalaf (2015) Judicial oversight of appointment decisions in the public office, a comparative study, Master's thesis, University of Jordan, Jordan, Amman, talked about the concept of appointment decision, public office, terms of appointment and judicial oversight over appointment decisions, but it did not talk about the persons with disabilities appointment and the details of that.
- Al-Hashem, Abdul Muti Aqla (2010), Evaluation of the Bases of Appointing for public official in the Jordanian Legislation and its Applications from a Comparative Perspective, Ph.D. Thesis, Amman Arab University, Jordan, Amman, the study talked about the foundations of the appointment of the public official in Jordan compared with Conditions in Britain and France and a statement of compatibility and differences in them, methods of appointment and administrative control over them
- Al-Amayreh, Hamed (2006) The Impact of Appointing Public Officials in Achieving Administrative Development in the Hashemite Kingdom of Jordan, Ph.D. Thesis, Amman Arab University, Jordan,

talked about the definition of the public job, the administrative bodies supervising the job, and the arrangement, classification and categories of employees. The legal provisions and conditions of appointment, performance evaluation, and oversight of appointment, but it did not address the appointment of persons with disabilities and indicate that.

Study plan:

To find out and cover this topic, the study will be divided into two sections:

The first topic: the right of persons with disabilities to hold public office

The second topic: the position of Jordanian legislation on people with disabilities.

The first topic: the right of persons with disabilities to hold public office

Disability has existed with the existence of creation, and its concept has evolved over the ages, and the names have varied, but the endeavors and goals have united in integrating this category into society, and granting them equal rights with others, so that they may be active contributors capable of fending for themselves and their families.

For further clarification we will divide this topic into three demands: in the first we will talk about the concept of disability and its types, the second is about taking public office and the third is about health fitness as a condition of appointment.

First demands: the concept of disability and its types

First: the concept of disability:

A disability in the language (disability (n)) want of power, strength, or ability," from dis- + ability, Disability implies deprivation or loss of power; inability indicates rather inherent want of power. (2) In terminology, disability is defined as every defect that limits an individual's ability to perform his natural role in relation to age, gender and social factors,(3) and it is every physical, psychological, mental or moral deficiency that represents an obstacle to the individual's fulfillment of his duty in society, It makes him a minor compared to his peers who enjoy the integrity of their bodily organs.(4) The World Health Organization defines disability as a condition that limits an individual's ability to perform one or more functions that are essential in daily life, such as self-care, social relations and economic activities within the limits that are considered normal or Impairment in the function or structure of the body. (5)

The United Nations defined disability as the loss of all or some of the ability to participate in the life of society on an equal basis with others. (6)

As for persons with disabilities, they are defined by the Convention on the Rights of Persons with Disabilities (CRPD) as "anyone who suffers from long-term physical, mental, intellectual or sensory impairments that may prevent them from participating fully and effectively in society on an equal basis with others."(7)

As for Islamic law, disability has been defined as: the loss of the ability to do something, or its reduction, as a result of the injury to one or a group of the individual's abilities with defects or shortcomings in their personal or social functions that he was able to perform prior to the occurrence of the defect or of a person of his age He does not suffer from what a disabled suffers from.

Islamic Sharia used several terms to denote people with disabilities, including: those with excuses or the weak, the people of affliction, the injured, the people with disabilities, the helpless. (8)

As for a person with a disability, Article 1 from the Declaration on the Rights of Disabled Persons defines him as any person who is unable to fully or partially provide for himself the necessities of his normal individual or social life, due to a congenital or accidental deficiency in his physical or mental abilities. (9)

The Jordanian law defined it as every person who has a long-term deficiency in physical, sensory, mental, psychological, or neurological functions, which, as a result of his interference with physical obstacles and behavioral barriers, prevents him from carrying out one of the main life activities, or exercising one of the rights, or one of the basic freedoms independently.(10)

Despite the difficulty of putting together a single definition that includes all disabilities, there is a set of general characteristics and features that most people with disabilities may share, regardless of the type of their disability, including: The disability, whatever its type, limits the person's ability to do a job or More than the functions of daily life in a normal way, and that the disabilities that individuals

suffer from differ in their nature and impact from one individual to another, and it is a relative matter, so a person may be disabled in relation to a work or a matter of things, and it is not like that in relation to another work (11).

Second: classes and types of disabilities:

Disabilities differ from one case to another, and there are categories for people with disabilities, including: (12)

- **Sensory disability:** It exposes one of the human senses to total or partial disruption, such as the sense of hearing, the sense of sight or speech, in a way that may deprive the individual of benefiting from these senses during the normal stages of his life.

- **Motor or physical disability:** It is the individual's injury to a defect in the motor ability or motor activity so that this defect affects the manifestations of intellectual, social and emotional development.

- **Intellectual disability:** It includes mental illness and retardation of various degrees and types

- **Psychiatric Disability:** It includes every psychological or neurological disease or disorder that leads to a change in the psychological state of the individual to the extent that it hinders him from carrying out his duties or prevents him from integrating into the society in which he lives.

The second demand: is the right to hold public office

The principles of human rights guarantee dignity, equality, and the right to work for the human being in general, does not discriminate in this right between a healthy person and a person with a disability and consider the right to assume public office a political right and the contribution of individuals to decision-making and state management.

The public office is linked to the presence of the state and its desire to establish and maintain public utilities, provide services to citizens and improve their living standards, and because the public office is one of the basic pillars of the state to carry out its work and activities and achieve the welfare and development of society, so states show great interest in organizing public service and appointing qualified employees and able to provide the services and objectives required of the public job. (13)

public office is defined as a Legal entity in the State administration, consisting of a set of permanent or temporary specific jobs whose occupant is called the public employee (14), and the Jordanian Civil Service Regulations defined it in Article Two of it as "a set of tasks and duties determined by a competent authority and entrusted to the employee to carry out It is carried out in accordance with the provisions of this system and any other legislation, instructions or administrative decisions and the powers and responsibilities related to these tasks.

As for the public employee, although his definition varies from one state to another, and sometimes differs within one state, due to the multiplicity of legislation related to employees, and the view of each legislation on the public employee in a manner consistent with the specificity of that legislation and its purpose (15), the jurisprudence defines him as the person who is engaged in permanent employment in the service of a state-run facility or other public-law person, regardless of the legal regime governing that person. (16)

The same approach was taken by the Jordanian law, it did not put a comprehensive definition prohibiting the concept of the public employee, but he included some definitions in several locations, so he referred to Article (76) of the constitution, and in the course of describing public officials who are not permitted to combine membership in the National Assembly and a public position, That "public office" mean every job whose owner receives a salary from public funds.

The Jordanian Penal Code defines it in Article (169) as every public employee in the administrative or judicial corps, every officer of the civil or military authority or one of its members, and every worker or employee in the state or in a public administration. (17)

The Civil Service Regulations is defined in Article Two as "a person appointed by a decision of the competent authority in a job listed in the job formations table issued under the general budget law or the budget of one of the departments, and the employee appointed under a contract, and does not include the person who receives a daily wage." (18)

As for the Jordanian administrative judiciary, it defined it as "every person who works permanently in a public facility run by the state, or one of the public law persons" (19)

As for appointment to the public office, it varies from one country to another, due to the multiplicity of legal systems regulating the conditions for entry into the public office, and the economic, social and political conditions in each country. In Jordan, the Jordanian constitution adopted the principle of equality, equal opportunities, the right to work for all, and the protection of persons and People with disabilities, the right to hold public positions, and the rights to an appointment in public positions are restricted on the basis of competencies, qualifications, and ability to perform the job.

Consequently, it gave the right to everyone and equalized them in front of the public office, provided they are efficient and able to perform and carry out the duties of the job and this matter varies for persons with disabilities from one case to another which needs to be regulated through specialized laws. (20)

The third demand: physical fitness as a condition for appointment.

Appointment in the public office is the first step in the career. Therefore, the legislation governing the public office was concerned with a set of terms and conditions and the mechanism for appointing a public employee, with the aim of selecting an employee capable of carrying out the duties of the job in the public interest. Public service regulations in all countries agree that among the conditions necessary for holding public office is the condition of physical fitness and safety from diseases. (21) Health or physical fitness is defined as the individual's ability to carry out his daily activities with the best performance of endurance and strength, with his ability to withstand disease, pressure, and stress (22), and it is the efficiency of the body in facing the requirements of life, and stature free from deformations, and appropriate and consistent bodily measures, A motor and mechanical ability to carry out daily duties actively and vigilantly without excessive fatigue (23)

It is also defined that the body is free from various organic and functional diseases, and the body's organs perform their functions in a good manner, with the individual's ability to control his body, and he is able to handle hard work for a long period without excessive stress (24)

As for physical fitness as a condition for appointment to a public job, it means that the candidate must be of a healthy body, free from diseases and physical and mental impairments that prevent him from carrying out his job duties on a regular basis or disrupt the functioning of the public facility, and free from infectious diseases that pose a danger to his colleagues in Work and dealing with management (25)

The degree of physical fitness required varies from one job to another. Some jobs require a high degree of health and physical fitness while there are jobs that require a modest degree of health fitness, so that they can be filled by persons with disabilities, such as clerical jobs, (26), so The Jordanian legislator took into account this difference, and authorized in Article (44/d) of the Civil Service Regulations (27) the appointment of people with physical disabilities in such jobs, unless their disability prevents them from performing the jobs for which they will be appointed, with the testimony of a medical reference The specialist. (28)

Here it is indicated that the Civil Service Regulations No. 82 of 2013 included a clear reference to the appointment of persons with disabilities, but it came in the amendment of Regulation No. 9 of 2020 that it canceled the word "disabled" and replaced it "safe from physical and mental illnesses that prevent him from doing ..." and returned Regulation No. 6 of 2022 and deleted the words "physical and mental" from the text, and sufficed with the phrase "He is safe from diseases that prevent him from doing..."

In our estimation, this amendment refers to the Jordanian legislator's interest in the psychological conditions of persons with disabilities and the government's efforts to develop and care for their affairs.

The instructions for selecting and appointing employees to government jobs in the first, second and third categories and contracts inclusive of all bonuses (2020) issued by the Civil Service Regulations in accordance with the provisions of Article (42/a) of the Jordanian Civil Service Regulations, and in the fifth chapter of it, included the appointment of cases Humanity (Article / 31) and the mechanism for looking into these cases, including cases of disability, and their suitability for vacant jobs according to the specialization and nature of the job, whose disability does not affect their performance of the tasks of the jobs for which they are nominated based on the recommendation of a

special medical committee (31 / A / 2), and according to the instructions, (10%) of the total vacancies in each department for humanitarian cases are allocated annually (31/c).

The health fitness is proven by medical reports issued by the competent medical bodies determined by the civil service regulations, which include the extent of the person's health fitness for the job for which he is nominated.

According to the Jordanian Medical Committees Regulation No. 13 of 2014 and its amendments, the local medical committee formed by the Minister of Health is competent to issue medical reports for persons with disabilities and humanitarian cases, and according to Table No. 1 attached to this system, which includes diseases that prevent Appointment and assignment, the table in the first item stipulated the availability of the following upon appointment or assignment (normal hearing, safety of eyes, sufficient degree of intelligence, soundness of speech, safety of the limbs and spine, safety of the heart and lungs, safety of the rib cage and freedom from distortions), The same table shows in the second item the diseases that prevent appointment, including (uncontrolled epilepsy, mental illnesses, mental retardation), and Table No. 2 attached to the system also, which includes diseases that do not prevent appointment and assignment, including (Poliomyelitis, foot deformities, fracture deformities, amputations of limbs, feet, hands and fingers, artificial limbs, simple scoliosis).

Table No. 3 attached to the committees system also confirmed that the percentage of disability is determined depending on several factors, including (age, profession to be worked in, loss of a organ or part of it or loss of its benefit), and the table gave some mental illnesses and brain disorders a percentage that may reach (100%). Which means the inability of its owner to work, such as (chronic mental schizophrenia, chronic and unstable depressive mania, severe psychological depression, chronic epilepsy that does not respond to treatment, obsessive-compulsive disorder, mental retardation, psychological disorders that require quarantine or permanent monitoring), The table lists many diseases, for example, provided that the degree of disability for diseases not mentioned is estimated by measuring the aforementioned diseases.

In sympathy with persons with disabilities, the instructions (M/31/B/1) prevented one family from benefiting from humanitarian cases more than once, with the exception of persons with disabilities, and also, with the exception of the case of disability, the rest of the humanitarian cases are reviewed once every four months. M/31/b/2)

It is also noted that the civil service system still deals with the appointment of persons with disabilities under the item of humanitarian cases, and not as a right for them, which makes us call on the Jordanian legislator to change this situation in dealing with persons with disabilities, amend the system and create special articles related to their appointment and follow-up on their affairs.

The second topic

The position of the Jordanian law on the work of people with disabilities

The Jordanian legislator took care of people with disabilities, in the context of protecting them and ensuring a decent life for them and their families, through the legislation of many legal texts that are considered basic legal guarantees, which these people can adhere to in the face of any attempt by the administration to exclude them from employment under the pretext Their physical inability, as this condition is considered one of the basic conditions in the public service legislation, and to talk about the position of the Jordanian legislator in this regard, this topic has been divided into two demands: We talk in the first about Jordanian legislation regulating the work of people with disabilities, and in the second about the legal personality of persons People with disabilities

The first requirement: Jordanian legislation regulating the work of people with disabilities

The Jordanian legislator approved a set of legal texts on the right of persons with disabilities in general, and their rights to employment in particular, among these legislations are the following:

First: the constitution

The constitution constitutes the supreme law in the Jordanian legal system, which defines the rights and fundamental freedoms of individuals and guarantees for these rights, and is considered the main rule that all state authorities must abide by.

The Jordanian constitution is compatible with the principles of human rights and fundamental freedoms stipulated in international treaties and charters. (29)

The Jordanian constitution adopted equality as the first rights and its basis in Article (6/1), which stipulates that “Jordanians are equal before the law, with no discrimination between them in rights and duties, even if they differ in race, language or religion.” It guarantees work and equal opportunities for all in Article (6). 3/ which states: “The state guarantees work and education within the limits of its capabilities, and guarantees tranquility and equal opportunities for all Jordanians.”

The constitutional protection of the principle of equality means equality before the law, equal opportunities, non-discrimination, and equality in assuming public office, as Article (22/1) stipulates that “every Jordanian has the right to assume public office under the conditions specified in the law or regulations,” and the constitution also states That the right to hold public office is not absolute, but is subject to some restrictions, as Article (22/2) stipulates: “Appointment for public posts, both permanent and temporary, in the state, the departments attached to it, and the municipalities, shall be on the basis of competencies and qualifications.”

With regard to persons with disabilities, the constitution addresses the protection of this group in Article (6/5), which stipulates that “the law protects motherhood, childhood and old age, takes care of young people and people with disabilities and protects them from abuse and exploitation.”

Second: The Jordanian Civil Service System:

Civil service laws and regulations in various countries stipulate a number of conditions, for those who are nominated to take up public positions, aiming in their entirety to ensure the ability and competence of the person who will be appointed to public positions to carry out their duties in the public interest (30)

The Jordanian civil service system was in line with the public service legislation in general, in terms of its requirement that a number of conditions be met for those who are nominated for public office. Article (44/d) of the same system specifies these conditions, among which came the condition of health fitness (safe from diseases that prevent him from doing...), despite the varying degree of health fitness required from one job to another, and the system included The instructions issued pursuant to it are texts that guarantee the provision of privileges and facilities to persons with disabilities. Article (45) of the same system requires that persons with disabilities be appointed in accordance with the instructions for selecting and appointing employees in government jobs.

This was followed by an amendment regarding persons with disabilities for the year 2020 to the instructions for selecting and appointing employees in government jobs, specifically Article (31/a/6) by adding a new case for humanitarian cases, which is the family in which there is more than one disability case, so that Appointing one of its members, so that the same family benefits more than once in the process of appointment to this category, as well as Article (31/H/1) of the instructions that excluded persons with disabilities from the competitive examination, with the exception of the position of a teacher in the Ministry of Education.

Third: The Law on the Rights of Persons with Disabilities:

Following Jordan’s ratification of the International Convention on the Rights of Persons with Disabilities, Law No. 31 of 2007 was issued on the Rights of Persons with Disabilities, and the Higher Council for the Rights of Persons with Disabilities was established as a national institution to support and care for persons with disabilities, and in 2017 the law was amended under No. (20 of 2017).

Article (25/e) of the same law requires governmental and non-governmental agencies whose number of workers and employees ranges between (25-50) workers or employees to employ at least one person with disabilities within their vacancies, and if the number of workers and employees increases in any Of that, a percentage of up to (4%) of its vacancies is allocated to persons with disabilities, according to what is decided by the Ministry of Labor.

Fourth: Jordan's ratification of the International Convention on the Rights of Persons with Disabilities (31)

Jordan ratified the International Convention on the Rights of Persons with Disabilities on 3/31/2008, committed to implementing its provisions in order to achieve its goal and objective of protecting the rights of persons with disabilities, equalizing them with others before the law, and ensuring their full enjoyment of human rights and fundamental freedoms.

The second requirement: the legal personality of persons with disabilities in Jordanian legislation

International treaties and laws guarantee the legal personality of every human being without discrimination. Article VI of the Universal Declaration of Human Rights states that “every person, everywhere has the right to be recognized as a legal personality.” Legal in all walks of life on an equal footing with others. (32)

The legal personality, or what is termed as capacity, is defined as: the capacity of a person to have rights and obligations, and the issuance of legal actions and actions from him in a way that the law is reliable and protects him when exercising and using these rights and obligations. (33).

It is also known as the power to acquire rights, assume duties and participate in legal relations, granted by the legislator for considerations to achieve certain goals. (34)

Capacity in Jordanian legislation is considered a public order, and it is not permissible to agree that a person be given a capacity that is not available to him by virtue of the law, or that it is detracted from it (35).

And (Article / 47) of the Jordanian Civil Code states, “No one has the right to waive his capacity or amend its provisions.” This is an orderly text related to public order, and any agreement to the contrary is void.

The capacity is divided according to the authority to acquire and dispose of rights, into two types: (36)

- **capacity of possession:** It is the capacity of a person to have rights and duties without the right to dispose of them, and they are proven to the person from the time he is a fetus and from his birth to his death, the settlement of his estate and the payment of his debts.

- **capacity to dispose:** It is the person’s ability to practice all legal actions from him in a manner that is recognized and protected by the law, and it is proven if the person has reached a certain age and has not been exposed to any of the symptoms of capacity, and this capacity is dependent on reason and discrimination, and therefore it is for a person whose mind is complete, and she emphasized that Article 44/1 of the Jordanian Civil Code: “A person who lacks discrimination due to young age, dementia or insanity shall not be eligible to exercise his civil rights.”

For his part, the Jordanian law emphasized that every person enjoys full legal capacity, unless his capacity becomes apparent, making it incomplete or non-existent, and that its deficiency or absence for any reason is an exception to the original law. Article 116 of the Jordanian Civil Code stipulates that “Every person is qualified to contract unless his capacity is deprived or limited by law,” and Article (44/1) of the Jordanian Civil Code states that “a person who lacks discrimination due to his young age, dementia or insanity is not qualified to exercise his civil rights.”

Since the capacity for performance of a person is based on awareness and discrimination, the view of the ruling on the behavior of persons with disabilities depends on the size and type of this disability. The Jordanian law distinguished between the capacity of a person with mental disabilities and the capacity of persons with other non-mental disabilities, and the following is an explanation of that:

1- Eligibility of Persons with Mental Disabilities: Article (87) of the Jordanian Penal Code stipulates: “Anyone who commits an act or misdemeanor is exempted from punishment if, at the time of committing this act, he was unable to realize all his actions or was incapable of knowing that it was prohibited, He must commit this act because of a disorder in his mind.” This text shows that lack of awareness and discrimination of mental illness is a reason for exempting the perpetrator from punishment, provided that this case is proven by health reports, and among the mental disabilities that the Jordanian legislator touched upon is the following:

- **Insanity:** It is a condition that affects the mind, resulting in a lack of awareness and discernment, and the will of the sufferer is disrupted, which leads to his inability to perform.

The Jordanian legislator distinguished between a completely insane person who never recovers from his insanity and considers his actions invalid, and an insane person who does not recover from periods of insanity and considers his actions during his recovery period to be valid and effective (37), where Article (128/2) of the law stipulates The Jordanian civil states that “the enforced insane is in the judgment of the undistinguished minor, as for the unapplied insane, his actions in the event of his awakening are as the behavior of the same person.”

Dementia: It is a defect that affects the mental powers of a person, either weakening them or decreasing them without destroying them, so the affected person will have little understanding, mixed speech, and corrupt management.

The Jordanian law considered a lunatic in the judgment of the distinguished young man, (38) so he has the full capacity to perform in relation to the activities of enrichment so he can accept beneficial behaviors of his own free will, but he does not have to perform harmful behaviors that cause pure harm (39) and in order to take into account people with mental disabilities, the Jordanian legislator prohibited the insane and the insane for themselves (40).

2- Eligibility of people with a movement disability (non-mental): a physical or motor disability differs in its impact on eligibility from mental disability, in that it may lead to its reduction or not affect it, and therefore if a person with a disability is able to act himself without harming his interest as he owns all his rights and capacity.(41)

For the sake of the interest of people with disabilities, the Jordanian legislator was exposed to a situation of duplication or combination of more than one handicap (deafness, dumbness and blindness), and considered them to be human impairments, although they do not affect his perception and discrimination or his capacity, but they may affect his will, Expressing it and showing it as it really is, the legislator allowed the court to appoint a trustee to assist him in the actions that are in his best interest in that. (42)

Results

The difference and disparity of cases of disability and the Jordanian legislation dealing with it, in one case, and its percentage from one person to another and from one case to another.

The Jordanian Law on the Rights of Persons with Disabilities is devoid of penalties and rules resulting from violating its application, and since public jobs are government jobs, the government must abide by it and apply its content.

Recommendations

- Strict enforcement of the Law on the Rights of Persons with Disabilities, amending its texts and including penalties against any transgressions against persons with disabilities, as it is in its current form unable to advance the reality of persons with disabilities, and the appointment is left to the morals of those responsible.
- The need to update the criteria that are used in the diagnosis and determination of disability rates for persons with disabilities so that they keep pace with medical progress and international standards, especially the criteria that are based on considering some diseases as diseases that prevent appointment.
- Allocating one central health committee at the level of the Kingdom to look into health reports and prove cases of disability and the percentage of disability, with the aim of unifying the procedures and mechanism of dealing with people with disabilities and achieving equality among them.
- Calling for the amendment of the civil service system and the creation of special articles related to the appointment of persons with disabilities and the follow-up of their affairs, and not to treat them under the item of humanitarian cases.

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- 27- *An amended system of the Civil Service System No. 6 of 2022 published on page 238 of the Official Gazette No. 5767 dated 5/1/2022*
- 28 - Article 44 / d of the civil service system states: "Anyone appointed to any job is required to be ... d- free of diseases that prevent him from performing the duties of the job in which he will be appointed by virtue of a decision from the competent medical reference."
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- 30- The International Convention on the Rights of Persons with Disabilities was issued by the United Nations General Assembly in 2006, and entered into force in 2008, which emphasized in its preamble that the concept of disability is still subject to development, and that persons with disabilities enjoy full enjoyment on the basis of equality with Others have all human rights without discrimination, including their right to work (M/1, 3 and 27)
- 31- Article 12/2 of *the International Convention on the Rights of Persons with Disabilities*
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37 - Article 128/1 of *the Jordanian Civil Code*

38 - Article / 118/1 of *the Jordanian Civil Code*

39 - Article / 127/1 of *the Jordanian Civil Code*

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41 - *Article 132 of the Jordanian Civil Code* stipulates that “If a person is deaf and dumb or blind and dumb, and because of that, he is unable to express his will, the court may appoint a guardian to assist him in the actions in which his interests require that.”