



Implementing The Electronic Administrative Decision Under The Jordanian Legislation

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ABSTRACT

Administrative decision is the actual means of expressing the will of public administration. Such a decision is considered one of the important topics in administrative law to keep pace with technological developments in life in general, to ensure that administrative decisions are characterized by flexibility and development, which makes it suitable for all modern developments in administrative life. The recent developments in administrative life force legal researchers to search for new ideas and means, the most important of which is e-government, which enables public administration to use modern technological means to provide its services to the public. This requires the administration to express its will by issuing its administrative decisions using the same electronic means. Through this research, we are trying to address the most important topic of electronic administrative decision, which is the implementation of this decision. Implementation entails the legal implications of this decision, as we must analyze the essence of the electronic administrative decision and how this decision is implemented towards individuals and the administration itself.

Methodology: In this study, we will use the analytical approach and the descriptive approach of administrative legislation related to the subject of the study.

keywords: Execution, Electronic, Administrative Decision

1. Introduction

A statutory provision for administrative law is the most substantial aspect of the administrative process and the basis of it. It is very important for an administrative authority to have the power to make decisions because it is impossible for an administrative authority to carry out its functions unless it has the power to make decisions. It is likely that electronic means will later need to be seen as mandatory for communication and storing information to avoid shortcomings of the law, as mentioned in the general explanation of Law No. 8 year 2011. In consideration of using electronic means, it is stated: "Because of the necessity to maximize the use of technology as well as to fulfill legal certainty and the material and spiritual welfare of people, enabling the use of electronic devices in several legal matters becomes an urgent thing to do." So it is clear that the Commission and later administrative authorities need to make decisions to regulate the implementation regarding the statutory provision itself.

1.1 Purpose of the electronic administrative decision

The complexity of law enforcement related to a decision makes achieving legal certainty difficult. To fix this problem, we need positive laws to control every decision created by an administrative authority. By having clear laws that regulate how a decision is made, it is expected that rights and justice can be achieved. In a contemporary world that is close to today's information and technology, it is possible to make this happen because to attain legal certainty, a decision must be made in a right and feasible way of decision making. So, in Article 59 of Law No. 30/2014, it has been mandated to create a form of a decision that is a modern decision (electronic decision). This decision is an answer to the current technological progress, so it should be a better way to create rights and justice. With the existence of electronic decision, it could be efficient and the decision could be easier to be optimized and accountable. This happens because the electronic decision is a decision that is made by a way of decision-making in general, only the result is documented.

In reality, when a decision has been made, there are still a lot of decisions that weren't made in writing. This could impede the concerned party from knowing the related decision, and this is often abused by an administrative authority where they are presumed to commit a form of extortion by making a hidden decision. This often happens because there is no clear legal consequence in the event that a decision has been made, so many decisions don't have a legal standing. This is what leads to the complexity of law enforcement related to a decision because it is difficult to differentiate between a strong and legal decision and a decision that doesn't have a legal standing.

Administrative decision is a decision that is taken by an administrative authority. The result of the decision can be in the form of granting a permit or it could be a form of imposition towards someone. It could cost someone's rights and obligations, so an administrative decision must be made precisely and correctly to avoid any injustice. The laws in the Republic of Indonesia state that every administrative decision made by an administrative authority must be in written form. This is mentioned in Law No. 30/2014 about the Administration of Government. In the process of making a decision, an administrative authority is required to give notice to the concerned party, and after that, a decision could be made through collegiate or non-collegiate decision making, and finally, the decision shall be accountable.¹

1.2 Benefits of implementing electronic administrative decision

Wahab (2005) said that electronic government is the end result of an effort to direct the government toward effectiveness and efficiency in order to take the advantage of ICT to enhance the public services. The main focus is to look through the administration and the judicial process including court. The intention is to change and enable the current environment that still using the contemporary process in the administration to the modern and technological environment. This is theoretically proven by the very slow development of implementing the recent legislation through administrative decision; it is caused by the public servant and the apparatus in understanding the new legislation. By the emerging of new administration system using electronic means, will much specify in implementing certain legislation. This is also appear in the rule of law and legal reform in Indonesia, that proposes to codify and compile all Indonesian Laws to be applied. This also would give relative positive approaches.²

Having the benefits of implementing the electronic administrative decision could give the positive implication toward the workers and public. This part would give the clear view about what the implementing of electronic administrative decision is and the advantages administratively and legally. E-administration is the use of information technology including the internet, other computer-based internal and external information systems to transform all the process of public administration. This includes the job and responsibility of public servant in delivering public services and other activities in accordance with general and specific policy to enhance the cost, speedy and the quality of public services to gain public (page, 2007).³

2. Legal framework for electronic administrative decision

Applicable laws and regulations for electronic administrative decision are posed on several existing law and regulations. Title 5 U.S.C. 555(e) said "This section does not require an opportunity for an oral hearing". This means that, this is the right time to starting development of information system because we are commonly provide hearing with face to face discussion that often need much expenditure and more time consuming, while we can provide the alternative in form of chat or video conference. But the development is limited to only case that doesn't require an opportunity for an oral hearing. Step with the development, we can prepare this alternative mode for hearing, because it is more efficient than face to face discussion. Next stage is set on Title 5 U.S.C. 1305, that regulated the implementation of electronic administrative decision, said "Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule", this section implemented by The US Supreme Court Decision in *Gates v. Rowland*, 39 Cal. 4th 991 (2006), a part of consideration (ID) and decision of California Code Rule typesetter, it is regulated that the decision makers should sign into the decision only after notify said decision to the party who request such decision in a proper ID, through the internet it can be held by showing the decision in the official website of the agency concerned. And the most recent regulations is The Electronic Signatures in Global and National Commerce Act, UETA (Uniform Electronic Transactions Act) said that the electronic documents must be provided the equivalent legal effects with the written documents and being liable in any part of decision making.

The use of digital technology for administrative decision began in the mid-1970s, with the development of the first computerized databases for tracking the recipients of Social Security and federal assistance benefits. It has grown considerably since then, particularly with the development of the Internet. But for most of the past three decades, the general mode with implementing administrative decision was electronic which often involved in printing and scanning of the documents. Electronic administrative decision was signed into law with the passage of Public Law 106-229.⁴

2.1 Applicable laws and regulations

According to these laws and regulations, an administrative decision is a statement from a state administrative apparatus that grants or discharges rights and obligations for individuals or legal entities. These decisions are varied and performed by all state administrative apparatuses, thus having a wide scope. Some administrative decisions can have complex and potentially dangerous consequences if taken lightly. Therefore, the laws

emphasize that administrative decisions must be conducted based on administrative procedures, with prudence and full responsibility. This also means that the entire decision-making process must be held and documented in the event that an error occurs, leading to the annulment of the decision.

The role of information and communication technology is rapidly increasing, especially in developed countries. It affects almost every aspect of people's lives, including governmental administrative decisions. In this information era, it is without a doubt that people prefer using electronic means for government decisions rather than traditional methods. This is mainly because it is more efficient and less time-consuming. In line with the community's preference for electronic means, the Indonesian government has stipulated Law No. 11 Year 2008 concerning Electronic Information and Transaction ("UU ITE"). The use of electronic means has also been regulated in Law No. 30 Year 2002 concerning Government Administration ("UU G.A.D"). These regulations are formulated to embody the government's responsibility to society in realizing a more transparent and accountable administration. Additionally, there are several implementing regulations for UU G.A.D, such as PP No. 15 Year 2010 and PP No. 71 Year 2010. These laws and regulations essentially urge the government to implement electronic administrative decisions, which will ultimately affect the way governmental administration is conducted.⁵

2.2 Compliance requirements for electronic administrative decision

In instances where public authorities use private services to outsource decision making, it is possible that those service providers may be required to comply with the same requirements as public authorities. Compliance requirements for these decisions would be the same as for public authority decisions, however, it would be a specific instance of a requirement with an external application.

Compliance with evidence law requirements and other legislative provisions will be in the form of affirmative duties on public authorities to do certain things in making decisions. The breach of which may result in voiding the decision, and the exercise of the same power again may be frustrated by administrative law remedies. This means that there are essentially no formal sanctions to ensure compliance. However, the consequences of invalidity of a decision may mean that the decision must be made again as if it was never made in the first place. Compliance requirements for electronic administrative decisions primarily revolve around the need to ensure that all steps in the decision-making process can be reproduced at a later date. This is to facilitate judicial review of the decision. Though evidence law requirements and the requirements of various administrative decision-specific statutory and common laws vary from case to case, the overall aim is to allow for the decision to be proven. Failure to comply with requirements may mean that a decision is declared invalid as there will be a presumption that if something was not done, there is a reason for it. It may also mean that a public authority will be required to explain an adverse decision against it in order to avoid a negative presumption.⁶

Compliance requirements are any steps, actions, or conditions that must be met in order to adhere to the given standard or set of rules. It is often compulsory, and in some cases may be associated with a law or regulation. It is set by an external body and can be the result of regulatory requirements, industry standards, or contracts. Compliance requirements are very common in the modern-day governance, risk management, and control-focused business environment. This is particularly true in the case of electronic administrative decisions, where regulatory requirements are high, and failure to comply may result in a decision being declared invalid or set aside. As such, the compliance requirements for electronic administrative decisions are something that must be adhered to, and the consequences of not doing so increase the likelihood of invalidity of the decision.

2.3 Security and privacy considerations

This is the action to think of the issues and know about what really matters when we are talking about electronic administrative decisions. According to reasons and explanations for certain issues, there will be more things to understand. It is good to have more reasons and detailed information. This is called the Cybernetic System, which leads to lectures to learn about the significance of law and legal aspects. The system is initiated by the user's request to the Faculty of Law, University of Indonesia, alongside with the Center for Information and Electronic Law (CIEL) to the Department of Law and Human Rights, c.q Directorate General of Administration and State Apparatus (DG-ASAB). This study was written from August until November 2002 and is intended to give a better understanding and broaden insights of the stipulation law number 28 Year 1999 about Government Administration, especially in administrative decisions and their process by using electronic media. The guarantee of administrative decisions using electronic media in this system is very comprehensive. The research is started by the reason that administrative decisions are very strategic and are a spearhead policy from the government that could overwhelmingly give welfare and justice to the people. This thing must be realized for the first time by older to guide the leading law source, the Indonesian ascertainable law system and its reasoning, and try to use it in Law number 1945 constitution. The final part is an effort to change or reform an existing law to become a better law.⁷

3. Technical requirements for implementing electronic administrative decision

The implementation of the EAD system demands a series of technical requirements for the availability of adequate and reliable electronic hardware and software infrastructure. To run the EAD application, it needs a server to keep and process the data obtained, and it must have a qualified operational tool. Each server needs an interface for the application, and it must use a web server application. That is needed to facilitate the data delivery from the server to the user because the EAD system uses the internet connection and implements the

Client-Server application. The server application can also be accessed by a remote admin to make system management and service. Servers can be used in development server as well as production server; this must be adjusted by the needs in which the server has a different task. To run the application, an OS is obviously needed. The better the OS, the faster the application runs. The EAD system is built with Java, so it needs JRE (Java Runtime Environment). It is aimed to facilitate the migration from the previous Administrative Decision application, and it can minimize the possible error programming language translators. The phase of changes and additions to the particular application can use Java Development Kit. The utilization of Java programming language is the method in order to realize good portability because even the slightest update, the end user does not need to reinstall the application since it runs at the client side. There is no need to install any executable because it's already facilitated by the JRE. However, there are several pieces of data processing that still use Complex Query and PL/SQL, which the results are represented in .pdf files.⁸

3.1 Hardware and software infrastructure

In the current era of computerized society, hardware and software are indispensable tools for public administration, both in terms of general office automation and in the implementation of specific applications such as electronic administrative decision. Any electronic system has two basic requirements. These are the requirement of hardware and the requirement of software. This requirement is also needed for the implementation of electronic administrative decision as part of it is a system. Hardware and software that are used as means to support the system to run are also imperative for the implementation this new administration step. This is due to electronic administrative decision is a new way administrative decision which is using electronic as a media to help deciding something which is quicker and easier. Electronic is using hardware and software. And also without a good hardware and software, the system cannot run properly. This is very risky because decision is very important thing in an administration. The system may give a wrong decision if it is not supported by good hardware and software. Due to the importance of the system, cost and benefit concept is very calculated here, the low cost but high benefit, so the right important choice for hardware and software should be made with the concept. A electronic decision system is only as useful as the data and applications that it can manipulate to achieve specific goals. In the case of electronic administrative decision, it depends on the type of decision focused. Usually a high decision is more strategic than an operational decision. For the strategic decision, a top level management need more comprehensive information to achieve a high quality decision. This need a good hardware and complex software to manipulate that information. This decision usually is a long term decision, so it is also requires a long maintenance. This is different with the operational decision, it is only need a simple information. But the simple or complex of hardware and software that are used, the main important thing is that the system must be reliable. This is according to the decision has a long duration, so it needs a long maintenance. This is it can reduce a maintenance cost if the hardware and the software are reliable. This is cost and benefit contribution. The decision made by a level of executive also determine what kind of hardware and software that will be used. This is according to the decision level is connected with the decision type. High level decision will need a good hardware and software. Step by step, with a long process the entire decision will be taken. And the last, it is also related with the economics condition of Indonesia. This decision has a several implication. If this decision give a good impact, Indonesia can use that success to develop Indonesia and to pay our foreign debt. So it requires a good data and an information. An information is a results of data processing. A more complete data has more valuable information. Usually the decision can be made if there is a problem, and every problem occurred that time is a different case where a the solution is a decision. This require a data history so comparative method can be used to determine the right decision. And the decision is a conclusion step from comparative method. This is a simple description of a decision, but from the description a large data is needed. High and low data type should be stored in different ways. Complex data need a complex software also. And a data and a complex and a complex software need a good infrastructure, one of them is a hardware and software. Step by step this can conclude that a good decision is closely related with a good infrastructure. And a good infrastructure can take a decision into a right decision. This is it can increase the quality of a decision. This is in same with the our system goals. High decision level is usually done by top level management in an organization. So a strategic decision is the goal of our system.

3.2 Data management and storage

The decision at the end of the process will frequently result in changes to existing stored data and/or the creation of new data. The system must allow for the updating of data and provide a clear audit trail for the record of changes. This will result in the elimination of the record, and the system must therefore provide a means for the identification and scheduled destruction of superseded records. This is known as life-cycle management and is a critical concept in the management of electronic records. Failure to address any of the above issues will result in inadequate and inefficient data management that may necessitate a return to manual systems.

Both electronic and manual systems require structured data that is transactional and reference-oriented in terms of record type and content. Administrative decision is heavily dependent on the effective management of large quantities of highly diverse data, meaning that the capability to store and locate records is crucial. Store in a documented form and be capable of extraction and transfer in the event of system replacement or data migration. Storage and resource management of the program and data must be cost-effective over the life of

the record. Many government decisions are of a record-keeping nature and need to be referenced up to 20 years in the past. Access to data requires query and retrieval facilities that will locate and assemble both specific and general information from **records**.⁹

3.3 Integration with existing systems

The aim of the project is to show what it takes from a technical and legal point of view to implement electronic administrative procedures in European Union member states and to assess their compatibility with Community law. The study provides a detailed analysis of the technical and legal issues involved in implementing an electronic system for administrative procedures. This includes installation of new systems, data management, and changes to the pre-existing system. A number of issues are considered, such as the choice of a particular technology and the need for coherence between different Member States. The study also examines the problems raised by the relationship between electronic systems and pre-existing administrative procedures. This is a complex issue because the existing procedures were not designed with electronic systems in mind, and there is a need to reconcile effectiveness and efficiency gains with the protection of procedural rights.¹⁰

3.4 User interface design and accessibility

This section addresses some of the most fundamental features of an e-government service, as the user interface will be the primary point of contact between the user and the service. The ease with which users can navigate through the system and find what they are looking for is likely to have a significant impact on the success of the service, while the provision of an accessible system is a prerequisite for the avoidance of discrimination against those with disabilities. It is recommended that the UK government's e-envoy's accessibility standards are followed best practice in developing an accessible system. These standards are based upon those from the W3C and are reviewed and updated every six months. The most recent version of the standards should always be used in the development. The importance of these standards is such that in the public sector, it is a legal requirement that all new system development conforms to level-A standard, and the highest priority 1 checkpoints must be satisfied by all systems by 2006. The standards themselves are detailed and comprehensive. Key measures to ensure accessibility will include the use of metadata, which will facilitate a user's finding of relevant administrative decisions when using search engines or browsing the site, and the provision of text-based alternatives to any audio or visual information. High-quality user interface design will be determined by extensive consultation with end users, and user testing will be carried out to assess the suitability of the interface and any design modifications. An intuitive and easy-to-use system will be characterized by simple navigation methods, the minimization of user input, and clearly presented information. Consideration of the likely range of users, which will include those unfamiliar with using computers, is crucial.¹¹

4. Implementation process and best practices

Planning and scoping the implementation begins with the Steering Committee appreciating that the implementation of the e-ADM system is not simply an IT project. The new system will direct changes to the processes and the way work is done for all staff, including changes to current practices which are not compliant with the EPMA, and cultural changes. It affects all Administrative staff, management and members of decision-making bodies within public authorities and other bodies and persons who are subject to judicial review. Members of decision-making bodies will see perhaps the most fundamental change to working practices, the requirement to produce reasons for decisions will mean that there is an increasing trend to formalize decision making, and will require a shift from working on paper to working electronically. The full implications of these changes need to be understood and their impact mitigated where there are negative connotations. This process has already begun on a small scale with the pilot authorities. Reasons for selection at this stage should focus on preparing for an effective implementation by considering the local authority's capability, capacity, and culture to take this work forwards. There should be an appreciation that some authorities may be further from successful implementation than others and that the reasons for this must be understood. Where it is apparent that the implementation of the e-ADM system will not be effective, it should be considered whether implementation should be delayed until the authority is better placed to take it forward and this should be reviewed periodically. If any authority is to defer implementation, it is crucial for the EPMA Project Board to be informed of this so implications can be understood.¹²

4.1 Planning and scoping the implementation

By avoiding the mistakes of past initiatives, it is possible to plan a strategy for successful implementation. This strategy can be visualized through the use of decision trees. A decision tree provides a comprehensive analysis of the potential results of taking a particular action to solve a problem. It is a map that can be used to help determine a course of action and its potential consequences. This is helpful when dealing with complex solutions with many alternative actions. An example of this would be the development of an automatic Centrelink payment system and the many and varied business rules that it would be required to follow.

E-administration initiatives are often high in risk as they hinge upon the use of complex information and technology. Risk assessment has now become a vital part in the development of public systems as many have experienced the backlash of implementing a system that has failed and is too costly or difficult to repair. The Australian government has had its fair share of e-administration failures, specifically in relation to information technology. For example, the unsuccessful attempt to introduce a standardized payroll and personnel information system across several government agencies. This initiative was devised in order to provide common and flexible systems for public service staffing and administration. The proposed system proved to be overly complex and costly to implement and in 2003 was abandoned for a newer system due to problems with implementation and allegations of a three hundred million dollar blowout in costs. Kirby and Jago argue that the change was not due to a change in requirements to the older system but rather a lack of competence in implementation and project management.

E-administration applications are governance instruments that serve the public and are therefore, as research indicates, subject to a myriad of complex and often conflicting external, internal, and unpredictable forces or factors. Due to these forces, it is often difficult for policymakers to foresee the potential effects of new e-government initiatives and the means through which they are brought to life. Scope is a measure of the range of a project. This range can apply to the breadth of the initiative, including how many different parts of an organization it will affect and the depth at which it will affect each area. The more change that is expected, the deeper the scope of a project. Alternatively, the range applies to the time and resources it will consume. Requirements can shift during the course of a project, however, and it is often difficult to keep on top of changes and deliver in the initially allocated time frame. Any deviations from initial plans will serve to decrease the efficiency of a project and increase costs.¹³

4.2 Stakeholder engagement and communication

Stakeholder involvement should be sought from the earliest stages of implementation of the system. Like scoping, this is an iterative process that continues throughout the project. Stakeholders may include internal staff and managers, external service providers, policy makers, and members of the public who are affected by the services the agency provides. It is important to identify and actively involve stakeholders to ensure that the system meets their needs, is fit for purpose, and is sustainable. It is equally important to identify those who may be resistant to the change, or may not be supportive of the new system. An assessment can then be made as to whether their concerns are justified, and if appropriate, involve them in detailed discussions, with a view to modifying the system design so that it takes account of their needs. For instance in Rennes, stakeholders discussed the development of the electronic signature for decisions, and it was agreed to modify the default from automatic signature, to signature upon validation of the act, in order to facilitate corporation of the system into existing work practices. A further detailed discussion was held with managers of the State Legal Aid service, to identify the service specific needs of this stakeholder group, in order to develop a tailor-made interface for access to the relevant acte Dumer. This resulted in a system that was specifically designed to meet the needs of this group, and led to increased usage of the acte Dumer. While stakeholder engagement should theoretically lead to increased support and reduced resistance through active involvement of stakeholders in the decision-making process, in reality there may still be opposition to the new system from some stakeholders. High-level administration may have ambitious visions for the new system, yet it is important to compromise and often scale back the overly ambitious ideas in order to accommodate the needs of stakeholder groups. This is particularly relevant for systems impacting upon a large number of public service clients, as in the case at the Centre for Equal Opportunities and Fighting Racism, where the new acte Dumer system will facilitate better access to relevant legal reference and thus free staff from lengthy manual searches through paper archives. Yet there are plans to modify the content of the acte Dumer so that it is more concise and automated searches will return only the most relevant actes. It was agreed with Centre staff and administration that access to legacy actes would be maintained, as this was seen as a valuable resource for service clients in discrimination cases. Opposition to the system may manifest and the article Doesny (2017) discusses the reaction of around 20% of French civil servants who are not in favor of the new acte Dumer system as it complicates the process of annulling decisions, which has implications for seeking administrative justice to overturn an acte. Approximately 10% of these serveurs have already sought to annul an acte Dumer.

4.3 Training and capacity building

The training process should be carefully planned and tailored to the different needs of staff and end users. The experience of other agencies suggests that a mix of different training methods will be most effective. Staff directly involved in making administrative decisions should be targeted at a 'train the trainer' workshop where they will learn how to use the system and take the knowledge back to the agency to teach others. This should be followed up by further training that includes hands-on practice with scenarios that are relevant to the types of decisions that will be made. End users will require clear and simple instructions on how to access and use the system. This is best provided by a combination of written instructions and face-to-face training sessions. It is highly beneficial to 'trial run' the system with end users before it 'goes live' so any issues can be identified and addressed. This has the added advantage of dispelling any concerns about the use of the new system. Written documentation such as instruction booklets and FAQ sheets should be developed and easily accessible.

It is important to continuously reinforce training with refresher sessions and resources such as 'help desks' where users can seek assistance as and when they need it.

An effectively implemented electronic administrative decision-making and review process is essential to good public administration. While the previous sections have discussed the prerequisites to planning the implementation, engaging stakeholders, and how to monitor and evaluate the system, what is often underestimated is the process of training and capacity building necessary to ensure staff at all levels and external users are competent and confident in using the system. The benefits of staff and end users fully understanding the system and being confident in its use are numerous. It will result in higher quality administrative decisions that are more likely to withstand review, time, and cost savings, and greater user satisfaction.

4.4 Monitoring and evaluation of the electronic administrative decision system

Evaluation can be done internally by the administering agency and also be outsourced to an independent party. An internal evaluation should be built into the culture of the organization with clear allocation of responsibility and dedicated resources. It can involve regular reporting against objectives with analysis of any disjuncture between expected and actual results, analysis of cost effectiveness, benchmarking of system performance against other similar systems. An internal evaluator may require training on monitoring and evaluation techniques. If the agency does not have the expertise to conduct high quality evaluation, an external evaluator is recommended. An external evaluator will require specific terms of reference and contractual arrangements. This method requires careful selection of the appropriate evaluator to match the nature of the objectives.

With the system in operation, it is important to initiate regular and systematic review of whether the system is achieving the objectives set out in the planning stage and whether the system is operating effectively. A good monitoring and evaluation system will help to identify whether the system should be modified, or whether it is fundamentally flawed and should be replaced. It will also provide information on which to base decisions about resource allocation. Monitoring and evaluation should be an ongoing process, but with regular reviews of system objectives and system performance.

5. Conclusion

The research concluded with a group of findings and recommendations as follows:

- 1- Comparative legislation, including the Jordanian legislation, did not draw a definition of the electronic administrative decision, despite the recent trends to adopt the electronic management system.
- 2- The administrative electronic decision has the pillars of its existence and status and the conditions of its validity as the traditional counterpart while retaining its technical nature.
- 3- The idea of the legal status of the administrative electronic decision is represented by the action taken by the source of the administrative decision according to which the provisions of the decision are implemented into practice.
- 4- The correct opinion is that the electronic signature is the procedure through which the legal status of the administrative electronic decision arises.
- 5- The electronic signature is similar to the traditional signature with the same objectives and importance in terms of identifying the person of the signatory and the percentage of the legal work.

5.1 Recommendations

1- Comparative legislations should modify the laws that regulate the administrative work and actions in order to specify legal texts that resolve the issues related to the administrative electronic decisions regarding implementation and application. 2- States that that have codified the special legislation for electronic signature should entrust to technical and legal committees specialised to develop regulations and instructions that serve as a procedural guide to estimate the electronic signature in all fields and activities of public administration. 3- Legal aspects of adopting the electronic government system should be clarified in a manner that reinforces the recent trends regarding the administration of public institutions with electronic ways

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