

# Jordanian Municipalities Between The Reality Of Local Administration And The Aspirations Of Local Governance In Light Of The Local Administration Law Of 2021

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## *Abstract*

This study aimed to stand on the reality of the Jordanian municipalities between the application of the concept of local administration and the aspirations of local governance in light of the local administration law of 2021. The descriptive analytical approach was followed, as well as the approach of future studies, to achieve the objective of the study. The study concluded a number of results, most notably that: the municipalities are among the local administration bodies that follow the method of administrative decentralization to organize their areas and provide services to them; this is confirmed by the Jordanian Local Administration Law No. (22) of 2021. Although the Jordanian Local Administration Law of 2021 included many positive aspects related to expanding the authorities of municipal councils, the law included a number of aspects and determinants to bring about a quantum leap in the manner of applying the concept of local governance, especially in some legal, administrative, and financial aspects. The study presented a number of recommendations to enhance the role of municipalities towards the implementation of the local government system in the future, the most prominent of which are: making fundamental amendments in the provisions of the current local administration law by creating a more balanced relationship between the central and local authorities, which limits the control of the central authority and its control over the work of the municipal councils, especially in the regulatory and financial aspects.

Keywords: Municipalities; Local Administration; Local Government; Local Administration Law.

## **Introduction:**

With the expansion and development of the basic needs and requirements of citizens, it has become difficult for the central authority in the state to respond to these requirements and fulfill them on its own. Therefore, the central authority resorts to delegating some of its administrative, regulatory, and developmental authorities to local bodies whose organization takes different forms and methods according to the financial and human capabilities of the state and in accordance with its political system. This is to achieve the optimal response to the requirements of the members of its community and provide services of all kinds to them in a way that meets their daily needs.

Perhaps the most prominent of these local bodies are the municipalities, which are considered one of the units of local administration in Jordan, and which play an important and essential role in providing services to the local community. They are local bodies that have a constitutional and legal existence and a legal personality that enables them to exercise their duties optimally through their municipal councils.

Over the past few years, the issue of developing, empowering, and supporting the decentralization of local administration has become more important, as it is considered a priority of political reform. In order to achieve the implementation of the desired local government system, Jordan underwent an experiment that is considered a serious step in the transition towards a local government system and empowering citizens to manage their local affairs. Even if it was not a direct and complete implementation of this system represented by the approval of Local Administration Law No. (22) of 2021, which granted municipalities and their councils many tasks and authorities to enhance their role in the local administration. The approval of such laws and the broad authorities they carry for local councils and municipal councils, as well as the outputs and recommendations of the Royal Committee to modernize the political system in relation to the modernization of the local administration system, is a serious step to grant municipalities financial and administrative independence, and guide the local administration in Jordan towards applying the local government system, although it has not yet reached the realization of its full concept.

Based on the foregoing, this study investigated the reality of the Jordanian municipalities between the application of the concept of local administration and the aspirations of local governance in light of the Local Administration Law of 2021, by dividing it into two topics as follows:

The first topic: the nature of local administration and its application in Jordanian municipalities.

The second topic: Jordanian municipalities and the shift towards local governance in light of the Local Administration Law.

**The Study Problem:**

Jordan has adopted the local administration approach and its applications in the field of municipalities by granting financial, organizational, developmental, and investment authorities to municipal councils, as well as granting them some elements of independence represented in electing members of the municipal council. However, these steps have not yet reached the realization of the concept of local governance in its comprehensive sense; therefore, it needs to develop its legal framework on the one hand, and work seriously to overcome the difficulties and obstacles that prevent its optimal application on the other hand. The legislative instability regulating the work of these municipalities, which is evident through the continuous amendments to the laws regulating their work, is an evidence of a lack of clarity of vision regarding the role of municipalities in the transition to the application of the local government system and the promotion of popular participation in it.

Accordingly, the problem of the study is to answer the following main question:

What is the role given to municipalities in shifting from applying the concept of local administration to applying the concept of local governance in Jordan in light of the existing legislative and regulatory situation?

#### **The Study Significance:**

- The importance of this study is that it is one of the delimited studies - as far as the researcher is aware - that dealt with the role of municipalities in the transition towards local governance in Jordan. This gives the current study a new scientific value, especially in light of the recent legislative amendments according to which the Municipal Law No. 41 of 2015 and Decentralization Law No. 49 of 2015 were canceled and replaced with another law under the name: (Local Administration Law No. 22 of 2021).
- It is also represented in enriching the scientific discussion about the role of municipalities in the transition towards local governance in Jordan, in light of the existing legislative and regulatory situation, and from the point of view of the study sample of heads and members of municipal councils in Jordan.
- Also, its practical (applied) aspect is represented in presenting a number of recommendations and proposals that would enhance the role of municipalities in the transition towards local governance in Jordan and face the legislative, organizational, financial, and human challenges and obstacles that limit this role.

#### **Objectives of the Study:**

This study aims to achieve a number of objectives, namely:

1. Identifying the nature of local administration and applying it in Jordanian municipalities.
2. Determining the authorities of the municipalities in Jordan as local administration bodies.
3. Studying the concept of governance and the legal aspects to enhance the role of municipal councils in the transition towards local governance in Jordan.
4. Researching the role of Local Administration Law No. 22 of 2021 in reaching the implementation of the local government system in Jordan.
5. Highlighting the most important challenges facing the municipal councils in the transition towards local governance and ways to confront them.

### **The First Topic**

#### **The Nature of Local Administration and its Application in Jordanian Municipalities**

Local administration represents one of the most prominent methods of administrative organization in the modern state, as the trend towards adopting this method has increased in many countries due to the advantages achieved by this system in the administrative, service, and developmental aspects for local communities. The Kingdom of Jordan has adopted the application of this system through the municipalities spread in all the governorates of the Kingdom, as well as following the decentralization approach represented by the establishment of provincial councils. The focus will be on the nature of local administration and its application in the Jordanian municipalities through this topic, by dividing it into two requirements. In the first requirement, the reality of municipalities as one of the local administration bodies will be addressed; the authorities of municipalities in Jordan as local administration bodies will be highlighted in the second requirement.

#### **The First Requirement: Municipalities as One of The Local Administration Bodies:**

Local administration is defined as “an administrative method according to which the regions of the state are divided into independent units that supervise the administration of each unit, of which a local body represents the general administration of the members of the local community in it, provided that these bodies are independent with self-financial resources and linked to the central government.” (Ahmed, 2008).

Others also defined the local administration as the elected councils in which local units are concentrated, responsible to the residents of those units, and carrying out tasks complementary to those of the central government. (Muhareb, 2016).

While the British writer (Gram Moody) defined it as: "An elected council that complements the state apparatus in which the local unit is concentrated, and is subject to political responsibility in regards to the voters who are residents of this local unit." (Aisawah, 2015).

Municipalities are among the most prominent local administration bodies in most countries of the world. They are local bodies that have a constitutional and legal existence that guarantees them a privileged position among state institutions and their various bodies that enable them to exercise their role entrusted to them in an optimal manner through a representative council that is the municipal council. The municipality is defined as: "A local administration that has moral personality and financial and administrative independence within the scope of the legislation regulating the work of municipalities, and within its scope it exercises the authorities conferred upon it by law". (Ad-Damour, 2020).

Municipalities are also considered among the applications of local administration that follow the method of administrative decentralization to organize their areas and provide services to them along with the other aspect represented by the provincial councils. (Kabilat, 2019).

This was confirmed by the Jordanian Local Administration Law No. (22) of 2021, which considered municipalities as one of the components of the local administration, which also includes provincial councils.

The municipalities undertake some tasks that are originally functions of the central government. The government has found that there are interests and services that are predominantly local in nature, and it has also found that it is better and more appropriate to leave the responsibility of managing those interests and services to the citizens who live in the municipality area and who are appointed by the affairs of those interests and services, and citizens manage affairs through a council that they elect and authorize to do so on their behalf. (Al-Dweikat, 1998). Therefore, the Jordanian legislator assigned multiple authorities and competencies to the municipal councils to enhance their role in the organizational, developmental, and investment aspects according to the Jordanian Local Administration Law No. (22) of 2021, in a step to implement the desired concept of local governance, which will be addressed next.

### **The Second Requirement: Authorities of the Municipalities in Jordan as Local Administration Bodies:**

The Local Administration Law No. 22 of 2021 is the basic legislation for the work of municipalities as local units, which regulates the authorities and competencies of municipal councils and the tasks assigned to them. These are defined in the financial, developmental, and investment authorities, in addition to the general, regulatory, and monitoring authorities that will be addressed as follows:

**Section One: Financial Authorities:**

The financial authorities in managing financial resources are one of the most prominent authorities granted to the municipal council, which reflects the extent of its independence. This is due to the importance of this independence in the continuity of municipal work, ensuring the accuracy and integrity of spending on services, local development projects and infrastructure; as a result, this will establish good governance in work and the management of public funds. Hence, the Jordanian legislator granted a set of financial authorities and tasks to the municipal councils in the context of Article (15) of the Local Administration Law No. (22) of 2021, the most prominent of which are:

1. Approving the annual budget, the formations schedule, and the final financial statements of the municipality, and submitting them to the Minister for approval.
2. Approving the indicative municipal budget for a period of four years.
3. Managing the municipality's property and money, and using them to carry out its tasks and responsibilities, including: constructing the necessary buildings, renting them, mortgaging them, selling them, donating them, and buying others in accordance with the provisions of this law, and accepting gifts and donations, provided that they are approved by the Council of Ministers if they are from a non-Jordanian source.

From the foregoing, it is noted that the financial authorities granted to the municipal councils in the context of the provisions of the Local Administration Law are specific authorities within the framework of approving the annual budget and the indicative (estimated) budgets of the municipality. This is an incomplete authority, meaning that it is necessary to refer to the central authority (the Minister of Local Administration) for ratification in order for it to be implemented. This represents a violation of the principle of the independence of the municipal councils from the financial side, as well as a violation of the elements and the concept of local administration; these authorities must be amended by granting the head of the municipal council the authority to approve the annual budget of the municipality and to give the municipal councils the necessary financial independence.

**Section Two: Developmental Authorities:**

The municipalities are among the most prominent and important stakeholders responsible for putting the necessary development plans for the local community and identifying its needs, as well as contributing to attracting investors and other stakeholders in the region to take advantage of the competitive elements and advantages of the municipality's areas, and establishing investment projects in them; therefore, this will benefit and influence the development of the region. (Madzivhandila & Asha, 2012).

The development plans prepared and approved by the municipalities are the main plans that will direct a city or a specific area within the municipal boundaries towards growth and development. These are plans with a medium and long-term vision and strategy that form the basis for the actions and decisions that will be taken to improve and develop the municipality's areas in a way that will positively affect the quality of life of the current and future residents of the region. These plans are developed and updated periodically and under the guidance of the planning committees in the municipality, which are responsible for updating and developing them, according to the changes and developments that occur in the community with the aim of setting policies and proposals that will direct and support development projects for the municipality's areas in various social, economic, and environmental aspects, as well as aspects related to infrastructure and urban planning. (Ziadat, 2021).

Therefore, the Jordanian legislator approved granting developmental authorities to municipal councils in the context of Article (15) of the Local Administration Law No. (22) of 2021, represented in the following:

1. Approving draft development plans and a guide to the needs of the municipality area, setting priorities, and submitting them to the Executive Council.
2. Approving programs designed to achieve sustainable development with the participation of local communities, and managing all services, facilities, and local projects associated with them.

Among the developmental authorities granted by the Jordanian legislator to the municipal councils, it is noted that despite their importance and their role in bringing about the desired development in the municipality's areas, they are limited to specific local units regarding the internal affairs of the local community. Also, they play this role in partnership with members of the local community who are more knowledgeable and aware of their development needs without being endorsed by the central authority away from the participation of the local community. However, it is noted that these developmental authorities remain limited, and the level through which the concept of local governance is implemented in relation to municipal councils has not been advanced; moreover, this role does not achieve the principle of total independence in the work of the municipal councils. The development plans and the projects they include that are approved by the municipal council are submitted to the Executive Council for approval and implementation. Here, this role may face the problem of the Executive Council not approving and implementing them (Article 15 of the Jordanian Local Administration Law).

### **Section Three: General, Regulatory and Monitoring Authorities:**

The Jordanian legislator granted municipal councils a number of authorities and specializations in order to enable them to organize municipal areas, provide services related to granting building permits, paving roads, cleaning, and lighting within the municipal borders

according to Article (5) of the Jordanian Local Administration Law No. 22 of 2021, as well as monitoring markets and public health, which are as follows:

- General authorities: Municipalities undertake general tasks, which include determining: the locations of schools and places of worship, the construction of sewage networks, the establishment of cemeteries, the establishment and organization of public markets, the designation of goods to be sold in them, as well as the establishment of: public squares, gardens, parks, and baths. This also includes the establishment of places designated for: tourism, museums, public libraries, cultural clubs...etc.
- Technical and organizational authorities: These include granting and monitoring building permits for municipal planning, opening and paving streets, constructing sidewalks, as well as demolishing dilapidated and falling buildings.
- Monitoring authorities: These include monitoring: markets, weights, and measures, as well as monitoring: public health, restaurants, cafes, theatres, cinemas, and nightclubs, setting opening and closing times, monitoring open lands, and warning owners of the need to photograph them, as well as monitoring places where animals are slaughtered...etc.

#### **Section Four: Investment Authorities:**

Municipal real estate, facilities, and funds are public funds that can be invested to reap financial benefits for these local units to fulfill their obligations to provide services to members of society. Municipalities seek to invest their capital, facilities, and buildings within the limits of the legal authorities granted to them by law. This is to achieve development and investment in its regions in a way that benefits the members of the local community, achieve the public interest, and provide services at the best level. (Ad-Damour, 2020).

Therefore, the Jordanian legislator granted the municipal councils development authorities in the context of Article (15) of the Local Administration Law No. (22) of 2021, represented in the following:

1. Approving investment plans projects.
2. Constructing the necessary buildings, leasing them, mortgaging them, and selling them.
3. Investing movable and immovable funds, determining their investment fees, removing any obstacles to investment, providing an investment environment, and encouraging competition in the exercise of economic activities by simplifying procedures.

In order to enable the municipal councils to implement their investment competencies in an optimal manner, the Jordanian legislator approved the establishment of an investment committee in each municipality in the context of Article (23) of the Local Administration Law of 2021. It consisted of the mayor as its chairman and the membership of: the director of the municipality, the director of the legal department, and the director of the



development unit in the municipality, so that it is entrusted with the tasks of studying the mechanism of managing the municipality's immovable property in a manner that is commensurate with the work of the municipality, and in a way that serves the public interest, and looking into partnership projects with the private sector, and submitting their recommendations to the municipal council to take the necessary decisions in this regard.

The Jordanian legislator also granted municipalities the exemptions and facilities enjoyed by ministries and official departments in the country (Article 23 of the Jordanian Local Administration Law).

In the researcher's opinion, these facilities and exemptions have a positive impact in enabling the municipalities to carry out their investment role to the fullest, by enabling them to benefit from tax exemptions and fees on investment inputs, which would rationalize the expenses incurred by importing investment inputs such as equipment, operational machinery, and other raw materials needed for the investment projects that the municipality intends to undertake.

From the foregoing, it can be said that the importance of granting municipal councils investment authorities comes in the context of enhancing investment activity within the boundaries of the municipality's regions, which in turn promotes raising local production levels and stimulating economic movement, and enables the municipality to address the challenges it may face in carrying out its role to the fullest.

## **The Second Topic**

### **Jordanian Municipalities and the Shift Towards Local Governance in Light of the Local Administration Law**

The legal aspects of enhancing the role of municipal councils in the transition towards local governance in Jordan will be examined through this topic, in terms of addressing the nature of local governance and the elements to reach its application in Jordanian municipalities in a first requirement, as well as identifying the most prominent challenges facing municipalities to reach governance and the necessary proposals to face these challenges in a second request, as follows:

#### **The First Requirement: The Nature of Local Government and the Elements to Reach its Application in the Jordanian Municipalities:**

Finding out what local governance is requires reviewing the most prominent definitions that have been presented to this concept, and defining the difference between it and the concept of local administration that has already been referred to previously, which will be addressed in the first section. In addition, the most important elements for reaching the application of the system of local governance in the Jordanian municipalities will be identified in a second section.

#### **Section One: What is Local Government?**

The application of the concept of local governance has been linked to the activity of cities, villages, and local areas with: population ties, human origins, and the common heritage of human settlements. It is a method of political decentralization, and it is meant as a local government, that is: the government specified for a specific local area, or composed divided as part of the main political unit such as the nation or the state, as well as a body of persons appointed or constitutionally constituted as a government. (Khalil, 2022).

Local governance is also defined from the legal side as: “a process of distributing the administrative function between the central government and local elected bodies that exercise their competences under the supervision and control of the central government.” (Abdullah, 2017).

The United Nations has defined local government as: “Political units in the state or the state of the federal system, referring to states established by law, and having authorities to manage local affairs, including imposing taxes, and the local governing body may be elected or specified, or both.” (Al-Ithawi, 2018).

The idea of local government is also based on transferring the authorities vested in the central authority by legal text to the elected local government bodies. This is to reduce the burden of administration on the central authority, and to free it for more urgent political and economic tasks, provided that this delegation ensures the continuity of providing services or improving their quality for citizens. (Shayeb, 2015).

From the legal point of view, and by reviewing the provisions of the Local Administration Law, it becomes clear that the Jordanian legislator did not address the concept of local government or even refer to it, despite his interest in decentralized administration and the Jordanian government’s many projects to develop administrative decentralization in the country. However, we find this definition of local governance in some Arab legislation, including Egyptian law, as the Egyptian legislator clarified the concept of governance in the text of Article (1) of the Local Government System Law No. (43) of 1979, which states: “It is: governorates, centers, cities, neighborhoods, and villages. Each shall have a legal personality, and such units shall be established, their scope determined, and abolished by law.”

The concept of local governance is one of the most consistent concepts with the concept of local administration to the extent that it is usually confused and does not distinguish between the two concepts. Some even see that there is no difference between them (al-Tabanah and Abdel-Wahab, 2005), considering local administration as an introductory stage and a precedent for local governance, as evidenced by the adoption by many countries of local administration systems in the beginning with the aim of controlling the economic, social, administrative, and developmental aspects of life, and then moving later to the stage of local governance by granting political, administrative, and financial autonomy

to local bodies, as well as the freedom to manage their local affairs. (Shayeb, 2015).

Nonetheless, the practical reality indicates that there is a difference between the concept of local administration and local governance. Local governance is a system characterized by political decentralization through the distribution of political authorities between the central government and the government of the regions, meaning: the function of local government is political as well as administrative. On the other hand, the local administration system depends on the method of administrative decentralization only through the distribution of administrative tasks between the central government and the regions. (Saqr, 2018).

Based on the foregoing, the researcher believes that local governance can be defined as an administrative and political system for the territory of a country, according to which the central government resorts to assigning its political, legislative, and administrative tasks to independent and elected local bodies that exercise their functions over a specific geographical region. In other words, it is a method of governance implemented to facilitate governance in local cities, and works to achieve popular participation.

#### **Section Two: Requirements for Implementing Local Government in Jordanian Municipalities:**

In order for local councils in general, and municipal councils in particular, to enjoy the necessary freedom to exercise their jurisdiction as defined by the law, there must be a number of factors that guarantee the independence of these councils in the face of the central administration. Perhaps the most prominent of which is granting these councils the legal personality that guarantees its financial and administrative independence, and that the election method is adopted instead of appointment as a method for her complaint, which is as follows:

##### **First: Municipal Councils Have Legal Personalities:**

The municipal councils' legal personality is one of the most important guarantees of their independence. Without this personality, they will be just a branch of the central government in the state, and the discussion here is within the framework of administrative centralization, but in its moderate form. (Al-Khalayleh, 2023).

Accordingly, the laws related to local administration are usually keen to stipulate explicitly and clearly that the municipal councils have legal personality. Realizing by the legislator the importance of this element in building the local administration system, or even the local government system. Article (121) of the Jordanian Constitution of 1952 is the constitutional basis for establishing local administrative units that have moral personality and financial and administrative independence from the central government, including the municipalities that are identified as: "Municipal affairs and local councils are managed by municipal or local councils in accordance with special laws." This is what was actually done

in the current law that was issued under the name (Local Administration Law) No. (22) of 2021.

According to the text of Article (13) of the Local Administration Law of 2021, the municipality is “a civil institution that enjoys a legal personality with financial and administrative independence, and it has the right to own movable and immovable funds, and in this capacity it has the right to sue and represent it, or to appoint any lawyer in judicial procedures.” This text is considered better than it was in the past in the Municipal Law, which used to give the moral personality to the municipal council, despite the independent legal personality enjoyed by the local unit and not by the councils representing it, based on the fact that this local unit is a self-contained entity that has the characteristic of permanence away from the natural persons representing it. (Al-Zoubi, 1993).

The municipal councils' independent moral personalities entail that they have relative independence in their relationship with the central authority, which comes in two forms: administrative independence and financial independence. Administrative independence is the ability of the municipal council to make administrative decisions that benefit its citizens and the local community as a whole, and on behalf of the central government independently, except within the limits of supervision or what is known as administrative guardianship. It is the control exercised by the central state systems over administrative decentralization systems with the aim of achieving the public interest as defined by law. (Al-Husban, 2007).

As for financial independence, it is recognizing these bodies' ability to collect local financial resources, in addition to those financial resources that they obtain from the central authority, provided that their financial resources are sufficient to obviate the need for requesting from the central government. (Al-Khalayleh, 2023).

The state of financial independence emanating from the independent moral personality of the municipal councils does not differ from the state of the administrative independence of these councils, as it is relative and not absolute. (Al-Shatnawi, 2002).

The most important manifestation of this relativism is evident in the Jordanian experience, with the municipal councils' finances being subject to the control of the Audit Bureau, which is considered public funds. The municipal councils' finances are also subject to the supervision of the Ministry of Local Administration.

#### **Second: Formation of Municipal Councils by Election Method:**

It is not enough for the municipal councils to have a legal personality to ensure their independence. Rather, the election method must be adopted as a way to form these councils, or at least the majority of them, since the local administration system does not only aim to achieve administrative goals and provide services to citizens in a good way, but at the same time it aims to achieve political goals represented in consolidating the

democratic approach and allowing citizens to elect, by direct ballot, whoever represents them at the local level. (Butros, 1971).

Also, the formation of municipal councils in the manner of elections would make the independence of these councils a realistic and tangible matter, since the members appointed by the central authority will be subordinate to it in one way or another. As such, they will become in a position that is not much different from the position of the representatives of the central government in the regions and governorates, such as: administrative rulers and managers of executive departments, which contradicts the principle of independence as a pillar of local administration. (Al-Khalayleh, 2023).

The Jordanian legislator confirmed this guarantee of the independence of the municipal councils, when he approved the method of election to choose the president and members of the municipal council in the context of the provisions of the Local Administration Law of 2021, as Article (37/a) of the law stipulates that “the mayor and members of the municipal councils are elected in secret elections.” And directly....”

#### **The Second Requirement: The Challenges Facing the Municipal Councils in the Transition Towards Local Governance and Ways to Overcome Them:**

Although the Jordanian Local Administration Law of 2021 included many positive aspects related to expanding the authorities of municipal councils, especially in the field of regulating the management of their internal affairs and increasing their own financial resources, the law included a number of aspects and determinants that would maintain the work of municipalities and municipal councils within the traditional framework at work. They did not live up to the level of ambition to make a quantum leap towards applying the concept of local governance, especially in some legal, administrative, and financial aspects, as the Jordanian municipal councils face a number of challenges and obstacles that prevent the transition to applying the concept of local government. Perhaps the most prominent of these are: legislative challenges, financial challenges, and administrative and human challenges that will be discussed as follows:

##### **Section One: Legislative Challenges and Ways to Address Them:**

By reviewing the articles of the Jordanian Local Administration Law of 2021, it is noted that the legislator has sought in one way or another to follow the municipalities as local administration bodies in the central authority represented by the Ministry of Local Administration, which makes the municipalities lose their complete independence and limits some areas of their work, which is considered an extension and a continuity of what it was in the previous laws in terms of consecrating the role of the central authority and their control over the municipalities and the work of the municipal councils. This indicates that the natural outcome

of this is local administration and not local governance based on political, legal, financial, and administrative independence.

Therefore, in order to strengthen the concept of local governance for municipalities and municipal councils, the role of the central authority or the guardianship authority, as some call it, must be reduced, so that this role must be limited to procedures defined by the text of the law, and it is not permissible to expand or generalize them because they are exceptional measures that respond to the principle of local independence. Granting wide authorities to the central authority in return for stripping these authorities from the local councils, including: Municipal councils contradict the concept of local governance based on the financial and administrative independence of these bodies. (Jarbawi, 1996).

As with the Local Administration Law of 2021, it appears that the Jordanian legislator has given the Minister of Local Administration a wide margin of rights and authorities, and the legislator has made him the supreme and final reference for many important issues related to the formation and functioning of municipalities. According to Article (21/a) of the law, the Minister of Local Administration has the authority to recommend to the Council of Ministers the expansion, narrowing, or amendment of the boundaries of any municipality, or the annexation of any: municipalities, population centers, or parts thereof adjacent to each other.

The legislator also granted the minister, upon the recommendation of the governor within the jurisdiction, the authority to establish a joint services council for a close group of municipalities, villages, or population centers councils according to Article (33/a) of the Local Administration Law. This constitutes a clear challenge for municipal councils to exercise their jurisdiction independently of the central authority or the executive authority within the area of jurisdiction represented by the administrative governor (governor).

The position of the legislator on the issue of expanding the authorities of the Minister of Local Administration at the expense of the authorities of the Municipal Council is also evident in the text of Article (15) of the Local Administration Law, where the legislator stipulated in Item (D/1) of this article the approval of the Minister of Local Administration on the decision of the Municipal Council to delegate any of his authorities or duties to a committee formed of council members for public interest considerations. Also, the legislator stipulated in the context of Article (22/b) of the Local Administration Law the approval of the minister for the municipal council in the municipalities of the first category to form local committees for organization and buildings in the constituencies of a municipal region. This represents a clear interference by the central authority in the affairs and decisions of the municipal councils, and thus limiting its role in consolidating and applying the principles of local governance.

From the foregoing, it is clear that despite the positive features included in the Local Administration Law of 2021 and related to the expansion of

some of the authorities of the municipal councils, the expansion of the authorities of the Minister of Local Administration, the marginalization of some of the authorities of the Municipal Council, and the entrustment of a number of related issues by a decision of the Minister, reflects the lack of unjustified confidence in these councils and the tasks associated with them, which would contribute to a great extent in eliminating the characteristics of local government from these municipalities. What is stated in the Local Administration Law regarding the authorities of the Minister of Local Administration is inconsistent with the concept of local government, which means absolute administrative and financial independence.

Accordingly, strengthening the role of municipalities in moving towards implementing the concept of local governance requires making fundamental amendments in the provisions of the current Local Administration Law that regulates the structure and work of local bodies. The texts contained in this law reinforce the subordination of municipalities and their councils to the central authority and its oversight. And administratively as prescribed by law, not the true and realistic meaning of the work of municipalities (Al-Damour, 2020).

This requires that these legal amendments lead to a more balanced relationship between the central and local authorities, limiting the control and control of the central authority over the work of municipal councils, especially in the monitoring aspects, specifically the text of Article (3) of the administrative organization system of the Ministry of Local Administration No. (5) of 2023, which entrusted the Ministry with the tasks of monitoring and inspecting over the commitment of municipalities, their councils, and organizing committees to applying the provisions of legislation related to their work and auditing municipal accounts. It also necessitates granting the municipalities in the governorates and the periphery the necessary administrative autonomy, as the Greater Amman Municipality and the Aqaba Special Economic Zone enjoy independent administration.

This is in addition to making the necessary legal amendments to limit interference by the central authority in imposing taxes or canceling these taxes, and giving the municipality the right to decide or set and proportion them according to its needs and the quality of the service provided, as well as limiting the interference of the central authority from imposing exemptions and discounts for citizens at the expense of the municipality's needs and reduce their financial resources. (Aqoun, 2017).

## **Section Two: Financial Challenges and Ways to Overcome Them:**

The self-financial resources of the municipal councils are a major and vital source to assist the municipalities in perpetuating their work, realizing their investment projects, and contributing to the development and development of their affiliated regions, which are characterized by being

local self-resources (Al-Jamal, 2000). The issue of financial specialization is also very important in terms of the local authorities in general and municipalities in particular carrying out their tasks to the fullest. Financial specialization means finding sufficient financial resources at the local level so that these local bodies can finance themselves and their activities themselves, and thus reach a stage through which they can achieve financial independence and refrain from relying on the central authority in providing the necessary financial resources to perform its tasks. (Ismail, 2005).

It is not possible for municipal councils to exercise their broad authorities and implement multiple services for the local community without the availability of the necessary financial resources for that, and the financial independence of municipalities from the central authority as a prerequisite for achieving the concept of local governance is closely linked to the availability of their own financial resources without relying on financial support provided to it by the central authority. (Al-Muhairi, 2003).

Referring back to the Local Administration Law of 2021, it appears that despite the previous financial privileges granted by the Jordanian legislator in the Local Administration Law to municipal councils, this is not considered sufficient to meet the financial challenges facing municipalities, which limit their shift towards implementing the concept of local governance. It is clear from the provisions of the Local Administration Law of 2021 that the practices of the central authority and its authorities over municipalities in the financial field make these local units lose their financial autonomy in many aspects and restrict their authorities in the field of managing their service affairs for citizens, and thus limit their ability to implement the concept of local governance.

For example: it turns out that the legislator left the external (indirect) resources, which are the municipalities' share of the central authority's revenues, under the control of the central authority. It is also noted that the percentages allocated to municipalities from these government revenues are specific and do not meet the needs and large burdens placed on the municipalities. The Local Administration Law approved the distribution of (50%) of the government revenues from taxes and fees levied on oil derivatives to municipalities and joint service councils, as well as 40% of the fees levied under the Traffic Law, provided that the government has the authority to distribute these percentages from its financial resources referred to in the manner decided by the Council of Ministers based on a recommendation from the Minister of Local Administration according to a number of considerations. According to the researcher's opinion, this gives room for the central authority to fully control the manner of distributing these allocations, which may lead to favoritism of municipalities at the expense of other municipalities, and thus limiting the principle of financial independence of municipalities and



contrary to the application of the principles of local governance and be specific to them.

In addition, the financial challenges represented by the indebtedness of the municipalities and their high financial deficit are among the most prominent obstacles to the optimal application of the concept of local governance. Most of the municipalities in Jordan suffer from difficult financial conditions because of the many responsibilities entrusted to it and the large financial expenses it requires (Abu Fares and Al-Ma'ani, 2006).

The indebtedness of municipalities in Jordan until 2022 has reached more than (300) million dinars (Jordanian News Agency, 2022).

According to the researcher, this negatively affects the level of services provided to citizens within the municipal boundaries and forces municipalities to resort to the central authority or borrowing that is conditional on regulatory restrictions by the central authority, which limits the financial independence of municipalities; therefore, this poses a challenge for them to apply the concept of local government.

Consequently, in order to strengthen the financial independence of the municipalities and meet their financial challenges in order to implement the concept of local governance, the self-resources must be able to complete the municipal projects and the services required of them by making a radical amendment to the financial revenue items for the municipalities stipulated in the law. The amendment should include an increase in the types of taxes and fees allocated directly to the municipalities and specifying the conditions for that in order for local authorities to achieve their independence and self-reliance, as well as moving towards increasing government support provided to municipalities, and reducing interest rates on municipal loans from the Development Bank of cities and villages.

This is in addition to improving the ability of municipalities to collect their own revenues, as they do not make the required effort to collect their revenues due from citizens in terms of taxes and fees, by adopting a number of effective policies in this field represented by training human resources in the financial units within the municipalities on the concepts and principles of financial management, as well as motivating the municipalities that collect their financial dues, which creates a competitive environment between municipalities and motivates them to exert more efforts in this field. (Abu Fares and Al-Ma'ani, 2006).

Also, municipalities should be motivated to develop development and investment plans that can be implemented in their budgets in order to diversify its financial revenues and achieve the concept of development and investment to develop their own financial capabilities.

**Section Three: Administrative and Human Challenges and Ways to Address Them:**

Administrative challenges are considered one of the most prominent challenges that prevent the real application of the concept of local governance in relation to municipalities. These challenges are mainly related to the extent of administrative independence that the municipal councils enjoy in exercising their authorities and the ability of these councils to take administrative decisions that they deem appropriate without interference in any way by the central authority in these decisions. (Al-Husban, 2007).

However, the reality in the Jordanian case indicates that there is oversight by the central authority over these decisions, as this oversight is exercised when the municipalities and their councils deviate from the authorities entrusted to them. (Batarseh, 2008).

The central authority, represented by the Ministry of Local Administration, appears to monitor the work of municipal councils according to Article (3) of the Administrative Regulation of the Ministry of Local Administration No. (5) of 2023, which entrusted the Ministry with the tasks of monitoring the work of municipal councils.

It also appears that the control exercised by the central authority over the work of the municipal councils through the right of financial control granted by the Local Administration Law of 2021 to the Ministry of Local Administration in the field of external resources obtained by the municipalities, whether they are loans, aid or donations. The municipal council can only apply and obtain obtaining a loan after the approval of the Minister of Local Administration on all details of this loan.

As for the human challenges of the Jordanian municipalities, it turns out that the Jordanian municipalities face a number of problems related to trained and qualified manpower, as most municipalities lack comprehensive and continuous training and qualification programs for their employees, in addition to the shortage in engineering and technical specializations (Introductory Guide to Municipal Governance in the Hashemite Kingdom of Jordan). As such, the reality of most Jordanian municipalities, particularly non-major municipalities, reveals that the percentage of employees holding university degrees does not exceed (30%) of the total number of employees. The reason for this is primarily due to the reluctance of university graduates to be appointed in municipalities, which results in municipalities owning weak human resources who are unable to perform their job duties to the fullest. (Al-Shamayleh, 2022). The reason for this can be attributed to the reluctance of competent and qualified university graduates to work in municipalities due to the low level of salaries compared to workers in other government institutions and independent bodies.

As a result, strengthening the role of municipalities in moving towards applying the concept of local governance requires addressing the administrative and human challenges they face by moving towards merging more municipalities and preparing new administrative and

organizational structures commensurate with the needs of each category of municipalities in a manner that guarantees the best performance and the least technical and administrative staff. . (Abu Fares and Al-Ma'ani, 2006). Municipalities must also pay more attention to their human resources, attract qualified and experienced ones, prepare and train qualified human resources, and be able to carry out the tasks entrusted to them in all fields of service, development, and investment. (Abu Obaid, 2015).

**Conclusion:**

Those who follow the process of political reform in Jordan find that there are serious attempts to strengthen the concept of local administration in local bodies represented by municipalities and their municipal councils, in preparation for the implementation of the local government system in them, so that they become fully independent bodies from the administrative and financial aspects and perform their various tasks and authorities away from the interference and oversight of the central authority. Perhaps the recent amendments to the laws governing the work of municipalities are the best evidence of this approach, which were the abolition of Municipal Laws No. 41 of 2015 and Decentralization Laws No. 49 of 2015 and their replacement by the new law of Local Administration Law No. 22 of 2021. Given the importance of the subject of the study and the limitations of the previous studies that dealt with it, the idea of this study came to investigate the reality of the Jordanian municipalities between the application of the concept of local administration and the aspirations of local governance in light of the Local Administration Law of 2021, which reached a number of results. Therefore, a set of recommendations were presented on as follows:

**First: Results:**

- Municipalities are among the local administration bodies that follow the method of administrative decentralization to organize their areas and provide services to them, which is confirmed by the Jordanian Local Administration Law No. (22) of 2021.
- In the Local Administration Law, the Jordanian legislator did not define the concept of local government, or even refer to it, despite his interest in decentralized administration and the Jordanian government's many projects to develop administrative decentralization in the country.
- The study showed that in order for the municipal councils to have the necessary freedom in exercising their competencies as specified in the law, they must be granted a legal personality that guarantees them financial and administrative independence, and that the election method be adopted instead of appointment as a way to file them.

- It also showed that the financial authorities granted to the municipal councils in the context of the provisions of the Local Administration Law are specific authorities within the framework of approving the annual budget and the indicative budgets of the municipality, and it is necessary to refer to the central authority for ratification in order to be able to work with it. This represents an infringement on the principle of the independence of the municipal councils from the financial aspect, as well as a transgression of the elements and concept of local administration.
- Furthermore, it showed that the development authorities granted to the municipal councils are specific authorities, and the stage through which the concept of local governance is applied to the municipal councils has not been advanced. The development plans and the projects they include that are approved by the Municipal Council are submitted to the Executive Council for approval and implementation; as a result, this role may face the problem of the Executive Council not approving and implementing them.
- It indicated that the concept of local governance is one of the most consistent concepts with the concept of local administration, but the practical reality indicates that there is a difference between the two concepts. Local governance is a system characterized by political decentralization, that is: the function of local government is political as well as administrative, while the local administration system relies on the method of administrative decentralization only.
- Also, although the Jordanian Local Administration Law of 2021 included many positive aspects related to expanding the authorities of the municipal councils, the law included a number of aspects and determinants to bring about a quantum leap in applying the concept of local governance, especially in some legal , administrative, and financial aspects.

**Second: Recommendations:**

- An amendment to the Local Administration Law includes reference to the concept of local governance and the mechanism of its application in the Jordanian municipalities. The absence of any reference to this concept in the current law is an evidence that the issue of applying the local government system in the Jordanian municipalities is far from being achieved in the coming years.
- Making fundamental amendments in the provisions of the current Local Administration Law by creating a more balanced relationship between the central and local authorities that limits the control of the central authority and its control over the work of municipal councils, especially in the monitoring and financial aspects.
- The necessity of supporting municipalities, enabling them with financial aspects, and strengthening their human capabilities with

experienced and qualified employees so that they can provide their services to the local community with high efficiency without resorting to the central authority.

- Conducting more studies on the subject due to the limitations of this type of studies, which is important in developing a vision for applying the concept of local government in Jordan.

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