



# The Right of Local Government Employees to Expungement of Disciplinary Offences Processed Digitally in Jordanian and Qatari Legislation

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Article	Abstract
<p><b>Keywords:</b> Disciplinary Offences; Disciplinary Measures; Public Servant; Digital Media; Expungement.</p> <p><b>Article History</b> Received: Sep 6, 2024; Reviewed: Oct 9, 2024; Accepted: Nov 15, 2024; Published: Nov 25, 2024.</p>	<p><i>This paper examines a right that has emerged due to the activities performed by users on the internet, specifically the right to digital expungement of disciplinary offences committed by Municipal Employees and the penalties imposed on them, and its relationship with public service. The issue addressed is whether the legislative provisions in Qatar and Jordan are sufficient to safeguard and preserve this right. This paper demonstrates all the legal provisions related to the right to digital expungement of disciplinary offences and applies an analytical comparative approach between the Jordanian and Qatari legislation. In conclusion, with several findings and recommendations, this study highlights the existence of a relationship between the right to digital expungement and the statute of limitations for disciplinary offences and penalties due to the similarity in their legal effects. The study recommends reversing the recent amendment to the Civil Service Regulation No. 34 of 2024, which deleted the provisions related to the statute of limitations for disciplinary offences and the expungement of disciplinary penalties after a certain period defined by the relevant stipulations. It suggests adding these provisions to the new Human Resources Management Regulation No. (33) Of 2024.</i></p>



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## INTRODUCTION

The concept of the right to digital expungement is both old and new. It is old because it dates back to the dawn of humanity, rooted in the idea that individuals faced with difficult experiences need to forget them to move forward (Alshwakhi, 2021). Yet, it is also new, arising with the digital age, where services and applications have shaped it, particularly with the advent of the internet, which has made this issue more

complex (Al-Zain, 2017). Social media platforms, search engines, and websites have made it easy to find almost any topic online, sometimes making it nearly impossible to remove information (Aljazi & Ehjelah, 2022; Hidayah & Anggraeny, 2023), unlike in the physical world, where unpleasant experiences can fade with time (Taha, 2020).

The importance of this topic is highlighted by its connection to many other legal issues. The right to digital expungement may be linked to the right of Municipal Employees to the statute of limitations for disciplinary offences they have committed and that have passed a period, as well as the expungement of disciplinary penalties, whether paper-based or digital, when they are erased over time and by the law that governs them. This topic has practical and applicable importance, as it determines the procedure that must be followed by administrative authorities to protect the reputation and dignity of the employee from third-party publication of these offences and the disciplinary penalties via the Internet. This in itself is an offence for their retention through electronic archiving systems and official administrative emails for a long period.

Research in this area also holds significant importance in the legal field, as the emergence of the internet has further complicated matters. The rise of certain Web 2.0 applications, which allow individuals to broadcast their own content online and on social media platforms, along with search engines that have facilitated information retrieval over the network, has made it difficult, if not impossible, to remove such information, unlike what happens in the real world. This has negatively impacted the lives of individuals constantly connected to the network.

In light of these challenges brought about by digitisation, it becomes necessary to search for a legal mechanism to enable internet users to remove content and information disseminated across all digital platforms, particularly information related to disciplinary citations unlawfully published by others or archived by governmental bodies. To address this issue, the legislature, judiciary, and legal scholars have introduced the concept of digital expungement. This research aims to clarify the concept of the right to digital expungement when it is related to disciplinary offences and penalties, understand the relationship between this right and the statute of limitations for disciplinary offences in public service, and determine the scope through which these disciplinary documents and penalties can be removed.

The research problem revolves around the extent to which the legislation is sufficient to address such an intersection between the right to digital expungement and the statute of limitations for disciplinary offences and penalties in functional discipline for Municipal Employees in both Jordan and Qatar. The issue is particularly significant when these administrative documents are published unlawfully on the internet and their retention through electronic archiving systems and official emails for a long period exceeding the statute of limitations for disciplinary offences and penalties under the relevant stipulations. Moreover, a legislative gap appeared after the recent

amendment to the Civil Service Regulation No. 34 of 2024, which deleted the provisions related to the statute of limitations on offences and the expungement of disciplinary penalties and did not include these provisions in the new Human Resources Management Regulation No. 33 of 2024. This resulted in a setback in the legislative system in Jordan regarding the disciplinary system in general without any justification.

This study focuses on municipal employees as a representative group of local government staff, so it requires exploring the relevant legislation governing their roles. In Jordan, the 2007 Municipal Employees Regulation, specifically Article 52(a), directs us to follow the Jordanian Civil Service Regulation when specific provisions are absent. Notably, the Municipal Employees Regulation does not address the statute of limitations on disciplinary offences and penalties, prompting us to examine these aspects based on the 2020 Civil Service Regulation and its amendments, alongside the 2024 Human Resources Management Regulation. Similarly, in Qatar, Article 34(bis) of Law No. 12 of 1998 and its amendments, which regulates the Central Municipal Council, stipulates that the Civil Human Resources Law applies to employees of the General Secretariat of Municipal Councils. This makes the Qatari Human Resources Law No. 15 of 2016 applicable to municipal employees in Qatar. Consequently, referring to both the Jordanian Civil Service and Human Resources Regulations and the Qatari Human Resources Law aligns with the legislative framework governing municipal employees in both countries under review.

This research differs from previous studies in that some earlier studies focused on the right to digital expungement independently of other rights (Al-Zain, 2017), while others addressed it in the context of criminal (Faisal, 2022) or civil matters (Mahmoud, 2023). In contrast, this study uniquely combines the right to digital expungement with the statute of limitations for disciplinary offences (Ahbeel, 2023). One of the difficulties and challenges encountered in this research was the absence of judicial rulings related to the right to digital expungement of disciplinary offences in Jordan and Qatar. This issue involves deriving legal provisions from two different legislations: public employment laws and personal data protection laws, which makes finding relevant judicial rulings extremely rare, if not non-existent. This prompted us to address judicial rulings related to disciplinary offences independently, relying heavily on analysing legal texts pertinent to the subject and identifying intersections between them to reach legal conclusions and recommendations that can be practically applied.

This research is limited to the objective boundaries that include the relationship between the right to digital expungement and disciplinary offences and penalties in public service, excluding any other topic in the field of employment discipline. This research is divided into three sections: the first discusses the concept of the right to digital expungement of disciplinary offences and penalties for Municipal Employees, and the second discusses the balance between the right to digital expungement of

disciplinary offences and other rights and principles and the challenges of its implementation. As for the third section, we addressed the limits of removing disciplinary offences and penalties for Municipal Employees from the digital environment.

## **METHOD**

This legal study (Negara, 2023) utilises statutory and conceptual approaches (Al-Fatih, 2023). The analytical approach was performed in this research by analyzing the stipulations related to the right to digital expungement and disciplinary offences and penalties in public service (Aljazi et al., 2024). We used the comparative approach by comparing the stipulations related to the subject in both Qatari and Jordanian legislation. Additionally, legal provisions related to Indonesian law have been included wherever necessary. In this paper, we reviewed all the legal provisions related to this right and how they relate to disciplinary offences. We also attempted to identify strengths and weaknesses in such provisions in both the Jordanian and the Qatari legislation. Comparative studies are quite useful, as they allow us to compare what we have against others, leading to sound solutions to legal issues.

## **RESULTS AND DISCUSSION**

### **The Concept of Municipal Employees' Right to Digital Expungement of Disciplinary Offences and Penalties**

Most legislations worldwide have addressed the issue of expunging personal data from websites, social media platforms, and search engines on the internet under the relevant stipulations. Since this issue may sometimes be linked to other topics, such as Municipal Employees, we decided to divide this topic into three parts as follows:

#### **1. The Emergence and Historical Development of the Right to Digital Expungement**

The right to digital expungement first gained recognition in some French courts. A notable case is the ruling issued by the Paris Court of First Instance on April 20, 1983, where the court recognised that individuals have the right to demand expungement when their names are associated with public events from the distant past. The court emphasised that reminding the public of such events through re-publication is unlawful unless it serves the purpose of reporting on historical matters (TGI Paris, 20 avril 1983).

The same court reinforced this right on February 15, 2012, in the case of the secretary (Diana Z), and several other rulings followed in the ensuing years, further affirming the right to digital expungement. Technological advancements in digital information systems significantly transformed the concept of human forgetfulness. Viktor Mayer-Schönberger, in his book *Delete: The Virtue of Forgetting in the Digital*

Age, identifies several factors linked to these developments that reshaped the notion of forgetfulness (Quillet, 2011).

European countries realised the inadequacy of their legal frameworks in protecting personal data following the European Court of Justice's ruling in the "Google Spain" case on May 14, 2014. This ruling formally established the right to digital expungement. Consequently, many countries, including Qatar and Jordan, revised their legal frameworks to better protect personal data, leading to the creation of the General Data Protection Regulation (GDPR) in 2016 (Al-Saied, 2023). In response, countries like Qatar and Jordan introduced their own personal data protection laws. Qatar enacted its Personal Data Protection Law in 2016, while Jordan followed in 2023. Both laws enshrine the right to digital expungement. Indonesia's 2022 Personal Data Protection Law (Law No. 27) marked a first for the country by explicitly recognising individuals' right to digital expungement. This law allows people to request the deletion of their personal data, following specific legal provisions set out in Indonesian legislation. In Malaysia, however, no specific law directly addresses the right to digital expungement. The 2010 Personal Data Protection Act does include certain privacy protections, but it does not grant individuals the full right to request the removal of their data from the internet, unlike some European laws, such as the GDPR.

Regarding public employment laws in Jordan, various civil service regulations have addressed the issue of disciplinary offences and their statute of limitations. These regulations include the Civil Service Regulations of 1966, 1988, 1998, 2002, 2007, 2013, and the most recent version in 2020. However, the latest amendment in 2024 removed the statute of limitations for disciplinary offences. Similarly, Qatar's public employment legislation has consistently covered the statute of limitations for disciplinary offences and penalties, beginning with Law No. 1 of 2001 on Civil Service, Law No. 8 of 2009 on Human Resources Management, and culminating in Law No. 15 of 2016 on Human Resources and its Executive Regulation No. 32 of 2016. However, these laws only address the statute of limitations for disciplinary offences in the traditional sense and do not explicitly cover the right to digital expungement. Yet, an analysis of personal data protection laws and public employment regulations in Jordan and Qatar reveals this right.

It should be noted that the 2007 Jordanian Municipal Employees Regulation refers employment-related provisions for municipal employees to the Civil Service Regulation when there is no specific legal provision addressing the issue. Article 52(a) of this regulation states that "the provisions of the current Civil Service Regulation apply to employees in cases not specified in this regulation." This is an explicit reference for applying the Civil Service Regulation in certain situations, including the statute of limitations on disciplinary offences and penalties for municipal employees. Similarly, in Qatar, Article 34(bis) of Law No. 12 of 1998, concerning the regulation of the Central Municipal Council (amended by Law No. 13 of 2022), states that "the

provisions of the mentioned Human Resources Law apply to employees of the General Secretariat."

This is a clear directive for applying the 2016 Human Resources Law to municipal employees in Qatar. Thus, our application of the Jordanian Civil Service and Human Resources Regulations, as well as the Qatari Human Resources Law, to the subject of this study is legally consistent. The rapid growth of the internet and the speed at which information spreads online prompted many countries, including Jordan and Qatar, to pass legislation aimed at protecting individuals' personal data. This shift in concepts, including the right to digital expungement, has driven the introduction of legislation that keeps pace with these developments.

## **2. Definition of the Municipal Employees' Right to Digital Expungement of Disciplinary Offences and Penalties**

The Qatari legislator addressed the right to digital expungement in Article 5 of Law No. 13 of 2016 on the Protection of Personal Data Privacy, which states: "An individual may, at any time, ... 3. Request the deletion or removal of his personal data in the cases referred to in the previous paragraphs, or when the purpose for which the data was processed has ended, or if there is no justification for retaining it with the controller." In the same context, although the Jordanian legislator was slow to issue a law on personal data, the Personal Data Protection Law No. 24 of 2023 was introduced in the last quarter of 2023. Article 2 defines personal data as "Any data or information related to a natural person that can identify them directly or indirectly, regardless of its source or form, including data related to their identity, family status, or location."

Article 10(a) of the Jordanian Personal Data Protection Law addresses the right to digital expungement, stating: "The data shall be expunged or concealed, and necessary measures taken by the controller upon the request of the data subject or relevant unit in any of the following cases:

- a. If processing occurred for a purpose other than that for which it was collected or in a manner not previously consented to.
- b. If the data subject withdraws prior consent unless required otherwise by other legislation.
- c. If the data was processed in violation of this law, its regulations, or instructions.
- d. If required for fulfilling a legal or contractual obligation."

The 1945 Indonesian Constitution and its amendments do not explicitly include the concept of the right to digital expungement, as it was established before the widespread adoption of digital technologies. However, it does contain some privacy and individual rights provisions, which offer indirect protection for digital expungement. Likewise, Indonesia's Personal Data Protection Law No. 27 of 2022 does not specifically define the right to digital expungement in relation to disciplinary

offences. While the law includes certain provisions on this right, such as Article 8, which allows individuals to process or delete their personal data according to the law, and Article 16(2)(E), which permits the deletion of personal data, as well as Articles 43, 44, and 45, which outline certain procedures for data deletion, it does not address digital expungement specifically for municipal employees in relation to disciplinary offences and penalties.

This law is nonetheless a significant step forward for privacy protection in Indonesia in the digital age. Granting individuals, the right to request the deletion of their data when it is no longer necessary for its original purpose is an encouraging development within this legal framework. After reviewing the stipulations in the Qatari and Jordanian legislations related to the right to digital expungement, we find that they do not define this right. Instead, they refer to the possibility of expunging the data of a natural person based on a request submitted to the concerned authorities. The legislators acted wisely by not defining this right, leaving the matter to legal scholars.

It has been defined as "the right of a person to control his personal data and to decide at any time to delete or expunge it entirely from the internet" and also as "the right of an individual to obtain his explicit and clear consent when collecting information about him, explaining how it will be stored, the duration of its storage, the purpose of that, and the right to delete personal information that remains on various websites on the internet, which is difficult for him to delete alone, and which may violate his privacy and cause him material or moral harm" (Al-Zain, 2017).

These definitions are derived from the legal concepts that various stipulations attribute to the rights of users to delete their data and not retain it beyond a reasonable time. It should be noted that the right to digital expungement intersects with the right to be forgotten as a general concept. This right is an old one associated with the human right to expunge his past (Al-Humaydah, 2018). This is the same philosophy that governs the formulation of rules regulating the statute of limitations for disciplinary offences and the expungement of disciplinary penalties imposed on Municipal Employees. This allows the concerned person to benefit from a work record without any references to disciplinary offences and penalties in his file. However, the importance of this right has increased and grown with the internet, which is characterised by speed and continuous development (Ahmedani, 2021).

Invoking the right to digital expungement must be based on legitimate reasons that justify it (Al-Zain, 2017). It is not appropriate to invoke this right to remove past offences committed by the employee to restore trust in him again, which may be a reason for him to commit new offences (Al-Humaydah, 2018; Amelia et al., 2023). Therefore, the stipulations related to the statute of limitations for disciplinary offences and penalties must be considered when activating this right. The Jordanian High Court of Justice, in its ruling No. 145/1965 issued on January 1, 1965, referred to the scope of disciplinary offences without defining them. The court stated, "It is not required for

an employee to commit acts constituting a disciplinary offence during the performance of their duties; an employee can be held disciplinarily accountable for actions and behaviours outside their official duties if they violate or undermine the responsibilities of the position." Similarly, the Qatari Court of Cassation addressed disciplinary offences without defining its ruling No. 45 of 2021, issued on March 16, 2021. This case involved the dismissal of an employee for collaborating with colleagues to alter students' answers and inflate the school's success rate based on directives from the academic deputy. The employee defended herself by claiming the penalty was disproportionate to the alleged action. The court ruled that an apparent lack of proportionality between the disciplinary offence and the penalty falls outside the scope of legality and into illegality.

Due to the lack of a precise definition for disciplinary offences in the judicial systems of Jordan and Qatar, we can refer to the established Egyptian administrative judiciary. In its ruling on April 28, 1973, in case No. 244 of Judicial Year 15, the Egyptian Supreme Administrative Court defined a disciplinary offence. It described it as "not only the employee's failure to fulfil their duties, either by action or omission, which includes the duty of respecting and obeying superiors but also when the employee behaves in a manner that undermines the dignity of the position or is inconsistent with the integrity and decency it demands."

Since most legislation, including Qatari and Jordanian, does not define the right to digital expungement specifically for disciplinary offences and penalties committed by municipal employees but rather addresses it in general terms, and since legal scholars have also defined this right without considering disciplinary matters related to municipal employees, we find it necessary to define this right more precisely. Accordingly, we can define this right, in relation to disciplinary offences and penalties for municipal employees, as "the right of a municipal employee to have their disciplinary offences and imposed penalties published on websites, the internet, social media platforms, and public sector electronic archiving systems, erased once the conditions for the statute of limitations on disciplinary offences and the removal of the disciplinary penalty from the employee's record are met."

### **3. The Relationship between the Right to Digital Expungement and the Discipline of Municipal Employees**

The relationship between the right to digital expungement and the discipline of Municipal Employees intersects in multiple situations, with one of the most important being the relationship between this right and the statute of limitations for disciplinary offences and the expungement of disciplinary penalties. This will be clarified in the following two points:

- a. The Relationship between the Right to Digital Expungement and the Statute of Limitations for Disciplinary Offences



Although the Qatari and Jordanian stipulations do not include provisions specifically related to the right to digital expungement of disciplinary offences committed by Municipal Employees, the essence and purpose of this right can be found in some principles and legal ideas, such as the statute of limitations for disciplinary offences. Even if the statute of limitations for disciplinary offences differs from the right to digital expungement in terms of conditions and scope, they share the idea of time and its role in overcoming and erasing the effects of a certain phase with the passage of time (Izzah, 2021).

In administrative law, the statute of limitations is based on the idea that the passage of time since the commission of the disciplinary offence without taking any follow-up or administrative investigation measures is sufficient to erase the memory of this offence from the collective consciousness (A. Shatnawi, 2009). The philosophy of the statute of limitations is that the time elapsed from the date of the commission of the misconduct until the expiration of the legal period for the statute of limitations serves as a natural penalty for the perpetrator of the offence (Al-Sharqawi, 2024). Additionally, the time spent by the perpetrator in a psychological state of fear and anxiety about being discovered can cause more stress and tension than the actual disciplinary penalty if the offence is proven against him (Smairan, 2022).

To fulfil the purpose and benefits of the statute of limitations, it is essential to grant employees who have committed offences the right to request the expungement of data related to their offences once the statute of limitations applies (F. Shatnawi et al., 2017). Such offences remain a stigma in the employee's record and should be removed physically, due to the statute of limitations, and morally from references on internet pages and government department archiving systems (Al-Humaydah, 2018).

In this regard, the Qatari legislator addressed this issue in Article 104 of Law No. 15 of 2016 on the Civil Human Resources Law, which states: "The right to disciplinary accountability shall lapse after three years from the date of the occurrence of the offence, without prejudice to the provision of the second paragraph of Article 103. This period shall be interrupted by investigation procedures or the referral of the employee for disciplinary accountability, with the period restarting from the date of the last action taken regarding the offence."

Given that the Jordanian Municipal Employees Regulation does not address this matter, the Civil Service Regulation No. 9 of 2020 and its amendments under Article 155(b) confirmed that before it was cancelled by the amendment to Civil Service Regulation No. 34 of 2024, which took effect on July 1, 2024. This provision was not included in the new Human Resources Management Regulation No. 33 of 2024, effective from July 1, 2024, which introduced various employment-related provisions for public service alongside the existing Civil Service Regulation. Before its cancellation in the 2024 amendment, the article stipulated: "Notwithstanding the provisions of paragraph (a) of this article, an employee may not be held disciplinarily accountable for

a misconduct offence after three years have passed since its commission unless they were referred to the Public Prosecution or a competent court within that period."

In line with this, previous employment regulations in Jordan included a statute of limitations for disciplinary offences. In its ruling No. 113/1999 dated June 29, 1999, the Jordanian High Court of Justice held that "the disciplinary case against an employee is dropped if three years pass after the commission of the offence. This applies if no complaint has been filed against the employee, no investigation has been conducted, no disciplinary action of any kind has been taken, or the employee has not been referred to a judicial authority for a crime stemming from the offence or directly or indirectly related to it." This legal principle appeared in the Civil Service Regulation of 2020. However, the text was removed in the 2024 amendment to the regulation. The researcher was unable to find any similar judicial ruling in Qatar comparable to this Jordanian ruling.

It is worth mentioning that the absence of this provision from the new Human Resources Management Regulation of 2024 allows administrative authorities to prosecute municipal employees for disciplinary offences without any specific time limit. This omission marks a setback in the disciplinary system for unclear reasons, especially since offences under the penal code, which are more serious, must be prosecuted within a set period or become subject to a statute of limitations (Al-Khalayleh, 2023). This issue is also criticised because the possibility of proving an offence decreases over time. Moreover, not applying a statute of limitations for disciplinary offences can lead to favouritism and personal vendettas in public service (A. Shatnawi, 2009), contradicting core principles of the public sector, particularly transparency. Article 6 of the Human Resources Management Regulation of 2024 states, "*Public service is based on the following principles: b. Transparency.*" Therefore, we hope the regulation will be amended to include this provision, ensuring that the initiation of disciplinary accountability is not left to the administration's discretion. Otherwise, this could become a pressure tool for the administration to use against employees at will.

Qatar's employment-related stipulations incorporated the concept of a statute of limitations for disciplinary offences, a principle borrowed from criminal law (Awad, 2019), which is more strictly applied due to the serious crimes it addresses against individuals and society (Al-Mannai, 2021). Despite this, the statute of limitations applies to most crimes—unless specifically exempted—when the authorities do not pursue them. This adoption aligns with the legislator's philosophy on criminalisation or disciplinary offences, which are less severe in legal impact (Al-Kaabi, 2023).

Does the reasoning behind a statute of limitations for disciplinary offences, when they are not pursued by authorities despite paper documentation, also extend to electronic records of these offences in archived forms or those exchanged through official emails of administrative authorities? Can such records be deleted from various

electronic platforms without action once the legally defined period passes? And does the right to digital expungement apply to them?

Here, defining the relationship between the right to digital expungement and disciplinary offences is essential. According to these stipulations, which allow for a statute of limitations on disciplinary offences, removing these offences and all related documents from administrative authorities' databases is necessary. This includes records in government archiving systems, electronic correspondence within the administration, and even search engines and social media platforms if received unlawfully. Since the statute of limitations renders the offence as if it never existed, its records must be erased accordingly.

Therefore, we can say that due to the legislative wisdom in both cases, it is necessary to remove them from the paper and digital memory of the administration and all electronic devices, social media platforms, and the entire internet. This requires amending the employment-related stipulations regulating this matter to include removal from paper and digital files.

#### b. The Relationship between the Right to Digital Expungement and the Expungement of Disciplinary Penalties

It should be noted that the absence of provisions in the Personal Data Protection stipulations in Qatari and Jordanian legislation addressing the relationship between the right to digital expungement and the expungement of disciplinary penalties does not mean that there are no other legal principles and rules that may help establish this relationship. The legal provisions related to the expungement of disciplinary penalties in Qatari employment (Awad, 2019) legislation are closely related to the idea of the right to digital expungement in terms of their similarity in terms of time and the duration that affects both. The right to digital expungement is linked to the passage of time, and the expungement of disciplinary penalties is also linked to time.

A clear overlap exists between the statute of limitations for disciplinary sanctions and the right to digital expungement. While Jordanian and Qatari public employment laws do not explicitly mention this connection, their essence and purpose are present in certain legal principles, such as the statute of limitations. This overlap directly influences the legal effect of applying the statute of limitations to disciplinary sanctions within the framework of the right to digital expungement, aiming to ensure equality and justice for all employees.

The statute of limitations follows the principle that, after a certain period has passed without a Municipal Employee committing another disciplinary offence, the previous sanction should be erased and treated as if it never occurred. Jordanian and Qatari laws specify these periods. As a result, any mention of the sanction should be removed from the internet's digital memory if published unlawfully, as well as from

the electronic archives of government institutions, since its purpose no longer exists (Izzah, 2021).

The expungement of disciplinary penalties refers to the removal of their effects after a specified period (Smairan, 2022), as outlined in Qatari stipulations and previously in Jordanian stipulations. However, the latest amendment, No. 34 of 2024, to the Jordanian Civil Service Regulation eliminated the provision for expunging disciplinary penalties and did not include it in the new Human Resources Management Regulation No. 33 of 2024. Accordingly, expungement means that the disciplinary penalty is treated as if it never existed in the future (A. Shatnawi, 2009). The purpose of expungement is to restore the disciplinary standing of the employee who received the penalty without altering any acquired rights or legal statuses that resulted from the penalty in the past (F. Shatnawi et al., 2017).

The Qatari Human Resources Law of 2006 addressed the issue of the expungement of disciplinary penalties in Article 106, which stipulates, "The disciplinary penalties imposed on the employee shall be automatically expunged upon the expiration of the following periods:

- 1) Three months in the case of a warning, reprimand, or deduction from salary for a period not exceeding eight days.
- 2) Six months in the case of deduction from salary for more than eight days.
- 3) One year in the case of delay in the periodic allowance or deprivation of it.
- 4) Two years for the remaining penalties except for dismissal from the job.

The expungement of the penalty shall mean that it is considered as if it never existed in the future and does not affect the rights and compensation that result from it. The penalty papers and all references to it and related matters shall be removed from the employee's service file." The Jordanian legislation previously addressed this issue in Article 154(a) of Civil Service Regulation No. 9 of 2020 before its amendment in 2024. This article, which was subsequently removed and not incorporated into the new Human Resources Management Regulation of 2024, stated, "No disciplinary penalty imposed on an employee shall be considered for any purpose intended in this regulation after the following periods have passed:

- 1) Six months in the case of a warning.
- 2) One year in the case of a reprimand.
- 3) Two years in the case of a deduction from the basic salary.
- 4) Three years in the case of withholding the annual increase for one year.
- 5) Six years in the case of withholding the annual increase for three years or more.

The disciplinary penalties imposed on the employee shall be considered null and void within the periods specified in paragraph (a) of this article if no other penalty has been imposed on him for any misconduct."

It is clear from the aforementioned provisions that two criteria must be met for the expungement of disciplinary penalties: the first condition is the passage of the period specified in the Qatari and Jordanian stipulations, which vary depending on the penalty imposed on the employee (A. Shatnawi, 2009). The second criterion is that no disciplinary penalty is imposed on the employee for committing another misconduct during the period specified in the stipulations (F. Shatnawi et al., 2017). In this regard, the benefit of expunging the disciplinary penalty for the Municipal Employee should be clarified. Expunging the penalty motivates and encourages the Municipal Employee not to return to committing any disciplinary offence (Al-Khalayleh, 2023) and gives the latter a good psychological state, positively affecting the performance of his job duties and the regularity of his work life. Expungement would also enable the employee to be free from anxiety and tension that could make him/her feel that the administrative authorities are enemies. The penalty is rather to ensure regular and consistent functioning of public service (Al-Qubailat, 2010).

We find that the deletion of this provision from the Civil Service Regulation by the latest amendment in 2024 and its failure to include it in the Human Resources Management Regulation of 2024 constitutes a clear setback for the disciplinary system in public service in Jordan. The principle of reward and punishment should be applied; those who refrain from committing disciplinary offences and have not had any penalties imposed during a certain period should be rewarded by having the penalties expunged to give them an incentive to work diligently, not leave the penalties in their service file for their entire work life. Retention of such penalties on record may negatively affect their performance and job duties. Therefore, we hope the aforementioned provision will be reinserted or included in the new Human Resources Management Regulation 2024.

Based on the above and by analysing the aforementioned provisions, it is noted that they do not specify a specific date from which the period prescribed for expungement begins. Is it the date of the imposition of the penalty, the date of its commencement, or the date of its completion? Therefore, we find that the date of the imposition of the penalty is the date from which the period of expungement should begin, and we hope that this will be stipulated in the relevant stipulations. It is also apparent from these provisions that neither the Qatari stipulations nor the Jordanian stipulations—prior to the deletion of Article 154(a) from the Civil Service Regulation—clarified the legal rule for calculating expungement periods when multiple disciplinary penalties are imposed on an employee successively (F. Shatnawi et al., 2017). This gap calls for legislative intervention to clarify the legal rule in such cases.

In this regard, it should be noted that the Qatari stipulations in Article 106 mentioned above stipulate that one of the procedures that the administration must follow is to remove the penalty documents and all references to it and related matters from the employee's service file (Human Resources Law Qatari of 2006). Notably, the Jordanian stipulations did not include such a legal provision before the deletion of

Article 154 (a) of the Civil Service Regulation, which may create a disparity in the practical application between administrative authorities. Some authorities may remove this penalty from the service file in line with the philosophy of the stipulation, as the penalty has become as if it never existed, while other administrative authorities may argue that there is no legal provision giving them the authority to remove this penalty from the service file. Moreover, the Human Resources Management Regulation of 2024 stipulates the retention of these documents in the employee's service file without mentioning the possibility of their removal. Article 87(a) of this regulation stipulates, "Copies of the document and decisions related to the penalties imposed on the employee shall be kept in the employee's file."

Accordingly, the legal rule in Qatari stipulations for the expungement of disciplinary penalties requires the removal of the documents related to the penalty and all related matters to consider the penalty as if it never existed (Awad, 2019). Despite that, the stipulation refers to the traditional paper file; there is nothing to prevent the removal of these papers from the employee's electronic file and all related electronic correspondence and social media platforms if they were published unlawfully. This is because the rationale behind the two rules is similar: removing the paper records of an employee's disciplinary penalty from their physical service file, as explicitly stipulated by Qatari regulations, aligns with the purpose of removing electronic records of the disciplinary penalty from the electronic service file, including related electronic correspondence and any other electronic databases.

From the above, it is clear that the right to digital expungement intersects with many legal provisions related to the expungement of disciplinary penalties. The purpose of expunging disciplinary penalties is to discipline the employee and allow him/her to return to work with sincerity and integrity without violating the stipulations, thereby giving him/her a chance to start anew and preventing anyone from knowing about the employee's past misconduct. Similarly, when we talk about the right to digital expungement and the removal of all data related to any person from search engines, social media platforms, and government archiving systems, the purpose is to prevent any individual from knowing about this employee's past since he has started a new work life.

### **Balancing the Right to Digital Expungement of Disciplinary Offences with Other Rights, Principles, and the Challenges of its Implementation**

The right to digital expungement, in general, and the right to digital expungement of disciplinary offences, in particular, intersects with various rights and principles that government bodies apply to ensure integrity. However, implementing this right faces numerous challenges, which will be addressed in the following two sections:

#### **1. Balancing the Right to Digital Expungement of Disciplinary Offences with Other Rights, Freedoms, and Principles**

The right to digital expungement of disciplinary offences is not absolute. It requires a balance with other public rights, such as the right to privacy and information. Additionally, we must consider how this right aligns with the principle of transparency, as explained below.

a. Balancing the Right to Digital Expungement of Disciplinary Offences with the Right to Privacy

The right to privacy is one of the most important human rights. Violating it impacts various social, political, and cultural aspects, among others (Jaber, 2023). Legal scholars differ on whether the right to digital expungement is part of the right to privacy or an independent right. The prevailing opinion views the right to digital expungement as an element of private life. This opinion holds that private life encompasses all personal elements, even public data, because information that was made public could later become part of private life (P et al., 2023; Said, 2013).

Another view argues that the right to digital expungement is independent of the right to privacy, even though they may overlap in cases where the person involved does not consent to information sharing. These rights differ in their temporal scope and subject matter (Al-Shahawi, 2005). While we previously discussed the balance between the right to digital expungement and the right to privacy in general, this right stands independently when it comes to disciplinary offences. Although it often overlaps with the right to privacy, the reason for its independence lies in the evolution of digital life and the emergence of new rights that have branched off from traditional ones due to the immense technological revolution. Moreover, most legislation includes this right as distinct from any other rights.

b. Balancing the Right to Digital Expungement of Disciplinary Offences with the Public's Right to Access Information

The right to digital expungement represents a point of intersection between several rights. There is a conflict between an individual's right to protect their privacy and avoid the publication of personal data and the public's right to access information. Public interest in accessing certain information takes precedence when it concerns matters critical to society. For example, if a person has been previously accused in a case, they may have the right to erase the related data, but the public has the right to know the details, as they could raise awareness about the dangers of crime (Hamid, 2022).

While this argument may apply when data involves criminals, it does not align with the right to digital expungement of disciplinary offences. These types of data generally do not pose a threat to society, as they mainly concern government entities. Disciplinary offences are usually minor and do not significantly impact society. Therefore, removing them from the internet when they have been unlawfully

published does not harm the public's right to access information for the sake of public interest.

Moreover, determining what constitutes "public interest" in publishing someone's data is unclear regarding who decides that preventing the removal of personal data serves the public interest (Al-Humaydah, 2018; Nisrein F. Adwan, Jehad D. Aljazi, 2023). In general, if data does not affect others' rights, it should not be considered in the public interest to keep it published. Disciplinary offences and sanctions do not affect others' rights, so they should be removed from the digital environment.

c. **Balancing the Right to Digital Expungement of Disciplinary Offences with the Principle of Transparency**

Transparency as a principle means clarity and the disclosure of government information and decisions, allowing the public to access and understand them. Transparency builds trust between the government and its citizens, enhances cooperation and public support for government policies, fights corruption, improves government performance, and ensures fair justice for all citizens (Ali, 2021).

While applying this principle offers many benefits, including fostering cooperation and transparency between the government and citizens, its unrestricted application could harm the state. This is especially true when it concerns internal security, economic policy, or intelligence information, as most countries exclude such information from the transparency principle. Administrative documents related to disciplinary offences, in particular, hold little significance for public transparency. They pertain to offences committed by Municipal Employees within the government entity they serve, and there is little public interest in knowing such information. Applying the transparency principle to disciplinary offences conflicts with the need to protect administrative documents, which most legal systems classify as confidential. Thus, if these documents are unlawfully published, activating the right to digital expungement for disciplinary offences is necessary and does not contradict the principle of transparency.

## **2. Challenges in Implementing the Right to Digital Expungement of Disciplinary Offences**

One of the main challenges in implementing this right is the sheer number of requests to remove electronic links from search results. Some question the practicality of applying this right, given the technical challenges of removing vast amounts of data from search results and the time required. Google received nearly half a million removal requests between May and October 2014, approving 58%. This limited response highlights the technical and practical difficulties in reviewing and removing such data. Another challenge is the potential conflict between this right and other rights, such as the right of press and media outlets to maintain ownership of content that discusses important events or issues. This can also lead to disputes between



content providers, such as hosting platforms, which may be required to remove links without consulting the original content publishers (Al-Mulla, 2018).

In Jordan and Qatar, one of the main challenges lies in the newness of the legislation regulating the right to digital expungement. Many members of the public are unaware of this right or how to request the removal of their data from the internet. Since this right is relatively new worldwide, further study is required to raise public awareness.

### **Limits of Removing Disciplinary Offences and Penalties for Municipal Employees from the Digital Environment**

When a municipal employee commits a disciplinary offence, it may exist in paper form and email correspondence through the official email of the administrative authorities, as well as in the electronic archiving system of the same institution. This information may also be unlawfully published on social media platforms or other websites. Therefore, we will divide this topic into two parts as follows:

#### **1. Removing Disciplinary Offences and Penalties from the Digital Environment within Administrative Authorities**

Exchanging administrative documents, including disciplinary offences and penalties, through the official email of administrative authorities is a modern means of administrative correspondence. Since email is a relatively new scientific invention, it has many advantages, including the ability to send any message related to administrative work within a very short period (Al-Habsi, 2023). This facilitates administrative work and speeds up its completion. Thus, many administrative transactions, if not all, are now exchanged between employees and different job levels through modern technologies, the most important of which is email (Al-Shahibi et al., 2020). Therefore, email is considered a wide-scale repository for administrative documents, and since the official email is linked to the legal status of the Municipal Employee, accessing all correspondence made through it by virtue of the job may allow another employee to access it when assigned to this legal status.

Therefore, the passage of a certain period on the existence of administrative correspondence through email regarding disciplinary offences and penalties related to a specific employee requires their deletion from the email, in line with the right to digital expungement stipulated in many legislations, including Qatari and Jordanian stipulations. Since Qatari and Jordanian stipulations, before the latter deleted the provision related to the statute of limitations for disciplinary offences, have introduced the concept of the statute of limitations for disciplinary offences and considered this offence as if it never existed. The purpose of having email correspondence regarding these offences, when the concerned authorities do not pursue disciplinary action, becomes irrelevant, especially when the employee refrains from his misconduct and corrects his work behaviour. This requires the deletion of such penalties so that he/she

is not reminded of them in the future or so that others do not learn about them when assigned to any work that allows them to access all official correspondence regarding this employee. This aligns with the purpose of having stipulations guaranteeing the right to digital expungement.

On the other hand, various employment-related stipulations, including Qatari and Jordanian provisions (prior to their deletion), established a statute of limitations for disciplinary offences and the expungement of penalties after a certain period (Awad, 2019). Qatari legislation explicitly required the removal of disciplinary penalties from the employee's service file. This legal rule, applied to the paper service file, also extends to the digital service file held by the administration, as the legal principle is the same. Thus, administrative authorities must remove these offences, correspondence, and disciplinary penalties from the employee's digital file to uphold the right to digital expungement.

Moreover, as previously mentioned, removing administrative correspondence related to disciplinary offences and penalties from email is just as important as removing them from the public administration's electronic archiving system (Al-Habsi, 2023). The archiving system retains electronic copies through various storage media held by the administrative authorities for extended periods (Khaled & Murad, 2022). It safeguards these documents from damage or loss, categorises them, and allows quick retrieval at any time through simple search operations, which can be conducted by a specific number or topic (Al-Shahibi et al., 2020). The archiving system enables authorised individuals to access any employee's records and track these documents effortlessly, unlike traditional paper files that require more effort to retrieve (Khaled & Murad, 2022).

Therefore, the same purpose is also achieved in the archiving system when the statute of limitations applies to disciplinary offence or the disciplinary penalty is expunged. Accordingly, all administrative documents related to these offences must be removed from the archiving system to align with the right to digital expungement. This system may be accessible to a wide range of municipal employees who may view all these documents, thereby negating the purpose and wisdom of having a statute of limitations for disciplinary offences and the right to expunge disciplinary penalties after a certain period.

## **2. Removing Disciplinary Offences and Penalties from the Digital Environment outside Administrative Authorities**

Documents related to the disciplinary offences and penalties of municipal employees are not permitted to be circulated or published on social media platforms or websites, as they pertain to public service, and penalties exist for those who leak them (Suhaila & Ahmed, 2021). However, despite these penalties, such documents may sometimes be unlawfully published, either intentionally or unintentionally, on

social media platforms or websites, causing harm both to the municipal employee and the administrative authority (Al-Habsi, 2023).

Can the stipulations governing the right to digital expungement be applied to such actions, especially since the Qatari stipulations included the statute of limitations for disciplinary offences and the expungement of disciplinary penalties? Do these stipulations accommodate the right to digital expungement of these documents after they have been published in the digital space? Social media platforms are designed to connect a large and growing user base (Ugar, 2022). While these platforms actively facilitate user interaction and communication, they also raise numerous legal issues concerning the security and privacy of users' data, information, and news (Al-Madaawy, 2018; Fabbrini & Celeste, 2020).

When some social media users publish administrative documents related to disciplinary offences committed by municipal employees in any government department or disciplinary penalties imposed on them, this may affect the person who committed them or on whom they were imposed (Al-Habib, 2023). This would harm this category of employees and damage their reputation and the dignity of the job in general. The continued publication of these offences and penalties on social media platforms and websites, even though it constitutes a crime punishable by law (Aljazi & Ehjelah, 2022), can damage a municipal employee's reputation if it remains accessible for a period that exceeds the statute of limitations for the disciplinary offence and the expungement of the penalty. This goes against the legal philosophy behind these provisions, as retaining such documents in the digital space, even briefly, constitutes both a crime and a disciplinary violation, harming the municipal employee's reputation.

The issue that arises here is what happens if no criminal or disciplinary action is taken against the person who published these documents and they do not request data deletion from the relevant authorities. This is especially problematic on social media platforms, where deletion requires the account holder to make a request, and for websites, it requires action from the site owner for search engine removal. This situation conflicts with the right to digital expungement. Will this data remain accessible to everyone despite the statute of limitations and its expungement by the administrative authorities?

We can say that the legal provisions in the employment-related stipulations and the Personal Data Protection stipulations in Qatar and Jordan may accommodate such scenarios if these stipulations are read as a whole. Moreover, the criminal stipulations in both countries address the crime of disclosing and publishing official documents, whether they are published through traditional or technical means in the digital space.

The Jordanian legislator addressed this issue in Article 31(a) of the Cybercrimes Law No. 17 of 2023, granting the court, upon conviction, the authority to 2. "Suspend, disable, or block any information system or website used in committing any of the crimes stipulated in or covered by this law, wholly or partially, for the period

determined by the court.” 3. Delete the information or data at the perpetrator's expense.” Similarly, the Qatari legislator addressed this in Article 53 of Law No. 14 of 2014 on Cybercrime, which states: “Without prejudice to the rights of bona fide third parties, the court shall in all cases order... the closure of the establishment or blocking of the website where or through which these crimes were committed, as the case may be.”

Accordingly, both Jordanian and Qatari stipulations include legal provisions regarding the removal, deletion, and blocking of websites by a court ruling. Therefore, if anyone publishes data and information related to disciplinary offences, which is a crime under the stipulations of both countries, the court will rule in favour of the public interest by removing and deleting this information, as we have previously explained.

## CONCLUSION

The study concluded that there is a relationship between the right to digital expungement and the idea of the statute of limitations for offences and the expungement of penalties in public service stipulations, where the purpose intersects between these two legal provisions. The purpose of the right to digital expungement is to remove the data and information that the concerned party wishes to remove. This intersects with the purpose of the statute of limitations for offences and the expungement of disciplinary penalties, where the stipulations require their removal from the Municipal Employee's service record, due to the lack of interest in their retention. Undoubtedly, this right overlaps with many other rights. Nevertheless, this paper only addresses the most important rights: the right to privacy and the public's right to access information. This is because both rights significantly intersect with the right to digital expungement, which leads us to compare them. Moreover, there is a correlation between this right and the principle of administrative transparency, which government entities must apply to promote justice, equality, and equal opportunities for all.

Moreover, removing these offences and disciplinary penalties is not limited to removing them from the internet only but also extends to removing them from electronic archiving systems and official email systems of administrative authorities. This is to ensure that the purpose of public service stipulations aligns with the purpose of the right to digital expungement. It is noted that the Qatari stipulations, as well as the Jordanian stipulations, before the latter deleted provision 154 (a) of the Civil Service Regulation of 2020, did not mention a specific date from which the period prescribed for the removal and expungement of the disciplinary penalty imposed on the public employees, including Municipal Employee, begins. Therefore, we hope that the Qatari and Jordanian public service stipulations will be amended to specify that the

date of the imposition of the penalty is the date from which the expungement period should begin.

We recommend that the employment-related stipulations in Qatar and Jordan be amended to stipulate the removal of information and data related to public employees, including Municipal Employees' offences, from both the paper and digital memory of the administration and the archiving systems. We also hope that the Jordanian stipulations will be amended by following the guidance of the Qatari public service stipulations, explicitly stipulating the removal of papers related to the penalty imposed on any public employees, including Municipal Employees, from both the paper and digital files once they fall within the statute of limitation. It should not be left to the administrative authorities to interpret the stipulation according to their discretion, which could lead to a situation where some authorities would delete them while others would keep them on the pretext of having no explicit stipulation.

We also recommend reversing the new amendment to Civil Service Regulation No. 34 of 2024, which deleted the provisions related to the statute of limitations for disciplinary offences and the expungement of disciplinary penalties after a certain period. Such provisions, related to the statute of limitations for disciplinary offences and the expungement of the disciplinary penalty, should be added to the new Human Resources Management Regulation No. 33 of 2024 to ensure consistency in the disciplinary system in Jordan with the disciplinary systems in most countries worldwide, where the statute of limitations for disciplinary offences and the expungement of the disciplinary penalty are still present in the majority of legislations.

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