

# ЮРИДИЧЕСКИЕ НАУКИ

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**Omid Nasib**

Administrative and Diplomatic  
Law and Political science

Faryab University  
Afghanistan, Faryab, Maimana City

## AUTHORITY AND RESPONSIBILITIES OF PERSONNEL IN AFGHANISTAN

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Whereas in today's world the administrative law has a valuable and rightful part in process of human community evolution and its purpose is common wealth by the way of secure justice. Based on a good and safe purpose of the individual and administration, who is responsible to carry out given specified duties according to the regulation. Providing interrogation, from their duties fulfilling, they are bound up to afford liberation script otherwise divest liability and defray the stroked cost. According to these measurements an administration can apply their capability and responsibilities they have according to regulation about their personnel, in this case we can talk about safe administration.

The aims of this research topic are to clarify Acquaintance with authorities of personnel, Acquaintance with devolution and Acquaintance with responsibilities and authorities of administrative personnel.

**Key words:** *administrative authority, devolution, rules of governmental personnel, dispensation of authority and determination of authority.*

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### Introduction

Likewise, individuals are responsible for their doings, the personnel and administration is also responsible for their doings, and their results of their doings are able to interrogate whether by direction of punishment or direction of civic, but include personnel and administration responsible by common people is a hard task and in our country sometimes it appears like multi indeterminate equation and cause impediment and its reason is that the authority and duties of administration and personnel is defined particularly but the responsibilities of administration and personnel is not defined particularly as

the authorities and duties defined. Mostly they know this subject criminal law and other criminal law whiles these law just talks about delinquent in general.

Also, in order to compile and write this topic, library research method have been used and with regard to research method, sources and references, the first step is reviewing and later remembering and analyzing the topic.

### **Definition of authority**

Authority is complement of attribution which according laws are given to governmental personnel for doing specific activities. Authority in public law assimilate mansuetude in private law because in both parts is do individuals have the authority to do many legal function or not [1, p. 168].

Though their goal is not the same because meaning of incapacity is unrecognized personal law in private law, basically it is secure the self-regard that person who is minor or obsolete, whiles incompetence means to unrecognized or deescalate the authority of government personnel and it is for keeping the common wealth against invasion and their adjustment. The experience shows that however the authority of individuals become narrow, the danger of their intractability and autarchy is lesser. Fund of discord according to purpose is between authority and competence that is origin of this law remnant:

1. Competence is the right of the person and can use or doesn't use that, but authority is the job and responsibility. A governmental personnel cannot function intractable, instate the personnel functions according to limited range of regulation. Authority is the job which should be done by the person who has been specified and the individual cannot cede it to anyone else, unless regulation predicts such these cases. Also delegation is not possible, it means the personnel cannot cede the authority which has been given to the personnel, unless with the permission of the main cedar and the regulation.

2. In private law, all people have competence except people whose incompetence has been unfolded such as incapables and etcetera. But in common law no one has the right of doing public works, unless in limitations of conditions and formalities lawfully employed in government get the official epithet of mission. The personnel can do any activity which has been permitted by regulations, likewise; intervention of individuals in public works or intervention of governmental employees over their authority is lawfully prohibited. So, in private law competence is origin and others are exceptions, though in common law the authority is exception and others are origin. As a result, there is a common difference between competence in private law and authority in common law because a private law is for personal profit, although authority in common law is depended on common profits. In an area limitations of authority of personnel should be definite and particular. And these renewals of authorities and responsibilities in one hand decrease personnel's intrepidities in their functions, and employees understand their responsibility better in the other. In addition, servitor also knows whether play in regulations has extravagated or not [2, p. 174].

### **Devolution**

Devolution is the transition of leader's authority to the subordinates, in the other words; the transition of authority from higher position to the lower managers. When in an office the number of employees become more than one personnel, so devolution get executed, it means that managers devolve a part of their authority to the lower positions. Devolution is one of practical origin in an office and forms an organization and includes following stages:

1. Devolution of works from leader to subordinates.
2. Devolution of authority, right of decision making in performance of obligations and using from financial resources.
3. Obligation: the personnel are responsible about doing their responsibilities nicely and greatly, and by that accepted precept in this way of management that mainly the authority is in hand of

the central power that assigned to personnel and delegacy of administrations and regions. In fact, counts as centralization because in both case giving the authority is in benefit of central individuals.

In addition, the removal and setting of them belong to center and always their doings is controlled and regulate by center, because just a part boss authority will transfer to his or her personnel.

### **Origins of devolution**

1. Devolution is possible in a part of authority but not at all. The authority of making decision and basic simplification is particularly for office manager, but prevention of disorder, simplification of works' improvements, utilization of others' proficiency; manager can devolve a part of his basic authority to subordinates. So, authorities of staffs are not original instate their authority is devolved. If a leader devolves all his authority he has usurped his capability, thus a manager cannot devolve all his authority to the staffs, and devolution is just a communication between staff and manager. Some authorities cannot be ceded; for example, if according to common accountancy rules, the permission of check signing and financial arrangements have been given to the important possessions, these possessions cannot devolve the responsibility to anyone else, unless be permitted by regulations.

2. Transferring the authority get rate of responsibility transferor the main authority's owner is responsible about the given duties before his superior. Also transferring the authority about the subordinates do not take away the responsibilities of boss in this arrangement the boss give a part of her or his authority to assistant and assistant transfer a part of the given authority to manager, in this case transferring a part the authority of assistant to manager is not negation of liability against of boss, in this case (the liability is not changeable) because in this condition every position try to adjudge others in ministerial insufficiency and default. The basics of ministerial unity and management unity that condemn by classic scientist's opinions and it are mostly for prevention of liability commixture.

3. Devolution of authority is revocable. Transferring of capability do not negate the authority of assigner and who we named that can gate the given authority, the ability of repeal the authority is the descended of origin that transferring the capability do not take away the responsibility of assigner it means that when the subordinates cannot do the given task completely the superior can gate back the given authority from him.

4. Proportion of capability and authority: responsibility the function of capability couldn't adjudge anyone responsible about any action that don't have enough authority to do that thus when the task become clear for responsible individual the enough authority should afford him to do the given task than can adjudge him the responsible of duty's result. Task, capability and responsibility each of them comment a special meaning and concept and more category related to specific activity to achieve specific goals, though capability express the right of applying power and behest but responsibility is a kind of antonym formal agreement and constraint. In one hand, we cannot set a concurrent measurement direction and equality between capability and task, in classic school's idea in the management the power in the other, and capability is equal but in fact a position can apply power from his capability more or less, because of that in modern management ideas more focused on getting responsibility more than authority, than the positions moreover their regulation authority they use their personality and influence facility about the subordinates for improving the organization purpose but in both condition the proportion between capability and responsibility is needed [4, p. 67–68].

### **Benefits of devolution**

Devolution is one of important origins in management, because manager does not have enough time and proficiency in making decision for the organization, as a result; devolving a part of authority to subordinate employees is necessary to earn more opportunities for consideration of daily activities. Following advantages are for each personnel:

1. Increase: supervision method of active managers and inactive ones are quite different; it means first group of managers deduct particular common conditions and concede the way of fulfillment

of work to the employees. Though result of researches of one personnel might not be right about all organization, but according to the checking deduction will be “consumedly supervision and intervention in employ’s work detail causes reduction in production”.

2. More interest for doing job: satisfaction of staffs in doing works is depended on supervision range; in the other words function capability in doing works has positive effect in mental state of staffs. Conversely, monotonous and dictation in work negates any kind of initiative from the employee, thus the staff will lose his trust to continue the job.

3. Support the coercion: conferment of capacity and inexistence of centralization in task caused the coercion, because the transferring of capacity caused that individuals participate in different repartition taking and hereby they wake about their responsibilities and purposes of administration.

4. Individual evolution: conferment of capacity is a good chance for inexperienced individuals that by accepting of responsibilities try for his evolution and improvement maybe said the harm of this action is more than its profit, in addition; the meaning of capacity is that the important task given in hand of incompetent individuals, rather inexistence of centralization implicates take arrangement in purpose of personnel duties and prevent the incidence of dangerous accidentence.

5. Prevention of managers’ time coalition: time and energy of advanced leaders of the organization is limited, thus their time must be spent on resolves, which is the most important in office’s view. Devolution makes the leaders needles from doing the works which can be done by others also, therefore; works’ aggregations can be reduced. Likewise, supervision which is the most important responsibilities of leaders; is not possible without idea exchanges. in one hand, devolution can help them to participate to the committees and conferences, and help them to have enough time for initiations in the other [3, p. 33–34].

### **Kinds of administrative authority**

Generally, in administrative law authority divided in two parts, one the elective authority and other is force authority that here we study each of them:

1. Elective authority ((when authority is elective that the governmental individual has the right of getting decision and can freely make decide that is advisable and prudent according to common material).

In the other hand the staff can make the decision, before that it specified behalf law or law impede the staff making decision, for example governor general of a province feels that admittance of refugees is dangerous before vaccinate them or maybe they transfer a communicable disease. He can order before the new people inter the province and entertain them with vaccine and those who abstain vaccinate do not allowed them to enter the province or after forced them to vaccinate aloud them enter to province, also when a foreigner perpetrate an illegal action that the administration adjudge eject the foreigner necessary or the administration sent out the arbiter of ejecting the foreigner. By this arrangement the laws of personnel were stipulate that government can convince its individual that his attendance become thirty years but if the administration feel that like this staff is beneficial and his activity can be beneficial for administration that time they can allow the individual to work more.

2. Forced authority: is a kind of authority which regulation have not specified kind of activity or decision making before, and personnel is responsible to do a specific activity, for example, driving without license is not legal so every kind of activity unlike this rule is against regulations. Therefore, forced authority is an authority which in a specific situation specifies active and decision kind of regulation and personnel should choose best solution among many solutions [1, p. 159].

We describe the elective and forced authority of personnel shortly, at the end we must say that the elective authority directly inspects and assess and judge the limited administrative material and common wealth. The elective authority on each subject is dependent specific situation and qualification so elective authority is in figure of aversion order, sovereignty of law and benefit from creation of administrative tradition.

The times that we use elective authority, and action and gumption freedom of political staff is more but we cannot adjudge this kind of authority the Cause of abusive and named that administrative advice and requirement. Each individual of government when going to do a task his action should be according to rules of indiscrimination and equality, first of all they should prefer the common wealth rather self-regard and be democratic.

Professor Valine writes about optional competence ((personnel should ask himself these questions about optional competence before decision making: can I decide about this issue? Am I forced in making this decision? If the answer of first question is positive and the second is negative, the third question is created which does the decision has any common wealth? The first and the second questions should according to the regulations, but the third question is related to official circumstance which should be checked whether these circumstances have been regarded or not.

In management laws items which need official authority are less, but the usage of optional authorities is too much because official administrations and organizations create common materials until common services' personnel achieve more authority independence, to control official material needs with contemplation of common wealth [5, p. 451].

### Conclusion

For established the common justice the ambit of responsibility should specify and must not the administration lose without any mistake and cause, each of administration as mandatory personality and individual as assignee of mandatory personality, in proportion of their mistake and error adjudge and punish them, must be mentioned the authority and responsibility an administration specially a manager and leader should be according to edict of administration laws, especially when the leader decides, before making decision the leader should know about the personality of subordinates, as much as needs, initiations, and expectations effect on behaviors of subordinates, effect on behaviors of leaders and managers. Effects include personality dimensions, initiations, needs and etcetera. In the realization of common justice ray in earth where our home and we hope what is the birthright do not waste and the human that birth freely do not trail them in bondage of chain.

### LIST OF REFERENCES

1. Motamna M.T. Official management. – Second copy. – Tehran: Tehran university publication, 1954.
2. Hussaini S.A. Official management. – Kabul Afghanistan: Amiri publication, 1992.
3. Mosa Zada, dr. Rezaie. Official management. – First and second copy. – Tehran: Mezan publication, 1981.
4. Gol Rahman Qazi. Official management. – Kabul: Kabul university publication, 1993.
5. The ministry of justice // The law of agrarian personnel: official Journal. – 1982. – No. 861.

**Омид Насиб**

Административная и дипломатическая деятельность  
Право и политология

Университет Фарьяб  
Афганистан, Фарьяб, г. Маймана

### ПОЛНОМОЧИЯ И ОБЯЗАННОСТИ ПЕРСОНАЛА В АФГАНИСТАНЕ

В современном мире административное право играет значительную и заслуженную роль в процессе эволюции человеческого сообщества, и его целью является обогащение путем обеспечения справедливости. Исходя из благой и безопасной цели личности и администрации, которая несет ответственность за выполнение определенных обязанностей в соответствии с регламентом, обеспечивая допрос, она обязана позволить себе освобождение от выполнения своих обязанностей, а в противном случае снять с себя ответственность и покрыть понесенные расходы. В соответствии с этим администрация может применять свои возможности и обязанности, которые она имеет в соответствии с Положением о своем персонале, в этом случае мы можем говорить о безопасном администрировании.

Целью данного исследования является уточнение знакомства с полномочиями персонала, знакомство с передачей полномочий и знакомство с обязанностями и полномочиями административного персонала.

**Ключевые слова:** административная власть, передача полномочий, правила государственного аппарата, распределение полномочий, определение полномочий.