



The Extent of Legal Responsibility Imposed on Employees of the Executive Authority Case of Exceeding the Powers Granted to A Person in Jordan: A Comparative Study

Salem Hmoud Ahmmad Al Adailah¹, Ayman Mohamed Abd Al Hay Al-Batoush²

¹PhD, Assistant Professor, Faculty of Law, Mutah University, Jordan

Email: hmoud@mutah.edu.jo

ORCID: <https://orcid.org/0009-0005-5032-9183>

²PhD, Assistant Professor, Department of Basic Sciences, Faculty of Arts, Al-Zaytoonah University, Jordan

Email: sadenn2004@yahoo.com

ORCID: <https://orcid.org/0009-0007-1607-1857>

Abstract: The study aimed to examine the legal responsibility incurred by employees of the executive authority in the event that they exceed the powers granted to them in Jordan - a comparative study, by explaining the legal procedures taken by employees of the executive authority and the extent of application of the procedures and their compatibility with legal legislation and constitutional texts, to achieve the desired goal, which is to respect the rights of Citizens and their freedoms, examining the legal invalidity of the violating procedure, challenging illegal procedures, examining the legal consequences resulting from violating legal procedures by employees of the executive authority, and the responsibility resulting from violating employees, Referring to the decisions of the Jordanian Court of Cassation that invalidate the procedure that violates the law, and the penalty resulting from violating jurisdiction, including criminal, disciplinary, and civil liability, is imposed on the violating employees affiliated with the executive authority.

Keywords: public officials, executive authority, legal responsibility, legal powers.

Received: 20 March 2024

Revised: 26 May 2024

Accepted: 20 June 2024

1. Introduction

The executive authority is one of the three authorities in Jordan, where the principle of separation of powers is considered one of the most important human rights guarantees in the Jordanian political system (Al-Batoush, 2014, p. 33), as it is not permissible for one authority to infringe on the jurisdiction of other authorities (Al-Abdalat, 2001, pp. 28-35), and to ensure neutrality and integrity, neutrality in work and integrity in applying the law, and the principle of separation of powers results in the establishment of a legal state that distributes its powers among its three authorities through legislating laws, implementing them and monitoring their implementation, and the extent of their commitment to application and not violating the constitutional texts, (Al-Tamawi, 1973, p. 517), and the final result is achieving justice. Whereas oversight of the constitutionality of laws is a natural result of applying the basic principle in democratic systems based on the principle of separation of powers and on the principle of legality or legality derived from the principle of the rule of law, as the political system in Jordan considers the constitutionality of laws to be the best means to ensure respect for the constitution and its

supremacy over all rules. Legal, (Al-Shawabkeh, 2021), as the constitutional life in Jordan coincided with the establishment of the Hashemite Kingdom of Jordan, and its beginning goes back to when the political will came to establish a committee whose duties were to draft a basic law, i.e. a constitution, and it completed its work in (1924), (Abu Al-Athm, 2004) The implementation of its recommendations began with the issuance of the constitution in 1928, which is the stage in the development of Jordanian constitutions (Bani Salamah, 2018), and given the importance of rights and freedoms, they came at the beginning of the constitution, where

Article (6) stipulates (Jordanians are equal before the law), (Al-Madanat, 1999) and personal freedoms are considered among the most important freedoms that an individual must enjoy because they are related to him as a natural person, (Abu Al-Othman, 2004, pp. 145-146), where the articles stipulate (25-26-27) of the Jordanian Constitution stipulates the separation of the three powers: legislative, executive, and judicial (Al-Shawabkeh, 2021), while maintaining a flexible balance that ensures cooperation among them without sovereignty or authority overtaking another, and determining how the legislative authority can exercise what it has been delegated to by the people. In accordance with the constitutional and legal rules, (Abu Hajila, 2004), and to keep pace with the development, modernization and reform required by the nature of social, economic and political development, (Al-Hiyari, 2004), and the legal jurisdiction stipulated in the Jordanian Criminal Procedure Code

For the employees of the executive authority, it is the preliminary investigation and preliminary investigation, the essence of which is to identify crimes, report them when they occur, receive the news received by them, collect evidence and evidence from the crime scene after it is recorded, prevent people gathered around the crime scene from tampering with it, and pursue the perpetrators by arresting them. And organizing records and seizures, and this is called the judicial function, (Jokhdar, 1993, p. 218), where the research for this topic is limited to reviewing the texts contained in the Jordanian Constitution and Jordanian legal legislation that define legal jurisdictions and reviewing the practical application and violations of the limits of jurisdiction, and the responsibility resulting from the violation. A penalty is imposed on violators.

A review of the legal powers granted to employees of the executive authority by law, through legal procedures represented by exposing crimes until a ruling is issued, and the duties assigned to employees of the executive authority and specified in accordance with the constitutional texts and Jordanian legislation, (Al-Jabour, 1986, p. 40), represented by the assignment of the head of the center. The competent security officer specified by law, or the officer on duty in the event of the absence of the head of the original center, by the Public Prosecutor to carry out the procedures stipulated by law and according to the powers granted to them, and to demonstrate the practical application by the employees of the executive authority in exercising the limits of their powers as they are one of the assistants to the judicial police and the Public Prosecutor is the head of the police. Adliya,

The violating procedures issued by them, the discriminatory decisions that invalidate the violating procedure, and the legal, civil, and disciplinary penalties are determined. The subject of legal jurisdiction granted to employees of the executive authority is one of the important topics at the local, regional, and global levels, due to the attention it has received from legal researchers, and because it affects the private and public affairs of citizens. Through all procedures carried out by the judicial police that are related to human rights and basic freedoms (arrest, inspection, investigation, etc.), (Sorour, 1981, pp. 597-598), and by referring to legal literature, university theses, and academic research published in the Kingdom of Jordan. The Hashemite countries and sisterly and friendly countries

We find studies and research in this field, which necessitated the researcher to further study this topic in order to reach the extent of the legality of the procedures issued by employees of the executive authority, and the responsibility resulting from the individual who violates jurisdiction and exceeds the limits of the authority granted to him, and the responsibility of the state to compensate for the damages caused to the injured party as a result. Error, transgression, or violation of jurisdiction and relying on the decisions of the esteemed Jordanian Court of Cassation, and comparison with the most developed international countries in the field of legal jurisdictions.

1-1 Study problem

The problem of the study is to examine the legal responsibility incurred by employees of the executive authority if they exceed the powers granted to them in Jordan - a comparative study, to achieve the desired goal of respecting the rights and freedoms of citizens, and to examine the legal invalidity of the violating procedure, the legal consequences resulting from violating jurisdiction, and the responsibility resulting from violating employees, The penalty resulting from violating jurisdiction, including criminal, disciplinary, and civil liability, is imposed on employees subordinate to the executive authority.

1-2 Study questions

What are the legal powers granted to employees of the executive authority in Jordan?

What are the legal consequences of violating the legal powers granted to employees of the executive authority?

What is the responsibility of executive authority employees for exceeding the legal powers granted to them by law?

What is the responsibility of the executive authority to compensate for damages resulting from exceeding these powers?

1-3 The importance of the study

A statement of the legal powers granted to employees of the executive authority in Jordan.

Studying the legal consequences of violating the legal powers granted to employees of the executive authority

Statement of the responsibility of executive authority employees for exceeding the legal powers granted to them by law.

A statement of the responsibility of the executive authority to compensate for damages resulting from exceeding these powers

1-4 Study objectives

A statement of the legal powers granted to employees of the executive authority in Jordan.

Studying the legal consequences of violating the legal powers granted to employees of the executive authority

Statement of the responsibility of executive authority employees for exceeding the legal powers granted to them by law.

A statement of the responsibility of the executive authority to compensate for damages resulting from exceeding these powers

1-5 Study specifications

This study deals with examining the legal responsibility resulting from employees of the executive authority in the event that they exceed the powers granted to them in Jordan - a comparative study, examining the legal invalidity of the violating procedure, appealing illegal procedures, examining the legal effects resulting from violating jurisdiction, the liability resulting from violating employees, and the resulting penalty. Violation of jurisdiction entails criminal, disciplinary, and civil liability imposed on employees subordinate to the executive authority

1-6 Study methodology

Descriptive approach: The research problem will be described, through examining the legal responsibility resulting from employees of the executive authority if they exceed the powers granted to them, examining the legal invalidity of the violating procedure, appealing illegal procedures, examining the legal consequences resulting from violating jurisdiction, the responsibility resulting from violating employees,

and the penalty. The consequences of violating jurisdiction include criminal, disciplinary, and civil liability imposed on employees subordinate to the executive authority.

Analytical approach: The texts (constitutional and legal legislation) are analyzed by reviewing all the legal texts that granted judicial authority the legal powers granted to employees of the executive authority.

First: Legal powers granted to the executive authority in Jordan

The legal powers granted to employees of the executive authority in Jordan require adherence to them, in accordance with the constitutional texts and legal legislation, as it is not permissible to deviate from this principle except by an explicit text in the constitution, as the organic or personal jurisdiction is represented in the issuance of the law by the authority granted by the law to do so. Jurisdiction, (, 2022 (AL-jabra, A. al-Afaishat) The law must be issued by the legislative authority, which is represented by the National Assembly, both the Senate and the Representatives, and the legal powers granted to employees of the executive authority must be examined through the exercise of powers by employees of the executive authority, represented by In searching, investigating, and organizing records and seizures of crimes committed,

(Nimour, 2005, p. 87), as the executive authority must commit not to interfere in the powers of the legislative authority in order to preserve the principle of separation of powers, even though some constitutions have specified a specific area (Al-Shawabkeh, 2021), and this is what was stipulated in the French Constitution issued (1958).), which distributed the legislative function between Parliament and the executive authority, so that the role of Parliament became exclusively defined, such that if it legislated in areas other than those constitutionally specified for it, whatever legislation it issued would be considered unconstitutional because it violated the organic or personal element of jurisdiction. (Al-Shaer, 1998) While executive authority employees must adhere to the legal powers granted to them by law, while carrying out the tasks assigned to them,

Otherwise, the actions are considered invalid in the event of transgression and violation, and there are methods that are considered illegal, including eavesdropping, eavesdropping, using illegal means, deception, and fraud, as well as searches and entering homes in cases other than those authorized by law (Jokhdar, 1993, p. 21).

According to what is stipulated in the Jordanian Code of Criminal Procedure, the authority of executive authority employees designated by law as judicial officers in carrying out their duties during the preliminary investigation stage after the occurrence of the crime includes receiving information and complaints, investigating crimes, and revealing their perpetrators.

Collecting evidence that proves the occurrence of the crime and attributing it to its perpetrators, organizing reports and seizures, and all of this must be done in a manner consistent with the provisions of the law and constitutional texts (Wazir, 1978, p. 6).

There is a decision by the Jordanian Court of Cassation that addresses the procedures applied by employees of the executive authority, as the Jordanian Court of Cassation issued a decision No. (91/271), Legal Principles, Section One, pp. 207-208, which was organized the day after the defendants made their confessions, which were taken under circumstances that required suspicion of their authenticity. These are confessions that were taken at a time when traces of beating and torture were evident on the accused, considering that revealing evidence is evidence whose preparation circumstances do not differ from the circumstances that accompanied the arrest of the accused's confession.

Which led to the exclusion of confessions from evidence, which justifies the Criminal Court to exclude disclosure for the same reasons, in implementation of the court's authority to evaluate evidence that is not subject to the supervision of the Jordanian Court of Cassation, and there is another decision of the Jordanian Court of Cassation No. (746/97) p. 1027 in the year (1998), If it turns out that the accused's confession does not match the truth, contradicts the complainant's testimony, and contradicts the inspection report on the site of the theft, then the facts contained in the confession will be incorrect and the confession that came as a result of influencing the will of the accused, which is not consistent with the truth and is in violation of the law, will be taken into account.

investigating crimes and collecting evidence

Article (8) in its first paragraph of the Jordanian Code of Criminal Procedure stipulates that: (Judicial police employees are charged with investigating crimes, collecting their evidence, arresting their perpetrators, and referring them to the courts entrusted with the task of punishing them). Accordingly, investigating crimes and collecting their evidence are among the most important tasks that It is carried out by public security personnel as a judicial police, and is intended to take all measures that will enable public security personnel to identify the perpetrator or perpetrator of the crime whenever they learn of the news of its commission, regardless of the means (i.e. whether it is through information, complaint, or spontaneously while carrying out their duties). Ordinary).

These procedures include uncovering the crime, researching and investigating how it occurred and revealing its perpetrators and those who contributed to its commission (Al-Abadla, 1988, p. 85). When public security personnel receive news of a crime occurring, they must do the following:

- 1- Proving or denying the truth of the crime.
- 2- Collect evidence and evidence that convicts the accused of committing the crime, and preserve the seized items.
- 3- Establishing evidence of how it occurred.
- 4- Proving the condition of the person against whom the crime occurred.
- 5- Immediately sending information to the public prosecutor about the crimes he informs about, and the law does not authorize him to directly investigate them.
- 6- Continuing research into the crime, proving its case and collecting evidence.

The duty of executive authority employees as judicial police is not limited to proving crimes when they learn of them, but rather goes beyond that to include investigating what was committed. He should not expect the news to reach him, as no one may care to inform him, and the attacker may not file a complaint, because the latter may decide to take revenge himself. He neglects to file his complaint.

Where the decision of the Jordanian Court of Cassation No. (381/94) p. 241 of the year (1996) came to be convinced of the evidence, or presenting it is a matter left to the trial court without oversight by the Court of Cassation.

Accordingly, if the trial court is not convinced by the confession of the defendant, which is the only main evidence in the case, to contradict his statements about the cause of the victim's death, in which he said that he burned the victim in the car, while he provided technical evidence that the death resulted from being struck with a sharp object that penetrated from the heart to the Lung, as I was convinced by the circumstances of the case, that the accused confessed to the prosecution as a result of a threat, intimidation, and pressure placed on him by the police, and that his confession was not corroborated by any other evidence, such as representation of the crime, or the evidence was revealed, so what it concluded would be in violation of the law.

The decision of the Jordanian Court of Cassation No. (708/97) p. 1012 of the year (1998) states that the confession of the accused before the public prosecutor in the security center does not invalidate the confession, as this is a specific place specified by the law for the accused's confession. It may be in the security center, or elsewhere, and it cannot be said that It was tinged with coercion, although the Public Prosecutor must present circumstances that distance him from threats and influence from police officers so that the confession is not invalidated, and he must ensure that the investigation takes place in the Public Prosecutor's Office to provide all guarantees of individual freedom.

The Jordanian Court of Cassation Decision No. (369/98) p. 3234 of the year (1999) considers recording a confession attributed to the accused who is not signed by him to be illegal evidence to be taken as evidence in accordance with the provisions of Article (63) of the Jordanian Code of Criminal Procedure, where the clerk must record that the person The person who provided the statement has either signed or

refused to sign, and if the writer remains silent about this, the confession taken from the person is considered invalid.

The Jordanian Court of Cassation Decision No. (403/96) p. 3925 of the year (1997) states that the accused's family took a confession that does not constitute evidence or a confession against the accused. Jurisprudence and the judiciary have established that a confession is not an argument in itself unless it is sincere, correct and issued voluntarily. She is free and not tainted by any of the defects that require her exclusion. Confessions or confessions issued by someone other than the accused do not serve as evidence in the case, such as saying that the people of the accused's clan took a gift of right and then took a confession. Such a procedure is not evidence of the case, and is not approved by legal thought.

receiving news and complaints

Informing: It is a procedure carried out by a person who was not harmed by the crime with the aim of informing the public security personnel of its occurrence as a judicial police officer. Informing may be (ordinary), or (official), and it is normal when it is presented (Abdul Malik, 1931, p. 518).

According to the text of Article (26) of the Jordanian Code of Criminal Procedure, which stipulates that:

1- (Anyone who witnesses an attack on public security, or on a person's life, or on his property is obligated to inform the competent public prosecutor of this.)

2- (In other cases, anyone who knows that a crime has occurred must inform the public prosecutor about it).

The notification may be official when it is provided in accordance with the text of Article (25) of the Jordanian Code of Criminal Procedure, which stipulates that: (Every official authority or employee who learns during the course of his job of the occurrence of a felony or misdemeanor must immediately report the matter to the competent public prosecutor. And to send him all information, records and papers related to the crime. Information, whether it is (ordinary) or (official), is obligatory and obligatory, and this is clear from the texts of Articles (206, 207) of the Jordanian Penal Code, which stipulate not to report criminal conspiracy crimes upon learning of them, or neglect to inform the competent authority about them. A felony or misdemeanor with knowledge of it that entails criminal penalties.

The Jordanian Court of Cassation issued a decision No. (780/96) p. 4266 in the year 1998, Legal Principles p. (250), where the Jordanian Court of Cassation decided that: (It shall accept the statement given by the accused in the absence of the public prosecutor, in which he admits to committing a crime. If the prosecution presents evidence of the circumstances in which it was performed and the court is convinced

That the accused performed it voluntarily and by choice. Therefore, the State Security Court based its conviction on the statements of the accused who gave them before the investigator of the Anti-Narcotics and Counterfeiting Department, and the seized items, including special dollars, as long as the prosecution provided evidence of the circumstances in which they were performed and the court was convinced that the accused performed them voluntarily. Choosing them is acceptable evidence of proof in accordance with the provisions of Article (159) of the Code of Criminal Procedure, and the seizure of counterfeit dollars with the accused is not considered invalid because it is organized by judicial police employees charged with investigating crimes, collecting their evidence, and arresting their perpetrators, and Article (97) of the Code has approved it. Principles of criminal trials

They have the right to search during the investigation, and to search any person immediately if he is suspected of concealing a material that is being investigated. Accordingly, the distinct search of the second accused following the seizure of the counterfeit dollars with the first accused that he took with him after he was suspected of concealing counterfeit dollars being investigated makes The seizure organized against him is correct and in accordance with the law

organizing records and records

When employees of the executive authority, such as a judicial police, investigate a crime, they must prepare a report or record the actions they took and the evidence that occurred under their sight. The record is a document in which it is recorded.

Specialized employees of the executive authority explained what happened, what was said in their presence, and what they saw or heard (Al-Jabour, 1986, pp. 179-180).

Writing records in accordance with the Jordanian Code of Criminal Procedure is a duty and binding on the competent executive authority employees as a means of proving all the actions they carry out and the information they obtain. They organize records of all violations, misdemeanors and felonies entrusted to them and the statements taken by them, and all important incidents related to them. With general accidents, (Jokhdar, 1993, p. 24).

The Jordanian Code of Criminal Procedure stipulates in Article (95): (The person conducting the investigation, whether with an investigation memorandum or without it, must organize a list of all the things he seized and the places in which he found them. This list must be signed by those present during the investigation, or fingerprinted in the event that they do not know how to write.)

The Jordanian Court of Cassation issued a decision, Penalty No. (963/2002) dated (10/7/2002), to record the accused's statement within a period of (16) and a half hours from his arrest, so the statement will be recorded within the legal period specified by Article (100) of the Code of Criminal Procedure. Criminal trials, which negates their invalidity.

The statement given by the accused without the presence of the public prosecutor is also accepted, in which he admits to having committed a crime:

A- If you provide evidence of the circumstances in which it was performed.

B- The court was convinced that the accused performed it voluntarily and voluntarily.

The Jordanian Court of Cassation issued a decision, Penal No. (369/1998) dated (10/25/1999), published on page (3234) of the Bar Association Journal for the year (1999), stating that the oral investigation with the accused continued for (four) hours, and the During which his statement was recorded in writing until two-thirty at night and after the end of the investigation, and that the investigating lieutenant was discussing with the accused the statements that he gave, and that he was not writing them down immediately, but rather it was considered an interrogation that went beyond the authority of the investigator, and it is within the authority of the public prosecutor and is forbidden to other members of the judicial police in practice. Article (48)

From the Jordanian Code of Criminal Procedure, which results in the invalidity of this statement, and it may not be relied upon in the ruling, as it relates to basic rights of the defense, and a decision of the Jordanian Court of Cassation No. (657/97), p. 934, in the year 1998, Legal Principles, p. 249.

In application of this, the jurisprudence of the honorable Jordanian Court of Cassation has settled on the following: Official seizures organized by judicial police officers within the limits of their jurisdiction, while carrying out the duties of their jobs and with incidents they witnessed themselves, are based on legal evidence as long as the accused has not proven the opposite of what was stated in those seizures whose organizers testified. Its validity before the court, and a decision of the Jordanian Court of Cassation No. (546/99) p. 249 in the year (1998), Legal Principles p. (249), Also, what was stated in the decision of the Jordanian Court of Cassation: (The seizures organized by border guards during the arrest of accused persons and the seizure of narcotic substances are considered legal within the framework of the mission they perform.

Second: The legal consequences of violating legal powers by executive authority employees

Examining the legal consequences of violating legal powers by employees of the executive authority, and illegal procedures issued by employees of the executive authority that do not comply with legal texts, and stating the invalidity, and the effects, as a result of the procedures' violation of legal legislation.

The legal powers granted to the executive authority under legislation require adherence to them and not exceeding them. However, we often find that violations and violations occur individually, and there are cases such as the General Security's application of security restrictions as a preliminary measure for administrative detention, with the aim of protecting society from those who pose a danger to it or a threat to its security. They are usually among those who have previously committed behavior that violates the laws, and the security record stays with its holder for years as a cumulative record in which the restrictions are not cancelled. Based on the security record, Public Security has the right to summon any of those with a criminal record and restrictions when investigating every case that occurs in the area in which they live. It is an assault on personal rights. The Penal Code clearly and explicitly stipulates a severe penalty in the event of repeated forms of fraud, dishonesty and theft. Restrictions are placed in the suspect's report submitted to the judge or the public prosecutor so that he can identify criminal records, and here lies the importance of the security restriction.

The Crime Prevention Law issued in 1954 grants administrative rulers judicial powers based on the power they have to arrest people and deprive their freedoms, which represents an infringement on the right to freedom and personal security, especially with the expansion of the powers of administrative rulers in administrative control without providing guarantees. Legal reasons for necessity and the preservation of security and public order, without taking into account the legal procedures that regulated it The Crime Prevention Law itself when issuing an administrative detention decision, which is a violation of international legal principles, and a violation of the Crime Prevention Law itself, and this requires setting rules and controls for the decisions of administrative rulers.

The application of the provisions of the Crime Prevention Law to the vast majority of cases is arbitrary, and in practice there is no real judicial oversight of the decisions of administrative rulers. The administrative governor's failure to follow the legal principles in the Crime Prevention Law gives room for errors, by arresting people without consulting the administrative governor based on recommendations from the security services. House arrest based on recommendations from the security services is a very broad powers, and contradicts international human rights standards. .

The researcher believes it is necessary to amend the provisions of the Crime Prevention Law, or at least transfer the powers of administrative rulers under the Crime Prevention Law to the judiciary, in order to preserve more freedoms than administrative rulers, and this is what those interested in human rights agree on. Administrative governors continue to deport detainees administratively to areas far from their families' places of residence, despite the distribution of correctional and rehabilitation centers in most governorates, which imposes an additional material and moral cost on their families, especially when the families are not notified in advance of their sudden transfer from one correctional center to another. , or from one detention center to another. The law must be issued by the authority that has the authority to issue it, which is the legislative authority, and for the law to be not in violation of the Constitution, and in addition to the form required by the Constitution in the law, it must also be consistent with its subject and content (Nisreen, 2020).

The mechanism of arrest granted to employees of the executive authority against the defendants and depriving them of their freedom is a violation of the Jordanian Criminal Procedure Code and international standards for freedom and personal security, as the most prominent violations are:

- 1: Non-compliance with the controls and legal restrictions regarding the period of arrest specified in Article (100) of the Jordanian Code of Criminal Procedure.
- 2: The security services resort to detaining people after their release on the recommendation of administrative rulers.
- 3: Entering homes without an arrest warrant signed by the public prosecutor, and not adhering to the procedures stipulated by law, in terms of the presence of the homeowner during the search, the presence of female police officers, and the presence of the neighborhood mayor or two people from the neighborhood.

Restraining the freedom of citizens while moving from one place to another due to a traffic violation, or any other violation that does not require arrest and detention.

5: Violating citizens' correspondence and communications, violating the legal and constitutional legislation that guarantees freedom of correspondence and communications.

invalidation

Invalidation is defined linguistically as corruption (Abu Al-Wafa, 1988, p. 954). Invalidation is a procedural penalty for failing to complete all or some of the procedures. That is, it is a fundamental procedure that threatens its legal effects. From this definition, it is clear that invalidation is a procedural penalty determined by the law as an effect of failing to complete all or some of the procedures. The procedural conditions that must be met explicitly or implicitly, as is also clear from this definition, are that invalidation is determined as a penalty for fundamental procedural violations. Regarding a non-essential procedure, its violation does not result in invalidity (Fouda, 1993, p. 24), and saying otherwise leads to wasting the legal effects resulting from criminal procedures for the slightest reasons, enabling the accused to escape punishment, and complicating the procedures and prolonging them without the legal requirement. Therefore, the focus of research on invalidation should be limited to adjusting the procedures in terms of whether they are essential or non-essential (Tharwat, 1997, 568).

The Jordanian legislator did not adopt a specific doctrine of invalidity until the amended Jordanian Criminal Procedure Code No. (16) of 2001 was issued, as it was sufficient to stipulate a few cases within the framework of legal invalidity. However, after the issuance of the law referred to as a mechanism, the legislator added a new article, which is Article (Seven) Which states in its first paragraph that: (The procedure is invalid if the law explicitly stipulates its invalidity, or there is a fundamental defect due to which the purpose of the procedure was not achieved), and he adopted the doctrine of legal invalidity and adopted subjective invalidity (Salama, 1998, p. 3460).

Invalidation may be legal or subjective, and the Jordanian legislator explicitly stipulates invalidation in the Jordanian Code of Criminal Procedure, as follows:

Article (73) of the Jordanian Criminal Procedure Code stipulates that: . (It is not permissible for there to be a scratch in the investigation report, nor for its lines to be inserted with annotations. If the matter requires deleting a word, or adding it, the public prosecutor, the clerk, and the person being questioned must sign and approve the deletion and addition in the margin of the report.)

Through the text of the article, the legislator required approval of crossing out and scratching in the margin of the record

2- (Every insertion, deletion, or addition that is not approved is considered invalid).

Also, Article (227) of the Jordanian Criminal Procedure Code stipulates that:

1. (If the accused, the witnesses, or one of them does not speak Arabic well, the president of the court shall appoint a translator who is not less than eighteen years old and make him swear an oath to translate between them and the court honestly and faithfully.) (If the provisions of this article are not observed, the transaction will be invalid).

The court must appoint a translator for the accused, or witnesses if they are not proficient in the Arabic language

Whereas Jordanian law stipulates cases of invalidity in Articles (227,228) of the Jordanian Code of Criminal Procedure, whether it is legal invalidity, or subjective invalidation that violates the law issued by the judicial control officer for criminal procedures. (The esteemed Jordanian Court of Cassation went in its rulings to follow the doctrine of invalidity Legal, and in other rulings, I went to recognize the subjective invalidity in addition to the legal standard).

The effects of invalidation

Once the invalidity is decided, its legal effects disappear, and it becomes as if it did not exist. Accordingly, if the invalidity is decided, and the suspect confesses before the police, it may not be relied upon in convicting him, and the invalidation does not extend to the previous valid procedures that were taken (Al-Dabbas, 2005, p. 273).

The Jordanian Criminal Procedure Code stipulates that the procedures are invalid in Article (7) as follows

1. (The procedure is invalid if the law explicitly states that it is invalid or if there is a fundamental defect due to which the purpose of the procedure is not achieved.) (If the invalidation is due to non-observance of the provisions of the law related to the formation of the court or its jurisdiction to rule on the case, or its specific jurisdiction, or anything else related to public order, it may be adhered to in whatever state the case is in, and the court will rule on it, even without a request.)
3. (The invalidity disappears if the person in whose interest it was legalized waives it, explicitly or implicitly, with the exception of cases where the invalidation relates to public order.)
4. (The invalidity of a procedure does not result in the invalidity of previous procedures, but subsequent procedures are not invalid unless they are based on the invalid procedure) (Al-Dabbas, 2005, p. 275).

Non-compliance by public security personnel with legal legitimacy and objectivity results in the invalidity of the procedure and not granting it any legal value (Hosni, 1975, p. 227).

Third: The legal responsibility incurred by the executive authority in the event of exceeding legal powers

If employees of the executive authority exceed the legal powers granted to them, and violate the legislation and instructions that they must adhere to when they take any of the work procedures entrusted to them, which is represented in the preliminary and preliminary investigation (collecting evidence and until the evidence, seizures, and perpetrators are submitted to the public prosecutor), this exposes them to... Legal accountability (criminal, civil or disciplinary).

criminal liability

Employees affiliated with the executive authority are subject to criminal liability if any of them commits acts that violate the law, which makes them vulnerable to punishment, as in cases of torturing the accused to force him to confess, the crime of using cruelty, arresting citizens, detaining them, and violating the sanctity of homes without the basis of the law, (Al-Afifi (Radi, 2007, p. 33) And since the employee who violates the limits of his powers is subject to the rules established in the criminal law, if the elements of the criminal crime are met, this responsibility often appears in crimes of embezzlement, forgery and theft, and as a result the employee deserves criminal punishment (Radi, 2007, p. 149).). It is clear that any individual affiliated with the executive authority is exposed to criminal accountability if he deviates from the scope of legality, because their transgression of this framework means in fact a violation of human rights and basic freedoms guaranteed by the Constitution and the law for protection. Therefore, they must all adhere to this legal fence, and their goal should always be to reach... The truth is achieved by using only legitimate means and not other means that are characterized by illegality in order to avoid being punished, being exposed to criminal accountability, and protecting human rights and basic freedoms. We find French law in Article (114) of the French Criminal Code, (Radi, 2007, p. 150).), It stipulates that the employee is exempted from criminal liability if the reason for his implementation of a presidential order issued to him by a president who must be obeyed, or if he believes for reasonable reasons that his obedience to the president is his duty. Article (63) of the Egyptian Penal Code also stipulates, similar to the text of the French law, and the text of Article (61) of The Jordanian Penal Code stipulates that obeying the president exempts from criminal responsibility if the conditions for obeying the order are met (Al-Dabbas, 2005, p. 291).

Whereas the criminal responsibility of employees of the executive authority who violate the limits of the legal powers granted to them under Jordanian legislation is represented by accountability before the military judiciary through public prosecutors deployed in military units. Spread throughout the Kingdom in every Public Security unit, they take the first step, which is to investigate the violating individual, take appropriate legal action, according to the crime committed by the violating individual, and submit the real papers to the police court, which is the court competent to consider each case separately. Through its bodies, after the ruling is issued against the violating individual, the individual has the right to appeal the ruling through the Court of Appeal and then the Court of Cassation for crimes that the law is required to

distinguish. We note that the police judiciary achieves the levels of litigation and provides the accused individual with all legal means to achieve justice, as the bodies of the Police Court are formed. It consists of three members, one of whom is from the civil judiciary, in order to achieve justice and ensure transparency.

civil liability

Executive authority employees exercise the limits of their powers granted to them under legislation and during practical application. Any transgression or violation of powers results in a violation of the rights and freedoms of others, and this procedure has an illegitimate result represented by an attack on a right protected by law, such as the right to life (Radi, 2007, p. 155).

The right to freedom and the right to property, thus creating the state's right to punish anyone who attacks the rights protected by the law (Al-Jabour, 1986, p. 511), so the right to punishment is accompanied in its creation by the right to claim, and it is termed in the public right lawsuit, or the public lawsuit, which is carried out by the Public Prosecution of the Public Security Force.

This is what is stipulated in Article (30) of the Jordanian Public Security Law, which stipulates: "The Public Prosecution of the Force shall be headed by the Director of the Police Judiciary in his capacity as a judicial advisor and his assistants, public prosecutors, and investigation bodies" (Al-Dabbas, 2005, p. 287).

We note that the basis of the responsibility of executive authority employees for compensation is their responsibility for the harmful act represented by employment in violation of the law, and the resulting damage according to the rule of tort based on the text of Article (256) of the Jordanian Civil Code, which requires the existence of a mistake by security personnel for this responsibility to occur. General, which is the use that violates the law and the amount of this error, and this damage must occur and befall others, whether it is material or moral damage. Material damage occurs, for example, in the crime of deprivation of freedom by public security personnel. It is represented by the amount of earnings he lost and the losses he incurred due to his presence in the prison, and the moral damage is based on the psychological suffering and pain he is exposed to due to the confinement of his freedom.

The employee's behavior may lead to civil liability when he carries out an illegal presidential order that results in harm to others and requires achieving the damage that requires compensation (Radi, 2007, p. 155). We note from the above that the basis of responsibility for public security personnel for compensation is his responsibility for the harmful act represented by Use in violation of the law, and the resulting damage according to the rule of tort, and we note the text of Article (262, 263) of the Jordanian Civil Code, as it exempted public security personnel from responsibility in the case of legitimate defense, and the implementation of a lawful order, Al-Dabbas, 2005, p. 290).

By referring to the text of Article (256) of the Jordanian Civil Law, we find that it stipulates that: (Every harm to others obliges an actor, even if he is not discerning, to guarantee the damage. However, we note that the text of Articles (262, 263) of the same law considered that the security personnel The public is not responsible for compensation in two cases: the case of legitimate defense and the case of implementing a legitimate order.

Article 61 of the Jordanian Penal Code stipulates: "A person is not considered criminally responsible for any act if that act occurred in the following circumstances:

1 - Implementing the law

2 - Obeying an order issued to him by a competent authority that the law requires him to obey, unless the order is illegal.

Obedience must be within the limits of the law, since if it violates the law, obedience is not required in such a case. Therefore, the order must be legitimate, and be issued by an authority that must be obeyed (Saeed, 1983, p. 144), and issued to a man. The police command is directly from the direct officer, (Bahnam, pp. 256-257).

What is meant by tortious liability is that its three elements are met, namely the commission of a mistake by a judicial police officer that leads to harm to others, with the presence of a causal relationship between the error and the damage. If the elements of that liability are met, the injured party has the right to obtain compensation for the damages sustained by him as a result of those wrongful acts. Violation of the law.

Compensation in language means compensation in the sense of replacement or successor, and compensation in Sharia means reparation of harm for the injured person.

As for legal compensation: it means what the official is obligated to do towards the injured person, and the compensation claim is the lawsuit that a person files to the judiciary to demand compensation for the damage he has suffered. It is a judicial obligation imposed by the law on everyone who caused a sin (Marqus, 1992, p. 507, p. 5006).

The general rule is that compensation for the injured person must make up for all the damage that befell him. If the judge estimates the amount of compensation, he is careful to make up for all the damage, which includes the loss that the injured person suffered and the gain that he lost, since compensation revolves around the existence and non-existence of the damage, and it must be There is a causal relationship between the error and the damage, and compensation is estimated at the amount of the damage, and not exceeding it, so that the injured person does not become rich at the expense of the responsible person without reason (Marcos, 1992, p. 541).

Compensation for the damage must be direct, resulting from the administration's wrongful act, affect a right and a position protected by law, and be verified, confirmed, and capable of being evaluated with money.

The damage may be material, or it may be moral, or moral. Material damage is any damage that befalls a person regarding a right or a financial interest. Moral damage is that which affects a non-financial interest of the injured person, such as affecting his feeling, emotion, dignity, or honor. The subject of the obligation to compensate is Liability for the harmful act.

The injured person has the right to compensation as soon as the damage occurs, and it is counted in his financial liability, even if he dies before obtaining a judicial ruling, as this right passes to his heirs, and the amount of compensation must equal the value of the direct damage (Marcos, 1992, p. 541). The question arises as to who bears the amount of compensation, and in fact the matter differs depending on whether the fault was collateral or personal.

If the error is a utility, repair, or administrative error, the management entity bears it. However, if the error comes from the person authorized to do the work entrusted to him, it is borne by the responsible person as a result of his actions that violate the law. If the error is shared between the management entity and its employee, each of them bears it in proportion to the error that caused it. It has both of them

The mistake is personal if it is separate from the job or if it is committed intentionally or with gross negligence that is not committed by an ordinary man and rises to the level of intentionality. It should be noted that the injured party may sue the administration, even if the fault was personal, in order to ensure that his right to compensation is fulfilled. The administration may seek recourse against the person who caused the damage to collect the amount of compensation that it paid to the injured person.

The third requirement: disciplinary responsibility:

The disciplinary trial is independent of the criminal trial, and it is a punishment announced by the administrative authority against the public employee for committing a violation during or because of his service, as stated in Article (35) of the Public Security Law, which explains how to organize the dealings of force members with their superiors (Al-Dabbas, 2005, p. 281). Therefore, there is nothing preventing the officer from being brought to disciplinary trial, and if the violations committed by the Public Security officer are not sufficient to initiate a criminal case against him, this does not prevent the possibility of holding him disciplinary accountable. Employees of the executive authority fall under the burden of disciplinary accountability if their actions constitute a breach of their job duties, such as their refusal to accept notifications and complaints from citizens, their failure to adhere to impartiality and equality, their exploitation of the authority of their position to achieve personal goals, their disclosure of the secrets of

their profession and work, their acceptance of mediation in the performance of their work, etc. This is a violation (Al-Jabour, 1986, p. 511).

It is worth noting that subjecting the officer to disciplinary accountability is based on the state's right to defend the entity of the job, deter the wrongdoer, rebuke others, and raise the level of the services they provide in general, so that the full goal of those services is achieved, and so that they reach citizens to the fullest extent in order to achieve their security and safety and ensure Their rights and freedoms protected by the Constitution and the law Protection and disciplinary punishment represent the penalty for breach of job duties, and this punishment is imposed on the perpetrators of disciplinary crimes (Radi, 2007, p. 141).

The penalty to which an officer is subjected to his failure to fulfill the duties of his job is an effective guarantee for correcting every deviation, shortcoming or negligence that mars his work, and is considered a warning to him so that he avoids the deviations that mar his professional and personal behavior, trying to return to the right path, avoiding any shortcomings in his behavior, or Transgression also aims to deter others and warn them of the danger of committing such mistakes.

In view of the seriousness of these disciplinary procedures, and their effects on the officer's career future, the legislator has specified the authorities competent to impose disciplinary sanctions, clarifying the powers of the presidential authorities, the competent assistant director, and the disciplinary councils, and the competence of each of them to impose disciplinary sanctions. The legislator also specified the disciplinary sanctions that may be imposed on judicial police officers. And that is exclusively, which they must adhere to by the issuer of the disciplinary decision, in implementation of the principle of legality in the field of disciplinary sanctions.

As for the text of the Jordanian legislator, it was stated in Civil Service Law No. (55) of (2002) and its amendments of (2009) (Al-Dabbas, 2005, p. 286). On the types of disciplinary penalties that may be imposed on an employee according to the text of Article (142) based on Article (120) of the Jordanian Constitution, (Radi, 2007, p. 141). The disciplinary penalty: It is a punishment announced by the administrative authority against a public employee due to his committing a violation during service, or because of it. Others have defined it: It is an individual measure that is imposed in order to ensure the suppression of a violation that affects the employee's job benefits. It is the penalty for breach of job duties, and this punishment is imposed on the perpetrators. Disciplinary offences

The Public Security Law stipulates in Article (35) that members of the Public Security act with politeness and courtesy in their relations with their superiors and in their treatment of members of the public, and that they maintain the honor of service and its good reputation. Article (37) of the same law stipulates the violations committed by members of the Public Security. This article stipulates that (if any individual commits a violation, including disobeying the force's systems, or any of its orders, whether verbally or in writing. Appropriate precautionary measures are put in place to ensure that these laws, rules and regulations are not violated and work to prevent and stop any risks or disturbances that may occur from individuals and affect the public order of the state.

The disciplinary penalty for members of Public Security is represented by the penalties imposed on the violating individual by his direct superior, and these penalties vary depending on the act he committed and the size of the violation (guidance and guidance directly by the superior, or through official correspondence, exempting the individual from continuing work that exceeded the limits His powers and assignment in another job, transferring the violating individual to another workplace, and here the interest of the work and the individual is achieved by keeping him away from continuing the mistake.

2. Conclusion

After studying the extent of the legal responsibility incurred by employees of the executive authority in the event of exceeding the powers granted to them

We find through the application of legal procedures by employees of the executive authority, from the moment the crime occurs until the minutes and seizures are submitted to the public prosecutor, and the extent to which executive authority employees are restricted in the procedures stipulated in Jordanian

legislation, and the commitment to achieving justice for all, and treating everyone with respect and courtesy, and that The distance between the employee entrusted with legal procedures and all citizens shall be of the same degree, without favoritism to one party over another.

Anyone who follows the strategy of executive authority employees will find that it has identified and established its features, aspects, and future dimensions in order to protect the nation's gains and commitment. In implementing Jordanian legislation, achieving security and safety for citizens throughout the Kingdom, and continuing cooperation with all various state agencies and institutions in providing comfort and reassurance to citizens.

Defining judicial jurisdiction exclusively in Jordanian legislation is evidence of the extent of legislative and legal development in Jordan and the inclusion of all procedures in legal texts. These legislations clarify the legal powers of public security personnel, making the public security personnel aware and aware of the work required of him and his duty. Doing it, and it will be a precaution for him from transgressing and violating it The perpetrators are legally held accountable, and the state bears compensation for the damage he suffered as a result of the invalid legal procedures.

The statement of the violation by the employees of the executive authority of the legal powers granted to them, and the violation of the procedures that lead to the invalidation of the procedure after being challenged by those with an interest in bypassing the procedure, violating the procedure, or not adhering to the legal texts, as there must be guarantees that ensure that the authorities respect the powers (Al-Aras, 2020) entrusted to it in accordance with the provisions of the Constitution and not exceeding them, and this is through the constitutionality of laws on actions that violate the Constitution in order to invalidate them, and this is what is termed called monitoring the constitutionality of laws, and it is a result resulting from the principle of the supremacy of the Constitution, given that it is at the top of the hierarchy of rules. Legal, and the principle of the supremacy of the Constitution because it will expose him to the legal issue, Considering that it is at the top of the hierarchy of legal rules, and that the principle of the supremacy of the Constitution essentially means that the laws issued in a country should not contain in their substantive provisions anything that contradicts the substantive provisions of the Constitution, or that violates them in a way that would amend their provisions. This is also the case with formal provisions. Educational institutions must develop knowledge in identifying the constitutionality of laws in the Jordanian political system (Al-Moumani, 2020) and compatibility with developments related to artificial intelligence applications (Al-Shafi'i, 2022), where the following results and recommendations were reached.

Results: After reviewing the issue of the extent of legal responsibility imposed on employees of the executive authority If the powers granted to them in Jordan are exceeded - a comparative study, a number of conclusions emerge:

1. Exceeding legal powers by detaining people after their release upon referral to administrative governors. This constitutes a clear violation of the provisions of the Constitution, as arrest is within the powers of the judicial authority.
2. Assault on personal freedom represented by entering homes without an arrest warrant signed by the Public Prosecutor, and failure to adhere to the legally stipulated procedures by employees of the executive authority.

Another lap does not require arrest and detention.

3. Assault on personal freedom represented by violating citizens' correspondence and communications, violating the legal and constitutional legislation that guarantees freedom of correspondence and communications.
4. The legal adjustment of crimes by employees of the executive authority is an excess of legal powers, as the adjustment of crimes is within the jurisdiction of the public prosecution.

Recommendations: Based on what was presented in the study, and on the most important results reached by the study, recommendations can be formulated as follows

- Holding awareness sessions for executive authority employees to familiarize them with the legal powers granted to them under Jordanian legislation, and defining these legislation exclusively by lecturers with academic degrees.
- Continuously holding seminars and workshops for employees of the executive authority in partnership with local community institutions, and focusing on human rights and citizen rights during the investigation and seizing the statement (initial and preliminary investigation)
- Circulating cases of abuse of powers committed by employees of the executive authority, and the penalties imposed on violators, to be a deterrent for everyone not to abuse it, through representatives from ministries and official government institutions.
- Clarifying the legal consequences of violating legal procedures, such as (invalidation and penalties imposed on violators).
- Qualifying trained cadres specialized in investigating and following up on cases, and setting special conditions for such cadres, such as that they be human rights activists and have personalities qualified to work as investigators.
- Holding training courses for executive authority employees to clarify the difference between the duties of the original judicial police and the duties of the public prosecutor, and the impact of violating the rules of legality and the limits of jurisdiction.
- Developing a joint training program for relevant state agencies in applying various Jordanian legislation to continue cooperation between them.

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Notes on contributors

Ayman Al-Batoush, Assistant Professor at Al-Zaytoonah University of Jordan, is currently a teacher of law subjects. Lecturer at the Royal Police Academy, public security institutes and schools, and military services, former lecturer at Al-Balqa Applied

University for the diploma level, lecturer at Mu'tah University for the bachelor's and master's levels, author of many legal books, and many research papers published in peer-reviewed scientific journals. I participated in many local and international conferences, and presenter and presenter of programs. Legal awareness at the Jordanian Public Security Radio. A specialist and expert in strategic planning and quality assurance. An activist in the field of human rights. A writer in many magazines and daily articles.

Salem Ahmmad, Associate Professor at Mutah University / Faculty of Law. He currently works as a teacher for the bachelor's and master's levels at Mutah University. Many research papers have been published in peer-reviewed scientific journals. He has participated in many local and international conferences.