



Legal framework for regulating reporting rules under the code of civil procedure of Jordan: Comparative study

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Abstract

This research study and analysis to demonstrate the importance of communication in achieving justice and equality between litigants by recognizing the importance of reporting requirements and validity, notification and due process for reporting by the record.

This research aimed to analysis legal texts concerning reporting procedures for natural persons and considerations. And to identify the mechanisms by which the texts to be followed are defined.

Keywords: legal framework, Jordan, communication

Introduction

Reporting is one of the most important judicial due process after it is under litigation and court records considered registered for this end litigation that begins with the registration of the case could not proceed on its own merits towards each other only after important. This mechanism builds upon procedural means justice and equality among litigants by allowing them to present their data and submissions, and this knowledge is not only legal merits and check this right is based on the adversarial principle is important and is one of the basic pillars Achieving justice and equality between the feuding parties a right of defence based application and is one of the most important applications and can be achieved only through the principle of confrontation between adversaries.

This right can only be achieved through a structured and detailed legal procedure ensures access to legal knowledge to the other, therefore was left to the will of the adversary or of judicial discretion but the legislator put rules and provisions due to the seriousness of this type of actions that may not perform correctly the invalidity of a subsequent procedure including verdict, judicial communication is one of the most important legal due process to achieve justice and equality through the exercise of the right of defence, which can only be achieved by feuding parties face.

The importance of research

Show the importance of research that the topic of communication of the most important procedural mechanisms underlying the principle of confrontation and the right of defence, underpinning the legal underpinnings in light of the code of civil procedure.

Researcher hopes to benefit of this research, researchers at the Jordanian Code of civil procedure through the texts of articles on the subject and content of the statement, as well as interested in his studies, as well as persons engaged in judicial notification process.

Research Objectives

We seek through this research the following objectives:

1. Determine procedures for how the judicial notification to persons of different kinds.
2. Analysis of conditions in a paper report.
3. Analysis of legal texts concerning judicial notification to persons, whether natural or two considerations.

Search Problem

Given the importance of litigation in General, and particularly, the legislator has given special attention by issuing a lot of legislation, so that after extrapolating many texts found to regulate the reporting procedures, and stand and look at the number of laws of some Arabic countries, it has been observed that Lack of mystery and ambiguity of these texts have thumbs.

As the problem of searching through lack of research to explain the Jordanian law in addressing this issue, it was all the motivation to research and study the subject standing on the main paradoxes of public and private property, so this research to answer the following questions:

1. Define judicial notification.
2. Judicial reporting mechanism as set out in the code of civil procedure of Jordan?
3. What is the legal process in the absence of the person in question consciousness?

Previous questions are in its entirety-from our perspective-search problem and we'll try to find answers.

Search Scope

That the person to be notified, either a natural person, legal person, either only the theme of this research to study the judicial communication in terms of significance and eligibility until officially reporting and arguing, in addition you will learn data should be available in paper Communication.

Study Approach

The researcher adopted in this research on analytic and pragmatic and empirical which will mainly clear and solid floor, and through analysis and extrapolation of legal texts concerning judicial communication in the civil procedure law of Jordan (24) of 1988 and its amendments, and then statement text And legal shortcomings and mistakes and command sites in jurisprudence.

So this study came to identify the adequacy of legal rules to give authentic legal sheet of reporting and rules required to do reporting procedures.

All that will be examined, in the light of the Jordanian law mainly fewer than two sections: We turn in the first section of the legal framework for communication, and dwell in the second section to identify the reporting Parties.

Chapter 1

Legal framework for communications

Reporting is a legal procedure is beginning it cannot move to the second phase of litigation only after you notify the other party of the proceedings will be taken against him included attending meetings and reply and defenses raised between adversaries.

This legal action requires us to recognize the importance of reporting and procedures to be followed in reporting all that will be discussed and discussed below:

Part 1

What reporting and defined

To notify the person what will be done by the principle investigator of confrontation between the feuding parties, based on respect for the right of defence, take any action without notifying the other party's blunt attack on the right of defence decision all constitutions, laws and regulations, justice requires that you notify the other actions ^[1], so the method prescribed by law, to protect the rights that they claim, by following these formalities drawn by the law in reporting ^[2] and after I learned what the definition will talk and discuss definitions for reporting.

Define report titles which have varied legislation be launched on this procedural action of them named called ad et séances and other reporting, despite the difference in naming it to detract from the importance of reporting and procedural position in the code of civil procedure or law Civil proceedings.

The some known (advertising) is: Notifying the defendant and enable him to see the paper and taking a picture of the ad ^[3].

Defined as

The basic tool is drawn by code to enable the opponent from knowledge of the procedure it uses generic means the official announcement at all of whether prior on opponents as a

(¹) Abu Al-wafa, Ahmed met, 1987. Comment on the provisions of procedural law, Alexandria, 1987, p 110.

(²) Omar Ismail, 1981, Declaration of judicial papers, Alexandria, p12.

(³) Shawaribi, Abdul Hamid, civil procedural and substantive (invalidity in code: The penalty provisions of procedural nullity-annulments in civil-law theory of nullity- Dar al-Ma'aref Alexandria without publication date, p 83.

warning or as a suffix ads ^[4].

Also known (report): The main official vehicle drawn by civilian assets law to enable parties to a certain knowledge of the procedures contained in the judicial papers in General ^[5].

And he knew the Lebanese law ^[6] that the work which would deliver a particular fact to inform amount. It is intended in the field of civil procedure: The procedure whereby informing stakeholders of the contents and procedures of trial papers.

And it is defined too (séances) a working paper submitted to the registry, calling on rival Prosecutor of habeas corpus for adjudication in a particular claim at ^[7].

Then defined that: Legal process between the amount and interest report and also between adversaries which act on the beginning of the rivalry ^[8].

In the legal terminology

Information from specific legal or judicial action on the order, issued by a judicial authority, is intended to inform the person with legal action taken against him in order to protect the right or his or created or lost ^[9], as defined by some scholars that: Action based on news and media person to be declared a certain thing, or communicated by order or fixed by the competent employee and on communications or in accordance with the legally specified ways to take action report ^[10].

After you finish defining reporting and know that the procedural legal means through which the other party is notified by a legal action has been filed against him, and to take all legal precautions to refute this claim him if its raiser is right about his claim in the second section we will examine the importance of Communication.

Part 2

Importance of Reporting

Reporting is important, practically in the heart of the substantive rules of pleadings since he sought to save the rights so devoted most of the legislation in their own rules for organizing and even takes the individual placing the opponent in a lawsuit must certify to his knowledge of their existence and require the communication article By his arraignment, and communicated the actions taken against him to enable him to take action and necessary in the light of this report.

Most of the legislation has required reporting to Confrontation between the parties to the conflict, otherwise the judgment void, but judgment without calling an opponent. And the other party knows that the Declaration of the contents and implications of these proceedings in addition to practical actions and fully completed Declaration ad in a certain time which reflected its impact on speed of resolving disputes.

(⁴) Shawaribi, Abdul Hamid, *ibid.* p 83.

(⁵) Wajdi, Raghieb, (2001). Principles of civil justice: Procedural law), Edition3; Dar Al- Nahda Arabic, Cairo: P. 414.

(⁶) Article 397. A. M. L.

(⁷) Khalil, Ahmed, (2002). Civil procedure, legal, p 330 Halabi publishing.

(⁸) Published online, www.startimes.com.

(⁹) Boubakar Bahloul, civil procedure and notices and judicial techniques, part I, writing magazine reporting ruler, number 8 May 2001, the new success Casablanca, p 104.

(¹⁰) Hasan Boyagin, destroy, reporting procedures and jurisprudence, new success, Casablanca, 1999, p 2.

The importance of reporting arises in the loss of the right of the person taking these measures because he is unable to provide evidence to refute the action taken against him, in addition to his inability to invoke his ignorance of the measures taken after his reporting according to the assets. Authenticity as authoritative the publication of the legislation in the official gazette ^[11]. where the rule of ignorance of the law may not be carried out for what has been done in the notification procedures ^[12].

Based on the above, its importance is one of the most important legal proceedings which entail the invalidity of the proceedings until after the finished sentences for litigation if the procedure report is true, it is the right opponents who have not refunded the plaintiff true demand annulment of judgment and restoration procedures, Proceedings from the beginning, which builds upon the loss of rights and protract litigation, which has additional loss to plaintiff's attorney if he was right in his suit, and the legal implications of this procedure not be valid unless the procedure correctly.

Part 3

The role of the preparator in the report

Advertising and communication by ensuring paper achieves preparator other party whether (or real), as well as after confirmation on paper containing the data to be made public and the validity of the Declaration through the record give it particularly different from other advertising media ^[13].

Thus, the importance of communication in its principle of confrontation, especially if you require by law, as a means by which the amount cannot be notified only through broader, mostly actual science not enough until you give report presumption against the other, but must be legal science By following the procedures specified and described in the appropriate communications law, if the legal knowledge it is not required to check the actual scientific because first is considered significant to the law and the presumption against other earned that chance right in front had after making the corresponding notification legal procedures and the principle of respect for the rights of the defence doctrine decides how much analysis of the most important principles through which achieves a base confrontation between adversaries,^[14] this principle imposes liability for judge of rights and duties be broader and more comprehensive than the principle of taking action against feuding parties, ^[15] so Procedural means used in the report is one of the most important works of the principle of respect for the rights of the defence to do the actions taken despite the lack of a special text code of civil procedure

⁽¹¹⁾ Ragheb Wagdy, *The General Theory of Judicial Work in the Law of Pleading*, Thesis of the University of Ayin Shams University Cairo, 1974, p. 263.

⁽¹²⁾ Al-Taher Al-Zakhil Al-Bashir, *Judicial Notices, Procedures and Problems in the Family Code*, Thesis for the Postgraduate Diploma in Private Law, Abdul Malik Al-Saadi University, University Year 2006-2007.

⁽¹³⁾ Al-Shawaribi, Abdul Hamid, op. Cit., P. 84.

⁽¹⁴⁾ Najib Saad, Ibrahim, (1981): (rule to rule without hearing the opponents: or the need to respect freedom and equality and meet in defense), Dar al-Ma'arif Alexandria.

⁽¹⁵⁾ Ragheb, Wagdy (1986) (*Principles of Civil Judiciary: the Code of Pleadings*) Dar Al-Fikr Al-Arabi, Cairo, p. 592.

necessary to take these actions, but they are considered a source of General and the basis of the principles The public should take against liabilities ^[16], these procedures will be taken against other parties don't have impact only after knowing the other party whether in attendance to the session or by enabling them to view them only after being informed of realizing the principle of confrontation ^[17] this robot. And the means required by the jurisprudence to do reporting, owing to the other party's Declaration on the actions taken and communicated to him not only by a competent person, his legal validity to make and do the work, ^[18] which does not substitute any person or another person, To do this work even in the absence of certainty flag check done by a person in accordance with the prescribed procedure to this end even in case of absence.

Accordingly, after identifying the importance of reporting and record in this wage, most sought legislation including the Jordanian legislator in the civil procedure law to regulate the reporting procedures and not leave him for the sheer will of opponents, but the detailed rules have been developed that define data procedures mechanism should Available in paper report time report in addition to many things including the reporting requirements in the record, that the detailed rules concerning this subject needs more legal and legislative resolution legislator regulated and protected since, never achieved of Justice and equality between litigants through the realization of the right of defence, which could only be achieved by confrontation based on scientific certainty, through brief feuding parties to taken action, this will be elaborated through the second section: The data reporting sheets.

Chapter 2

Data should be available in a paper report

This is the subject of important subjects in reporting procedures, since the principle of confrontation between adversaries is based on the right of defence, how we want to achieve the legal declaration and inform the other actions taken without the availability of data and information that meet this end, you can learn from If there is no reporting required on paper, and if he wants to come to the meeting, if the competent court specified in the paper reported how can identify the Court and therefore adequate availability of information and data, which are not worn and unambiguous science achieved legal certainty for the other party who may Unavailability of invalidity affects communication procedures due to the lack of legal knowledge and achievement that the Jordanian legislature work like the other legislation to enact a set of legal rules, determine methods and procedures must be respected for judicial communications alarms or Recalls or Judicial decisions or judgment.

So this will be recognized on the data should be available in a paper reporting and how they affect the invalidity report additionally you will learn in this data record role and role and

⁽¹⁶⁾ Al-Nimr, Omnia (1982) *Laws of Pleadings*, Dar Al-Ma'aref, Alexandria p. 43.

⁽¹⁷⁾ Al-Sharqawi, Abdel-Moneim and Fathi, Waly (1976-1977, *Civil and Commercial Proceedings*, Dar al-Nahda al-Arabiya, Cairo, p. 147.

⁽¹⁸⁾ Al- Namer, Omnia, *Laws of Pleadings*, op. Cit., p. 43-44.

impact on the health of this data:

Part 1 Public Data

Jordan has regulated in the code of civil procedure in article v of this law, data should be available in paper^[19], this paper is reporting record called official answer sheet that includes several statements this data either general statements^[20], which must be present in all Generally report cards regardless of the content of the paper reported, in addition to data which differ due to the different type of reporting data and import this sheet may be substantial, so if omitted lead to incorrect reporting, including:

1. mentioned day, month, year and the time for these data useful in terms of validity of the term and in determining the time you start it the legal implications of the report^[21]. such as cutting the passage of time and the action was void by record before 7 a.m. and after 7 p.m. unless there is The necessity and the written permission of the competent court^[22].
2. Student report are basic and fundamental data that have a special place at the other end if we achieve the right of defence and the principle and full legal briefing for the other party must be informed of the name of reporting student to take all legal actions approved by his legislator, Statements and submissions, if such evidence does not exist, other discount Lake hurry about the suit or a student report.
3. The Court ordered the report, that this evidence of her special place, came from the objective and purpose of the Court has defined the legal response, in addition to other parties can claim a dismissal for lack of jurisdiction, if his home is different from the venue The relevant competent court knowledge are particularly important to know whether the report within the purview of the record or not?
4. What the paper being communicated, if the other frameworks prepare for legal confrontation, it would not be able to achieve it unless it was a world of merits and request for communication, this communication may be asked to hear testimony, or book implementation, or a court ruling or file list or call or stabbing or other procedure At which the legislator which necessitated reporting^[23].
5. informer: This evidence is important and prominent position among the data set, this place came to the special importance which do not exist to not knowing the other party to do against this procedure can be adversarial in front of nothingness, and that nowhere attained by not knowing the name of the other party to be communicated, This part, either from another direction how can record to

report without being known to be communicated has written a paper, clearly and accurately, which follows the mystery and confusion that communicate to record someone else, which may lead to actions which entail nullity and annulment of the verdict and returned the E spot somewhere. This is a mission-critical data even due diligence there, his case will be made

6. Recipient: The significance of this evidence the first two after the paper delivered to record communicated it directly subsequent actions are possible after this notification and received for communication and the other side in case you weren't the one communicated can be delivered to some selected persons exclusively As provided for in article
7. The fact of delivery or abstain: highlight the importance of this record never considered evidence of male and codification of reality delivery and the person who delivered the paper, and whether the person sought was present prior to receipt of the paper or the paper, or refused to extradite the person sought or not because someone else will law to notify him or not, and when communication and location, which results in either true or false are actions or action can be corrected through this falsehood.
8. preparator (direct) (snitch): The record is a person who had an assignment report spam judgments and judicial decisions issued in all areas, her editors or bonds in its Executive, notify of all the leaves^[24] and due to this importance and functions performed by the legislator arranged record nullity if it wasn't Reported judicial record^[25]. and he has the authority to do this report and that fact within its competence, and that he was on duty when reporting, and signed on the record is the amount it has his handwriting, without the use of the seal or stamp which might entail nullity of notification after completion of data NAT will be addressed to the General data for something so brief manual start timeout statement challenged, according to whether it is an objection, objection or appeal or distinguish this data requires notification document said if misplaced judgment or decision

The importance of this data should be available in article v of the code of civil procedure enables the person to be notified of taking action to save and defend the rights of the data contained in this paper is not intended to simply ensure invariance judicial paper, but these came The writing requirement for the existence of this paper from the base to the procedure merge in pilot, the paper has installed is the same procedure, this paper shall be established only by presenting the original version as it is the system which is the only evidence of their existence^[26].

After completing the statement of necessary data and should be available in a paper reporting and recognize the role and importance of the record to substantiate reporting and

⁽¹⁹⁾ Article 1405 of Lebanese law.

⁽²⁰⁾ Zoubi, Ahmed Awad, (2003) The Origins of Civil Trials, Dar Wael Publishing, edition 1. P.523.

⁽²¹⁾ Eid, Edward, (1977) Encyclopedia of the origins of trials and evidence and implementation, C1, without mentioning the place of publication, p93.

⁽²²⁾ Jordanian Civil Procedure Law No. (24) of 1988 and its amendments.

⁽²³⁾ Wali, Fathi, 1970, Lebanese Civil Judiciary Law, Dar al-Nahda al-Arabiya, edition 1. 296.

⁽²⁴⁾ Abu Al-Wafa, Ahmad, op. Cit. P. 350.

⁽²⁵⁾ Al-Sharabi, op. Cit., P. 299.

⁽²⁶⁾ Abu Al-Wafa (1988). Theory of defenses, p. 241, printed knowledge, Alexandria. Edition1.

notification procedure will discuss how to make the Chapter III reporting.

Chapter 3

How the reporting procedures

A direct or record how much some call to deliver a paper report to the desired person communicated, it fulfills the legal knowledge required paper which can be reassuring to report.

But the pragmatic and practical realities on the ground have uncovered several obstacles that need to be legal and legislative rules clarifications, by asking the following questions: If the record does not find the person to be notified of, what action should be taken? Is handing over the required paper to a person who lives with him in the house as the person to be notified? If this person does not report the paper to the person concerned, is legal knowledge achieved? And also in the case of a person who has special conditions such as a prisoner or a special nature of work, such as intelligence or public security, or has no place of residence or unknown or residing in a foreign country? There is no doubt that all these situations require special consideration and attention, so that their impact will not be reflected and diverted to the proceedings of the trial, without prejudice to the protection of the right of defense.^[27] Starting from these considerations, most legislation, including the Jordanian, have organized the handover of the required paper, And special rules for reporting where they will be presented and debated as follows:

Part 1

Normal Reporting

Is this report if the person delivering the paper record amount to him or his^[28] or to the administration or to the Registrar or the lawyers directly or address the question of required notice or a person resident in a foreign country^[29].

A. Report to the desired person communicated

This is the best way, since their legal knowledge of the contents of the papers reported it, if it was delivered to the person charged^[30], this is the original report being not permitted to deliver the paper to someone else than to allow them the law recognizes the paper only after the failure to reach a person To be communicated, it cannot abandon delivery only in special cases defined by law^[31].

This method is the best and the most effective methods of advertising, because of the efficiency of the intended purpose by conveying a certain fact to the knowledge to be announced, in addition to the achievement of the availability of affluence in the economy and effort and expenditure, if the other methods are used in the event of the announcement to the administration^[32]. The same person shall be notified when the preparator deliver him the paper required to be communicated anywhere, where the notification shall be received even if it

⁽²⁷⁾ Khalil, Ahmed, (2002) *The Origins of Civil Trials*, Beirut, Halabi Rights Publications, p. 301

⁽²⁸⁾ Waly, op. Cit., Item 291.

⁽²⁹⁾ Khalil, Ahmad, op. Cit. P. 302.

⁽³⁰⁾ Hajjar, Helmi, op. Cit., Item 648

⁽³¹⁾ Khalil, op. Cit., P. 302.

⁽³²⁾ Al-Shwrabi, op. Cit., P. 85.

ismet by the record on the public road or in the place of his work or in the first place - in his place or domicile;^[33] provided that such notification is within the jurisdiction of the Party^[34] However, the other view is that the reporting procedure should not be invalid, but the record must be taken administratively, because the purpose of the notification is to deliver the notification from a government official, even if it is not within its jurisdiction^[35]. However, The aim and purpose of the proceedings is to organize justice and equality by organizing all the procedures relating to the notification, which means that the preparator are to operate without legal rules regulating these procedures. The purpose of these procedures is to deviate from the purpose and purpose for which these rules were found^[36]. on the ground the penalties and penalties resulting from such irregularities, and to arrange for the invalidity of such violations by the preparator.

He distinguished between Fiqh reporting outside the home or residence to be communicated in person, reporting within the home or residence to be communicated in person, as in the second case requires that the record of a personal check to be notified, under penalty of nullity for reporting and exposing the record of responsibility for damage That fly the injured party^[37].

After showing us the seriousness of this type of notification to the person concerned and its damage in violation of these procedures record what requirements must be carried out by a bailiff, we ask the following question in case you do not find the record of the person concerned can undertake to report to anyone else? And select law who can advise them on record in the absence of the person concerned to report this will answer it next:

B. Non-notification of the person concerned to report

I've worked most legislation, including Jordanian legislator to address the enforcement where the desired person reporting record communicated, within the rules and conditions of work to achieve the desired security communicated personally it will be communicated shortly. the paper reported, and that article 8 of the law Civil procedure, which identified these people exclusively after I check eligibility in the health check report which:

1. Midterm exams required cannot be delivered in person

Article (8) of the code of civil procedure provides that: If you don't find the desired person record communicated in his home or place of work delivered to an agent or employee or to be smoldering with assets or branches or husbands or brothers or sisters who outwardly shows that they have completed 18 years of age should not be communicated desired interest conflicting with their And that the legal procedure to be

⁽³³⁾ Article (7/1) of the Jordanian Civil Procedure Code No. 16 of 2006 and Article 21 of the Syrian Trials.

⁽³⁴⁾ Zu'bi, Ahmad, op. Cit., P. 584

⁽³⁵⁾ Fathi, Civil Judiciary Law, Dar al-Nahda al-Arabiya, Cairo, 1973, p.

⁽³⁶⁾ Badawi, Abdul Aziz (1978), *Research in the Rules of Jurisprudence and Jurisprudence in Islam*, Dar Al-Fikr Al-Arabi, Cairo, p. 300

⁽³⁷⁾ Abu Al-Wafaa, Ahmad Theorem of the Defenses, p. 432. Abo Hafez, Abdel Hamid, Sawi, Ahmad, Waseet, p. 347, Zu'bi, Ahmad, Al-Tabligh, pp. 62-63.

followed if unable to be communicated personally, is most common in legislative trends, it is not intended to be permanent communicated direct known as he is not obliged to mention the reason of this action in addition to non-binding record search on it before going to his home or place of residence ^[38].

However, the researcher finds that it is the duty of the record that does not resort to this procedure only after the record total certainty of the impossibility of communication, so that the most performing report inappropriate records during business hours for a person to be communicated, where everyone mostly outside their homes and outside in their home, and what the legislature had allowed to be reported from 7 am until 7 pm, it had given ample validity time record which you can do communication procedures, which requires adequate effort record for communication procedures for the person Meaning to be communicated.

The researcher also sees that the duties of the record to explain why do non-notification of the person concerned, not even loosely this action record resulting in loss to be communicated to defend his rights.

On that basis, that this sort of non-person communicated desired communications require gathering several conditions are:

1. The paper shall not be handed over except to one of the individuals identified by the law in accordance with the provisions of Article 8 of the person who declares that he is the agent of the required to inform him or work in his service or that he is a resident of the husband or his relatives and the heirs, like his father and his mother and his grandfather or his descendants. To his wife or to his brothers or sisters ^[39].
2. That the appearance of the person addressed is 18 years of age, but the law leaves the confirmation of the age of the addressee to the record that he or she may have reached maturity, Fully qualified as long as it appears to indicate the age of majority ^[40].
3. Non-conflict of interest between the required notification and the interest of the address.
4. It may occur that there is a conflict between the person to be notified and the person requesting the notification that the latter is the one who directed this request, if the applicant is one of his assets or relatives living with him in the same housing or place of residence or home is the record of this person who will be notified, Which may involve the danger of non-resurrection by informing the person concerned and what is meant to be notified, which results in the result of loss of the right of defense and failure to establish the principle of confrontation, which may result in invalidity, as the researcher believes, for not being sure that this person who received the paper delivered or communicated to the requested notification It may be tragic His opponent.

⁽³⁸⁾ Abu Al-Wafa, Ahmed, Theory of defenses, p. 434, Bennani and Al-Fakhani and others, p. 223, Zuabi, Awad, reporting, p.

⁽³⁹⁾ Article 8 of the Jordanian Civil Procedure Law No. 16 of 2006.

⁽⁴⁰⁾ Khalil, Ahmed, op. Cit., P. 304.

After research to identify the conditions required for non-reporting record of the person concerned or of true consciousness, proceedings and halt the proceedings until the communication concerned or communicated is true, or is there a procedure to be followed in this case and what these procedures and will answer It next.

D. Report if abstinence before or unable of true communicated

The Jordanian legislature has defined the procedures to be followed in this case through the text of article 9: If they can't find the record of a healthy delivery of paper to him according to what is mentioned in article 8 of this law, or refrained from finding mentioned (non-moving) signing a paper receipt notification, record that judicial paper copy paste implanted on the outer door or on the side Visible from the location of the requested person's home or place of work communicated in the presence of at least one witness, and returns a copy of the notification to the Court paper made with reality, and if there are documents attached to the judicial paper implanted it on record that codifies a statement The need to review the midterm exams required for the registry to recognize those documents and considered slinging leaves on this communication.

The procedure provided for in article 9 of the code of civil procedure in the event of failure to communicate or record of true communicated through communication in accordance with this procedure, affixing procedure builds upon a clear danger lies in the loss of the objective and purpose of the exercise of the right of communication Defense through evidence, evidence and clues that lead his defense, this procedure need to adjust more by doing this procedure only after trying to record more than once to do a report to the person concerned or of true consciousness.

The discussion and analysis of the due process for notification of a natural person to move next to demonstrate procedures for the communication of legal person, which has special procedures might be different from the average person reporting procedures, these procedures report by affixing, Plus I have to distinguish and differentiate between reporting for legal person whether unflappable against it, so the report is related to the personality, whether a natural person working for that side to be communicated without proceeding from such personality, But the average person who works in that way.

C. The moral person reporting

Article (10) of the Jordanian Civil Procedure Law clarifies the procedures to be followed to inform the person concerned.

The following duties:

1. With regard to Government or public institutions represented by counsel to Attorney General recognizes civil or one of his assistants or the Chief of staff.

This item has shown that the person in charge of receiving complaints reporting to government agencies and public institutions is civil Attorney General or one of his assistants or the Chief of this procedure the record must not consider this procedure void, proceeding to the right of defence is not limited only to Natural person, but moral person representing

the State and Government institutions in case of lawsuit right according to the ordinary courts.

2. With regard to other public institutions, municipalities and village councils recognizes it's Chairman or the Director or Attorney legally or legally represented to the Chief.

The item that a communication not be civil Attorney General or one of his assistants or the Chief of staff, although this legal personality but not of governmental institutions, but any public institutions not represented by counsel in civil law, but delivered to its head or Director or Deputy Chairman or legally represented the law or to the Chief, although this institution serving the community.

As it turns out the item (5) of article 10 of the code of civil procedure due process reported on – with regard to companies, associations and other legal persons, judicial papers on behalf of management centers or in one of the Administrators or General partners or serves any of those, if not her Management Center recognizes these papers for any of the above persons of non-users in their position whether in person or at his place of work or in native or chosen, and if the report about the branch company, deliver to the person responsible for managing Or their designee.

As stated in item vi of the same article due process – with regard to foreign companies which have a branch or agent in the Kingdom recognizes judicial papers to the person responsible for the administration of this section or to his attorney or agent will receive his person or in his home or place of work.

After that the researcher identify the procedures to be followed to notify the natural person, if the lawsuit related to his being, any consequence for having bye or legal reality led to the emergence of this obligation, although these procedures very intended goal achieved, the researcher finds that You must obtain legal rules there would be more to do with communication, in terms of locating communication where the legislator did not specify whether the court reporting civil Attorney General communicated his powers was true or not, the Jordanian legislature did not specify the place of communication and therefore is communication Civil Attorney General if true communicated at home or not.

After that the researcher identify the reporting mechanism for natural person we turn to answer is a natural person shall be communicated in the workplace and what due process is even true, does these procedures are the same procedures and taken in case reporting in his house, and what these actions do Achieved the goal of communication too and that's exactly how many it answered below:

Part 2

This type of communication has a particular peculiarity. It combines the natural person and the moral person. The communication of the natural person is done only by the natural person, where it is considered that the delivery of the paper to be communicated to the person directed specifically is the best way Therefore, the person concerned may not be notified and may not be revoked. Accordingly, due to special circumstances, it is permissible if the paper cannot be handed over to the person concerned because of special circumstances

such as that of the prisoner who does not exist in his place, If the record is made What is the procedure followed, as well as in the case of workers in commercial vessels and the notification of the incompetent or the disabled or the notification to a resident in a foreign country, what are the procedures for reporting in accordance with these special cases, The Code of Civil Procedure of Jordan in Article (10).

Reporting to persons governed by special circumstances

Explain the third paragraph of article (10) on notification mechanism – regarding prisoners delivered to the warden or his to inform, the procedure established by law to report to prison, did not specify the procedures to be followed until the legal knowledge that the prison director or the His station has reported on, so the procedure entails severe gravity of loss of the right to legitimate defense not only reported according to correct procedures specified by law.

As for the merchant seamen or workers have explained in paragraph (4) of article (10) that the delivery is for the master or ship's agent, does that action you leave without restrictions and controls and when reporting date is in effect is the date of the communication of the skipper or after skipper notification delivery person On it and is a master of such action is in the denominator of the record?

As regards the military or public security and general intelligence officers and civil defence institutions have explained in paragraph (7) of the same article to be delivery to legal departments to be reported when the request for communication in the workplace.

As well as government officials and their users have explained in paragraph (8) of the same article that the notification papers sent to its service manager that the employee or user when the request for communication in the workplace and the Director of the service of the writ to the required notice as they were received and return mechanism website Him to court, as in all cases, the Court may order the communication of government employee or user through direct record.

If the defendant is a minor or unconscious eligibility, paragraph (9) clarifies that the judicial papers are sent to the guardian or guardian.

Based on the above, the researcher believes that this procedure need to adjust and to clarify more in terms of starting date statement report for people who refunded according to specific conditions, and is doing the communicating persons sought to convey the true, once you do notify persons designated by law in The preceding paragraphs.

I disagree about history doctrine which is a productive and full of excitement, where he took the first trend that this type of report is a product of the stirring of the history of science belief system of meaning so that these departments like delivery authority record in its reporting procedure ^[41]. not the consignee as a The other trend sees that the report is a product of stirring once delivered (Judicial Department) ^[42].

Researcher finds that the initial direction that judicial departments under the preceding paragraphs are authorized almost serve as a record, and there lies the Jordanian

⁽⁴¹⁾ Musalam, Ahmed, Saad Najib Ibrahim, Ragheb Wagdy, Principles of Civil Justice, Principles of Civil Debate, p. 69.

⁽⁴²⁾ Fathi, Sharqawi Abdel Moneim, Civil Judiciary Law, p. 756.

legislature has identified risk in the code of civil procedure, the authorized persons reported, so could not do so only by The competent person in charge and the procedure to do this hence according to this theory is that an exception to the original, except that this exception to the original could not be regarded as a productive delivery is to stir only after judicial departments to notify the person concerned, and that it needed controls The most important legal a signature for the judicial departments, in addition to the conduct to be followed to do in order to inform the person concerned, by the judicial departments through the steps that were followed to deliver the report by codifying all detail regarding reporting, these steps Which is already considered a form of communication.

Conclusion

This study examined communication papers in the civil procedure law, and the importance of communication to achieve the principle of legal knowledge to establish the principle of the right of defence is not only through a series of predefined procedures and defined in the code of civil procedure. We have the following results:

1. The reporting is one of the most important actions to start litigation, if the judge cannot initiate proceedings only after you notify discount taken from judicial proceedings.
2. Prepare report task actions until the realization of the right of defence, to give evidence that it denies this allegation, or proceeding that work to preserve his rights and steady legal centers.
3. To report a prominent role and importance of the inability of the rebate amount duly invoke his ignorance of what has been done right.
4. To preparator a prominent role and is important in conducting the report because it can't hold reporting and negligible unless through specific powers within the limits of the officer.
5. Failure to report only by official competent record paper communicated to the person concerned or correct beforehand whether normal people defined by law or judicial administration.
6. Notification of paper must have a set of public and private data of interest lies in the lack of implementation of the principle of confrontation between adversaries, but through the availability of this data.
7. Select a legislator in the code of civil procedure of persons to be issued and actions taken in the event of failure of the record of the communication on communication.

Recommendations

First

The legislator felt that the code of civil procedure that does not perform non-notification of the person concerned to report only after you try it before make the record reporting more than try.

Second

Need to check the record and make some effort to verify the identity to be communicated even not in error, resulting in invalidity of communication.

Third

They are meant to be adjusted persons residing with the required notice, and add other users.

Forth

That preparator by resorting to non-notification of the person reported residents, resulting in dangerous loss of the right of confrontation, and this risk in leaving an estimate on whether the person to be notified in this case of physiognomy, the record appreciation of the seriousness of this legislature require the Conduct, by not reporting to the person not only after making sure that the entire civil war.

Fifth

The Jordanian legislature did not specify in article 10 of the code of civil procedure, legislative controls that govern the reporting procedures, and what is the date of commencement of validity of the report, is this report to generate product from the date of the communication of these actors?

It is evident from the above that the text lacks precision, in action, so we wish the legislator redrafted so that settles something of mystery.

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