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Approval In The Evidence Act And Its Amendments

Dr .Walid Muhammad Bakhit Al-Wazzan

PhD in Civil Law, Sudan

walid_alwazzan66@yahoo.com

Dr. Abdullah Khaled Ali Al-Sufani

Associate Professor, Al-Bayt University, College of Law, Department of Private Law

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Approval in the Evidence Act and its amendments

Abstract

The study dealt with the issue of approval in the Evidence Law and its amendments through a number of investigations and demands, where the concept and characteristics of the declaration, the forms and forms of the declaration, and the implications of the approval were exposed.

The study found the following results:

The Jordanian legislator knew the approval in Article (44) of the Evidence Law. Indication of the limits of judicial and non-judicial approval

The Jordanian legislator did not specify his position on the issue of splitting the declaration, so I suggest adding an article that addresses this issue as follows:

"Acknowledgment is not indivisible unless it stipulates multiple facts, as if the existence of one of them does not necessarily necessitate the existence of other facts".

Through the foregoing, we see the great importance that the subject of the acknowledgment acquires, as it is considered a decisive turning point in the case.

Keywords: Evidence Act , Law , demands , Jordan .



الإقرار قانون الإثبات وتعديلاته

ملخص

تناولت الدراسة موضوع المصادقة في قانون الإثبات وتعديلاته من خلال عدد من التحقيقات والطلبات، حيث تم الكشف عن مفهوم وخصائص الإعلان وأشكاله وصيغته وأثار المصادقة. توصلت الدراسة إلى النتائج التالية:

بين المشرع الأردني الموافقة في المادة (44) من قانون الإثبات. بيان حدود الموافقة القضائية وغير القضائية

ولم يحدد المشرع الأردني موقفه من موضوع تجزئة الإعلان، لذا أقترح إضافة مادة تتناول هذا الموضوع على النحو التالي:

"الإقرار ليس غير قابل للتجزئة ما لم ينص على حقائق متعددة، كما لو أن وجود إحداها لا يستلزم بالضرورة وجود حقائق أخرى".

ومن خلال ما تقدم، نرى الأهمية الكبيرة التي يكتسبها موضوع الإقرار، حيث يعتبر نقطة تحول حاسمة في القضية.

الكلمات المفتاحية : قانون الإثبات ، القانون ، المطالب ، الأردن.



Introduction

Evidence is the necessary tool that the judge relies on in verifying legal facts and his authority to assess evidence, and the practical means that individuals rely on in formulating their rights arising from those facts, so that it is correct to say that every legal system and every judicial organization inevitably requires the existence of a system of proof, and this system It is prevalent, whether in civil, commercial or penal cases, and the first is restricted to very limited assets and very few exceptions. P. 15.(Evidence is the scientific method on which individuals rely on maintaining their rights arising from reality and the necessary performance that the judge relies on in the investigation of legal facts, so that it is correct to say that every legal system and every judicial organization requires the existence of a system of proof. This ruling is due to necessity (Al-Samrout, 2007, p. 15).

The law defines for each individual the limits of his natural activity and freedom, and defines the duties and rights of each person. If every individual abides by his limits, takes into account the right of others and does what he owes, the causes of conflict between individuals will cease and the rights of their owners are concluded.

Among the non-written means of proof are acknowledgment, inspection, clues, and the decisive and complementary oath, experience, witness testimony, and interrogation, and some non-written means of proof are distinguished in that they have a special power that other means of proof do not possess, such as admission, oath, inspection and evidence, as they are more convincing in the formation of the court's doctrine than others. Other means of proof include testimony, interrogation, and expert reports.

The importance of evidence in proof has increased at the present time due to scientific and technological progress, as the means of progress contributed to the disclosure of many clues, especially the scientific ones, which have become the most reliable method in the judiciary in our time (Al-Adaileh, 2002, p. 23).



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The First Topic

The Concept And Characteristics Of The Acknowledgment

Acknowledgment: It is the opponent's admission of an alleged incident from which his opponent benefits and exempts him from the burden of proof in order to be a waiver from the approved opponent of his right to demand his opponent to prove what he claims. It is an exempt method from the burden of proof (Al-Kilani, 2010, p. 107).

The first requirement: the definition and characteristics of the declaration.

The second requirement: types of approval.



The First Requirement

Definition of Acknowledgment

To get acquainted with the legal concept of the declaration, it must be defined and its characteristics that distinguish it, which we will address in the following points (Al-Sanhouri, 1998, p.99):

- 1- Acknowledgment in language: it is the submission to the right and its recognition, and the acknowledgment is taken from a decision. He approves a decision and if it is proven and acknowledged the thing, then the meaning is acknowledged.
- 2- Acknowledgment idiomatically: it is a person's admission of his reality that would produce legal effects against him with his intention to consider this incident as proven against him, such as for Ahmed to acknowledge and admit that his liability is occupied by Ali with an amount of money (Al-Aaraj, 1997, p. 175).
- 3- Legal recognition: Article (44) of the Jordanian Evidence Law defines "Acknowledgment is informing a person about a right that he owes to another."

The Jordanian Court of Cassation defined it as: "telling a person about one's right to another."

The acknowledgment according to this definition does not include the establishment of a new right in the custody of the headquarters, but rather it is a right to demand proof of the incident by the party who claims it, and then it was said that the acknowledgment is from the evidence exempt from proof and it is not necessary for the declaration to be an expression identical to the truth and reality Because it is an expression issued by the opponent, it may be a reality in order to conceal the truth itself or harm others, or for analyzes of the law. Therefore, it is natural for him to assume that there is a difference between the data of the declaration and the abstract truth, but it is not possible to assume the existence of fraud between the data of the recognition of the truth itself because one often does not Behaves in harm to himself.



The Second Requirement Acknowledgment Properties

In light of the previous definition of the declaration, the characteristics of the declaration are determined in the following points:

1. Acknowledgment is a legal act: The acknowledgment is a legal act because it reflects the direction of the will of the headquarters towards creating a specific legal effect, which is the confirmation of the right in his responsibility and the exemption of the headquarters from the burden of proving this right. The admission is with an express will, and it follows that considering the affidavit a legal act that it is binding in itself and does not need the judge's judgment (Bkos, 1986, p. 413).
2. In this regard, Al-Sanhouri says, "The acknowledgment is a material act, such as testifying, writing, documenting and swearing. The declaration is in its origin a material act." Al-Sanhouri says, "The acknowledgment implies a waiver on the part of the headquarters from his right to demand his opponent to prove what he claims, and the disclosure is a legal act unilaterally." The correct attestation is a legal fact that involves legal action.
3. Acknowledgment is an act of informing: the affirmation is a statement of a person's testimony against himself, so the acknowledgment in the truth of the matter is nothing but news of a matter, because the person who acknowledges an incident is telling a news about the truth of this fact, so the acknowledgment does not create a new right, but rather it is a notification about The occurrence of a certain reality in the past. Thus, it is not an acknowledgment of the witness's testimony against the debtor that the debt is in his possession, because the witness acknowledges the existence of the right not in his own responsibility but in the custody of another person, and also it is not considered an acknowledgment that the opponent has expressed his opinion on the legal provision that applies to the dispute, such as acknowledging that a foreign law is the application. ,



He does not acknowledge a right, but rather gives an opinion on the legal application, and the court is not obligated to take his opinion. In this sense, the decision of the Egyptian Court of Cassation was issued, stating, “In order for the declaration to produce a legal effect, it must be related to an incident and not to legal application, because changing the law and applying it to the case is the matter of the court alone (Al-Kilani, 1982, p. 13).

4. Acknowledgment is a legal act from one side: The acknowledgment is a legal act because it is the direction of the will towards creating a legal effect, which is the establishment of a right in the custody of the headquarters and the exemption of the acknowledgment from proving this right (Al-Nadaawi, 1986, p. 23), and Al-Sanhouri says that the declaration implies the descent of the headquarters On his right to ask his opponent to prove what he claims, so the correct conditioning is to acknowledge that it is a legal incident that involves legal action (Raslan 1996, p. 43).
5. The declaration is an exemption from the proof: The scholar Bartan believes that the affirmation is a transfer of the object of proof and that it is a legal presumption, because the legislator deduces from the known fact of acknowledgment another unknown fact, which is the existence of the right or the recognized fact.

Some jurists believe that the acknowledgment is a transfer of the burden of proof, because the basis for proof is that the plaintiff is obligated to provide evidence. If the defendant acknowledges the right, then this exempts the plaintiff from submitting the evidence, but some of them see in the declaration as a legal presumption because some legislations classify the declaration in the chapter of evidence, so that is in their view A case of transferring the subject matter of proof, and thus they refer to the traditional Bartan theory (Bekouch, pp. 226-227).



The second topic

Pictures and forms of the declaration

The declaration does not have a special form, but it has multiple forms, so the declaration may be expressed explicitly or implicitly, and the explicit declaration may be in writing, that is, written or oral.

First: The explicit affidavit (Egyptian Court of Cassation, p. 486): is a report issued by the headquarters with facts that he admits to be true, and this declaration may be in writing, and no special condition is required in this writing, so the statement may be contained in a book, in a telegram, or in another medium directed by it. The acknowledgment is given to the other party, and it may be on a special paper given to the acknowledged person to take it as a bond and it may be contained in a lawsuit list, or in his memorandum submitted by the opponent to the court, or written requests that the admitting opponent submits to the other opponent, also the acknowledgment may be verbally, if it is outside the court. On its issuance, it was possible to cite the testimony of witnesses, while testimony could be heard in it, and legal evidence was found indicating that it had occurred.

Second: The implicit acknowledgment: It is rare for the acknowledgment to be implicit or extracted from mere silence, and if that is possible in the event that the opponent relinquishes or rejects the oath, or bids the one to whom the oath has been returned from its oath, as that is tantamount to acknowledgment, and in application of that the Court of Cassation ruled The Jordanian and the general legal rule is that “a silent person is not attributed to a saying except that silence in the event of need when it is legally binding is considered an affidavit” (Discrimination Rights 190/1975 1976).

Acknowledgment in all its forms either takes place before the judiciary and is called a judicial affidavit, or it takes place outside the Judicial Council and is called a non-judicial affidavit. Therefore, we will discuss in this topic the two types of acknowledgment, the judicial affidavit, and the non-judicial affidavit assigned to each of them an independent claim.



The first requirement

The third topic

Authentic judicial acknowledgment

Article (51) of the Evidence Law states the following: “The acknowledgment is an excuse limited to the representative”.

Article 50 of the same law states the following:

1. A person is obligated to admit it, unless it is judged to be false.
2. It is not permissible to revoke the acknowledgment except for an error in fact, provided that the declarant proves that ”(Ashraf, p. 608).

When talking about the authenticity of the judicial affidavit, it must be considered that the acknowledgment is an excuse limited to the acknowledgment and that the acknowledgment is a conclusive argument for the acknowledgment in addition to the principle of splitting the acknowledgment, so I will single out for each of these issues a separate requirement as follows:

The first requirement: Acknowledgment is an excuse reserved for the acknowledging person.

The second requirement: Acknowledgment is a categorical argument for the acknowledging person.

The third requirement: splitting the acknowledgment.



The first requirement

Acknowledgment is authoritative only for the acknowledgment

Article 51 of the Jordanian Evidence Law states, "Acknowledgment is an excuse limited to the acknowledgment".

This is because the evidence is a transitive argument in contrast to the declaration, which is only required by the acknowledgment himself without the effect of this acknowledgment extending to others, and this is what was confirmed by Article (79) (legal texts of some Arab countries and French texts) of the Jordanian Civil Code, which stipulates the following: Writing and testimony Interrupting evidence, inspection, and experience is a transitive argument, and the admission is a proof limited to the acknowledged. This article is about Article 78 of the Code of Judicial Rulings (Article 78 of the Code of Judicial Rulings on "The evidence is transitive and authoritative, and the admission is valid and deficient).

The authenticity of the acknowledgment is generally due to its issuance by a person against his own interest, who makes the probability of his truthfulness due to the possibility of his lying, and in this Imam al-Trabelsi says: It is first because the verdict on the admission is excluded from it, and the judgment on the environment is exhausting, and because the acknowledgment is a news that is true or attributed to its truthfulness because of the absence of the accusation of lying and suspicion of fraud "(Zaki, 1983, p. 714).

The approval does not exceed its effect on the non-acknowledged, and as for its effect on his successors, a distinction must be made between its effect on the general successor and the special successor, so we will discuss this through two branches:



First branch

The impact of the acknowledgment on the general successor

He is everyone who replaces the other in all of his rights and obligations and is considered represented by the predecessor in all of that, i.e. he is the one who succeeds the predecessor in all his financial responsibility (Yahya, 1999, p. 2), and the general successor is the heir because he replaces the inheritor in all his money and rights except what was personal, And the recommended right of inheritance, creditor and ordinary, and we will discuss that in detail.

First: the heir

The heirs are not considered by others, so the authorization of the acknowledgment exceeds them, but the matter differs according to whether the admissible died after or before the judgment of the case in which the acknowledgment was issued.

If the acknowledgment passed away after the judgment in the case, the results of the acknowledgment have entered into the custody of the acknowledgment, so the heirs are bound by it because they only inherit the rights of their inheritor and have no right to prove the lack of validity of the acknowledgment, so the authorization of the acknowledgment in this case applies to them not only as an acknowledgment but rather Because it was integrated within the authority of the judgment itself, but if the judgment did not acquire the definitive degree and there was a normal way to appeal, then we are in front of the next case that we will list.

But if he died before the judgment in the lawsuit, then once the heirs enter the lawsuit, they have the right to prove the same and deceit the admissible by all methods of proof because the fraud corrupts the assertion and because it is a material occurrence that may be proven by all methods of proof. Towards the registrant itself.



Second: the recommended one

He is subject to what applies to the heir, so he may appeal that the declaration was issued by the testator and he lost his eligibility due to the insanity that occurred to him after the will, and he can also appeal that the declaration was issued by the testator as a result of cheating or deceiving the law, but if a final judgment was issued in The subject matter of the lawsuit according to the testator's acknowledgment, he no longer has that because the effects of the acknowledgment have become in the custody of the testator (Halima, 1998, p. 15).

Third: the ordinary creditor

Creditors differ from heirs in that they have personal rights of their own that are affected by the actions of their debtor, including his declarations, so they are invoked by these declarations, but they are not allowed in all cases to prove their invalidity by all means of proof, whether by interfering in the lawsuit in which the acknowledgment was issued or by objection outside the litigation after the issuance of Deciding on the case, or by appealing against the acknowledgment in the judgment issued on the basis of it in a fictitious case, or the non-enforcement of the disposition in cases where its conditions are met, i.e. the authorization of the approval is not conclusive for the creditors of the acknowledgment (Discrimination of Rights (1975/201)).

In implementation of this, the Jordanian Court of Cassation ruled, "If the husband acknowledges, on a date prior to the date of seizure, that the seized money is not for him, then this acknowledgment shall be considered an evidence against the acknowledgment and his creditors".



The second branch

The effect of the acknowledgment on the private successor

The private successor: is the one who does not succeed the predecessor in the total of his financial liability, but rather succeeds him in my right in respect of a specific thing (Nabil, 1995, p. 185).

The actions of his predecessor related to this money shall apply to the right of the successor if they preceded the transfer, and the subsequent actions do not apply to him, and accordingly, this declaration issued by his predecessor before receiving his right shall not be invoked against him by the declaration issued after that.

In implementation of this, the Jordanian Court of Cassation ruled that “the previous testimony of the owner of the property implied that the disputed area belongs to the leased property, and does not bind the buyer because the acknowledgment is an argument limited to the acknowledgment, just as his testimony after the leased property leaves his property is not considered an acknowledgment” (Discrimination Rights (1985/613)).



The second requirement

Acknowledgment is a conclusive argument for the acknowledging person

Article (50) of the Jordanian Evidence Law stipulates the following:

1. A person is obligated to admit him unless he lied with judgment.
2. It is not valid to revoke the acknowledgment except for a mistake in fact, provided that the acknowledgment proves that.

Although there is no text on this argument, but until the declaration is issued meeting all of its legal principles and conditions, it will have proven its full argument against the acknowledgment, because the acknowledgment is obligated to approve it as stipulated in Article (50) aforementioned, and accordingly, the acknowledgment is tantamount to a person's testimony on Therefore, the possibility of her veracity is due to the possibility of her lying. In application of this, the Jordanian Court of Cassation ruled that "what is stated in the defendant's individual witness testimony is not taken against others. As for what was issued against himself, it is binding pursuant to Article 50 of the Evidence Law."

Some Western legislations have explicitly stipulated that the acknowledgment is a categorical argument against the acknowledgment, as stated in the Iraqi Evidence Law, where Article (67) of it stipulates that "the acknowledgment is a conclusive argument and is limited to the acknowledging person." These two characteristics of the acknowledgment are distinct from one of the other and the text does not exclude one of them One text over the other.

Here I suggest that the text of Article (51) of the Jordanian Evidence Law be as stipulated in the Iraqi Evidence Law, so that the text is as follows: "Acknowledgment is a categorical argument and is limited to the endorser. The consensus of comparative jurisprudence also went.

The fact that the acknowledgment is a categorical argument for the reporter implies that it is not permissible to revoke it except in one case, which is that the acknowledgment made a mistake in reality and not in the law.



Article (50/2) of the Jordanian Evidence Law stipulates: “It is not permissible to revoke the acknowledgment except for a mistake in reality. That the registrar proves that. ”

The Jordanian legislator differentiates between a mistake in reality and a mistake in the law. As for the first case, it is not permissible for the reporter to revoke his approval, and this is reasonable and accepted, logically and legally. This is because the power of the approval is based on being news that the reporter prompts him to reveal the truth of the alleged incident. It conceals the truth, it is equal in that if the statement is focused on the existence of the fact or on the way in which you mentioned that, because the mistake in reality renders the statement on an unfounded basis.

In application of this, the Jordanian Court of Cassation ruled, "If the plaintiff mentioned in his lawsuit list that the accident occurred on a specific date and it appeared in the criminal case file that the accident occurred on a previous date, the plaintiff is not obligated to acknowledge it in the lawsuit list contrary to reality."

It also ruled in another decision, "that the law does not allow a return from the error in the acknowledgment except in one case, which is whether the mistake was in reality, such as if the person acknowledges a debt owed to his inheritor and then it appears that the legator has paid this debt."

There was a rule in Roman law that says (He who recognizes a mistake is not recognized). It is noticed through the analysis of the text of Article (50/2) of the Jordanian Evidence Law that the representative who claims to have made a mistake in reality has the burden of proving that so that he can get rid of his approval, not as a return to the declaration or a reversal of it, but rather as a result of the occurrence of the declaration. It is void or judicially nullified, as the affidavit is a conclusive argument for the acknowledgment, which cannot be revoked.

In application of this, the Jordanian Court of Cassation ruled that “the declarant has the right to establish evidence to prove that his declaration is based on a mistake in reality” (Discrimination Rights 108/1963)), as it ruled in another decision, “The revocation of the declaration is not considered valid unless the acknowledgment proves the existence of this error.”.



As for the admission due to the error in the legal results that the declaration entails, it is not a valid reason that allows the acknowledgment to dispose of it. This distinction between a mistake in reality and a mistake in law is due to ancient origins in Roman law and the old French law, and it seems that the failure to allow the revocation of the declaration based on a mistake in the law is due. Based on the nature of the informational statement, whoever acknowledges a past legal incident is obliged to acknowledge it even if he does not adopt the reality of the legal consequences that resulted from this incident because he is rather determining a fact that has occurred and is not allowed to amend its report if it is found that a mistake is made in the effects of the law on it, since the right is first To follow.

As for constructive actions, the mistake permits nullification of the behavior because the action would not have been completed had the administrator revealed this mistake before concluding it (Solomon, p.529).



The third requirement

Split Acknowledgment

There is no text in the Jordanian Evidence Law that addresses this issue, while the laws of some Arab countries, such as the Egyptian law and the Syrian law, stipulated the rule that the declaration may not be divided among its owner unless it is focused on multiple incidents, as if the existence of one of them does not necessarily necessitate the existence of other facts.

Article (101) of the Syrian Evidence Law and Article (104/2) of the Egyptian Evidence Law stipulated, as Article (1356) of the French Civil Code stipulated that “the acknowledgment is a categorical argument against whomever it was issued and is not divided against it.”

Although the rule of the impermissibility of dividing the acknowledgment and the exceptions that come to it seem to be a simple matter, its application has raised many difficulties and many jurisprudential differences that made some segments describe it as one of the most complex issues of civil law, and limited others to attacking the rule from its foundations and denying every exception and responded to (Al-Deeb, 1998, p.145).

First branch

Simple acknowledgment

A simple admission is a declaration that is limited to merely acknowledging what the opponent claims without adding, decreasing or modifying, for example if the creditor claims that he lent the debtor an amount of money with a legal interest of (4%) starting from a specific date, then the defendant recognized the loan, its value, date and interest, The defendant’s confession in this example is a simple confession that cannot be divided, or the acknowledgment is indivisible, because all these facts that the plaintiff claimed were confessed by the defendant and nothing was added to it, and here the rule of acknowledgment unit appears in its clearest meanings and there is no exception to the rule as long as the plaintiff Therefore, the plaintiff is recognized for all of his rights.



The second branch

Acknowledgment described

Described acknowledgment: it is the acknowledgment of what the opponent claims with the addition of a description in which he is amended with something other than his legal consequences, for example if the creditor claims a debt that is permanently permissible and the defendant acknowledges the debt added for a term or suspended on a condition, or if the plaintiff demands a transferable return that was owned by his inheritor, then the plaintiff acknowledged He must claim that this movable is in his possession and that he received it from the inheritance as a gift. In the previous two examples, the importance of fragmentation appears, and the question arises whether it is permissible to take the whole assertion in its entirety as described by the defendant or leave it all, or to divide the acknowledgment on the admirer so that it takes from the acknowledgment the recognition of the original incident (indebtedness and ownership) in the previous two examples and excludes the recognition of the description, and this is the rule of fragmentation. Acknowledgment (Abd al-Sattar, 2007, p. 55).

However, this division harms the headquarters to the extent that it benefits the plaintiff, and it is not fair in anything to harm the headquarters because of an admission that he was in a position not to make, so he prevents the acknowledged from dividing it and requires him to take all of it or leave it all.

If the acknowledged person takes the described acknowledgment, the original incident becomes a final proof of non-contestation and the description added to it is fixed in the right of the acknowledged adhering to the acknowledgment until this is able to prove its incorrectness in accordance with the general rules.



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Despite the absence of a text in the Jordanian Evidence Law that deals with the issue of fragmentation of the declaration, the esteemed Jordanian Court of Cassation has tended to say that the described declaration is not divided. "The described declaration does not prove the right and it is not permissible to divide it, and the plaintiff must prove the fact that he claims."

I confirm what was brought by the Jordanian Court of Cassation, because the division permit in the described declaration means transferring the burden of proof without legal justification from the plaintiff on his part who did not prove any part of his lawsuit to the defendant, and saying otherwise means that no one dares to tell the truth. We have been led to lie and falsehood, and this is not acceptable to justice, and reason and logic do not accept it, and the law does not accept it.



The third branch

Compound Acknowledgment

The combined acknowledgment: is the acknowledgment of the alleged incident plus another subsequent incident that has consequences that affect the results of the first incident, and it is a condition that the acknowledgment of the original and the added incidents be obtained simultaneously (Muhanna, 1988, p. 196).

And what we mentioned when we discussed the confidential declaration about the absence of a text in Jordanian law dealing with this matter applies here.

The more correct juridical and legal opinion is that the composite acknowledgment is indivisible whenever there is a correlation between the two events that would make the added incident inevitably presume the existence of the original fact. What is not in his favor is fulfillment and he places the burden of proof on the acknowledgment.

Likewise, the verdict or the defendant acknowledged the debt, but he claimed that this debt has lapsed by exoneration or for any other reason. In the example of this assumption, the added event necessitates the existence of the original fact, and it is not conceivable that it existed without the second. There can be no fulfillment or release without the existence of the debt and the connection of the two events in this way means That the reporter did not intend to commit to anything, and therefore it is not permissible for the reporter to separate the two incidents in order to exclude from the original fact and leave the related incident.

But if the related incident does not necessarily require the original fact, then the composite acknowledgment here is divisible. For example, the defendant acknowledges the debt, but adds that this debt has expired by set-off with a debt he has on the creditor, and in this example there is no correlation between the two incidents, but rather each of them is independent. The second factor, which is the existence of the debt of the defendant on the creditor, does not necessarily entail the existence of the incident in the responsibility of the defendant, and then the burden of proving the debt that he claims is placed on the latter (Abd al-Ridha, 2010, p. 450).



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But how can we differentiate between the combined declaration and the described acknowledgment? The two declarations require that both acknowledge the alleged incident with the addition of other elements to it that would affect its legal results, but they differ in the element added to that incident, as the described declaration relates to the original facts from the time of its occurrence, such as the condition, the term, and the determination of the reason for commitment while in the acknowledgment The compound is an element attached to the original incident after its occurrence, such as fulfillment, release and clearing (Al-Araj, 1997, p.539).



Findings and recommendations

After I have finished writing the research, I would like to highlight some observations and mention some recommendations that I touched through analyzing the legal texts that dealt with the issue of approval in the Jordanian Evidence Law No. 30 of 1952 and its amendments.

Results:

- 1- Among the non-written means of proof are admission, inspection, evidence, decisive and complementary oaths, experience, witness testimony, and interrogation.
- 2- .Acknowledgment: It is the opponent's admission of an alleged incident from which his opponent benefits and exempts him from the burden of proof, in order for it to be a waiver from the approved opponent of his right to demand his opponent to prove what he claims.
- 3- Acknowledgment is considered a legal act because it expresses the direction of the headquarters's will towards creating a specific legal effect, which is the confirmation of the right in his responsibility and the exemption of the headquarters for him from the burden of proving this right. Hence, the declaration is required in what is required in all other legal actions.
- 4- Acknowledgment is an expression of a person's testimony against himself. In fact, a declaration is nothing but news of a matter, because the person who acknowledges an incident is telling about the truth of this fact.
- 5- .Acknowledgment is a legal act because it is the direction of the will towards creating a legal effect, and it is the establishment of a right in the custody of the headquarters and the exemption of the acknowledgment from proving this right.
- 6- .Acknowledgment is a transfer of the subject matter of proof and that it is a legal presumption, because the legislator deduces from the known fact of acknowledgment another unknown fact, which is the existence of the right or the recognized fact.
- 7- Judicial approval must be made before the courts.



- 8- Judicial acknowledgment must be made during the course of the case.
- 9- It is not considered a judicial acknowledgment. A declaration issued in a case other than the dispute case was issued by the headquarters in a previous lawsuit even if it related to the same fact of the lawsuit and between the same parties. Possession suit.
- 10- The authorization of the acknowledgment is generally due to its issuance by a person against his own interest, who makes the probability of his truthfulness dependent on the possibility of his falsehood.
11. The fact that the acknowledgment is a categorical argument for the acknowledgment implies that it is not permissible to revoke it except in one case, which is that the acknowledgment made a mistake in reality not in law.

Recomindation:

First: With regard to the definition: The Jordanian legislator knew the approval in Article (44) of the Evidence Law. In Article (44), then explaining the limits of judicial approval and non-judicial approval in the following two articles so that the amendment is as follows:

Article (44) "Acknowledgment is telling a person about his right to another, and it is judicial and non-judicial."

Article (45) "The judicial affidavit is the one that takes place before the judiciary during the course of the case related to this incident."

Second: With regard to the validity of the approval: The Jordanian legislator has not specified his position on the issue of dividing the declaration, so I suggest adding an article that deals with this issue as follows:

"Acknowledgment is not indivisible unless it stipulates multiple facts, as if the existence of one of them does not necessarily necessitate the existence of other facts."

Through the foregoing, we see the great importance that the subject of the acknowledgment acquires, as it is considered a decisive turning point in the case.



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