

Electronic Notifications in Jordanian Law

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Abstract

The study examined the legal system of electronic telegrams in the system of using electronic means in civil proceedings. The Jordanian legislator was created to keep abreast of recent electronic developments and to use them to facilitate litigation proceedings against the parties to the proceedings and to address the obstacles and problems encountered in conventional reporting and researchers used the descriptive and analytical approach by describing the concept of electronic reporting, Analyzing the texts of the Civil Trial Code and Code of Procedure and amendments. This study has reached several conclusions. The ease of use, as well as several suggestions, is important for the legislator to organize texts setting out the system's electronic reporting procedures because of the inadequacy of the texts contained in the Code of Civil Procedure, and the Provision of more modern technical equipment and development, numbers and qualification of Ministry of Justice staff to use means.

Keywords: system, means, notification, procedures, authenticity, justification, parties to the proceedings, Statements

Introduction

After the registration of the case in the Registry, the law requires the respondent to be notified of the complainant's case and to be assigned to the hearing. and the proceedings can be heard only after the respondent has notified the rules of procedure, to demonstrate a confrontation between the adversaries that prevails in the Code of Due Process, which requires the adversary to be informed of everything his opponent conducts in the proceedings. and, to ensure freedom of prosecution and defense in the interests of justice and the interests of the parties to the proceedings, Whether the defendant attended the hearing after notification The case can, in absentia, proceed (Ibrahim, 2007).

Judicial notification is a cornerstone of litigation proceedings. The judiciary, and the notification is a procedural act by an official named the record who communicates the papers to be communicated to the parties in the proceedings; The paper to be communicated requires specifications to be produced if such specifications are communicated to the effect that they are invalid if they

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are flawed. paper, including its validity if due process of law is reported, and the required paper is prepared, formalized, formal and judicial (Abu Yusuf, 2015).

Because of the importance of the notifications in the proceedings of judicial litigation by the official means of informing the party of the proceedings papers and of their proper appearance before the courts, and the serious consequences of the breach of which we have had on the litigation in terms of delaying the adjudication of the proceedings or damaging the litigants (Al-Jemaei, 2000).

Judicial notifications must be made quickly and accurately. This is not achieved with the use of traditional means, hence the urgent need to use modern means of communication and communication, which can be relied upon by his litigation. and related actions in a shorter time than before and with less effort and more speed, Without the need for mobility and physical presence of the person to facilitate the conduct of litigation and to keep abreast of this development in the world through the introduction of modern technology and its electronic means in litigation procedures We find that the Jordanian project has been aimed at introducing legal texts into the Code of Civil Procedure under the amended Law No. (31) of the year (2017) which amends the text of article (5) of the Code of Civil Procedure No. (24) of 1988, which promulgated the Regulations on the Use of Electronic Means in Civil Proceedings No. (95) of 2018. This study aims to identify the concept of traditional judicial reporting in language and terminology to determine the concept of judicial notification by electronic means since none of them has been defined by the legislature in law and to demonstrate the justification for electronic judicial reporting and how electronic judicial reporting has contributed to overcoming traditional forms of judicial reporting and to describe the electronic means used for judicial notification, the procedure for judicial notification and its legal validity (Eckbo & Wier, 1985).

The problem is to explicitly investigate the adequacy of the legal regulation of judicial notification proceedings by electronic means, and by reference to the system of use of electronic means in civil judicial proceedings, the Jordanian draft is limited to notification proceedings by electronic judiciary through public judgments without legal controls.

The importance of this topic stems from the novelty of judicial notification made using electronic means. The essential role of judicial notifications in general is to increase the speed and simplification of litigation and adjudication procedures. The adoption of modern electronic means would undoubtedly produce better results and reduce the time, effort, and costs of traditional reporting.

This study is based on the analytical descriptive approach, by describing and describing the means used in electronic reporting, analyzing the texts of the Code of Civil Procedure and the system of use of electronic means in civil judicial proceedings No. 95 of 2018. Based on the foregoing, researchers will study the Concept of electronic judicial reporting and Electronic Judicial Notification Procedure.

Concept of Electronic Judicial Reporting

Judicial notification is one of the most important procedures for achieving the principle of confrontation between litigants, which without notification of the parties to the proceedings will not be achieved, which is one of the most important guarantees of the validity of litigation (Erikson & Minnite, 2009; Al-Billeh, 2022a).

Definition of electronic judicial notification, the means defined by the System for the Use of Technological Means Justification for the use of technological means of reporting and the legal basis for its use. ‘People who are notified by modern electronic devices (Gaines, 2006; Al-Billeh, 2022b).

Definition of Electronic Judicial Notification

Judicial notification means "the official means by which a party to the proceedings communicates a particular fact so that he can consult it and deliver his photographs of it". Or to inform the defendant of the judicial papers and the actions taken against him in the manner specified and drawn by law (Kierkegaard, 2012; Al-Billeh, 2022c).

Electronic judicial reporting is intended to “adopt new and up-to-date means of communication that do not resolve the complexity of conventional reporting but rather serve as an aid in the reporting process and to reduce legal disputes over the authenticity of reporting, but are a means of communicating with competing litigants in the proceedings and informing them of the latest proceedings and proceedings” (Levenson & D’Amora, 2007; Al-Billeh, 2022d).

It is also intended to use modern technological means to inform the parties of the proceedings, a fair warning, or an appeal regulation so that they can consult them and submit a reply to their submissions (Shavell, 1984; Al-Billeh, 2022e).

In the opinion of the researchers, there is no difference in purpose and subject matter between notifications, whether by conventional means, or electronic means, to inform the parties to the lawsuit of the judicial papers to achieve the principle of confrontation between the adversaries, which requires that the opponent be informed of everything his adversary conducts in the proceedings, and to exercise a right of prosecution and defense in the interests of the parties to

the proceedings (Shavell, 1993; Alkhseilat et al., 2022). But they differ in terms of the means of communicating conventional methods through a person called a transcript who communicates judicial papers to the addressee in a place of residence, or a place of currency (YURTSEVER, 2016; AL-KHAWAJAH et al., 2022).

Wherever there is, electronic notification is used as a modern technological means to communicate judicial papers specified by the Electronic Means System in civil proceedings. To address it without moving physically or searching for the workplace (Ibrahim, 2007; Al-Billeh, 2022b; ALMANASRA et al., 2022).

The Means Defined by the System for the Use of Technological Means

The Regulations on the Use of Electronic Means in Civil Judicial Proceedings No. (95) of 2018 set out the means to be used in making judicial notifications electronically, and we will describe these means and find out whether they are made exclusively or, for example, state them as follows:

A- Email

It is the service program that oversees the sending and receipt of messages and documents from computer to computer within the information network and online, or it is a system for exchanging messages between Internet users, which is the use of a network to send and receive messages anywhere in the world and at any time (Erikson & Minnite, 2009; Al-Billeh & Al-Qheiw, 2023).

By e-mail to the person to be notified, notification may be sent, which may be the list of proceedings, an appeal, or a forensic warning. It shall be ascertained that the notification has been sent through the competent official approved by the Ministry of Justice.

Researchers here advise people to protect their e-mail, not giving a password to people for fear of electronic hacks and use of virus protection software.

B- cell phone

One of the most important means of communication invented globally is the cell phone so that phone users can communicate with each other through satellites, geospatial, and aerospace satellites that are wired to each other. Mobile phone provides many services, including voice and flexible communication, SMS, multimedia, and Internet services, In the area of judicial reporting, the system for the use of electronic means in civil proceedings No. (95) For the year (2018), limited to text messaging service as a means of reporting using mobile phones.

Cell phone ownership is verified by the Ministry of Digital Communication and Private Communication Companies such as Zain Orange and Amniyah.

Despite the advantages of mobile notification, most members of the community use and the sender does not need access to the Internet to send the notification, some problems may arise due to the separation of the line for non-renewal of the subscription or because of the use of the phone by another person despite the person's ownership of the other person.

c-The electronic account was established for the lawyer.

The electronic account established for the lawyer stipulates (5/6) of the Electronic Means Use System that the Ministry of Justice shall provide to each lawyer an electronic account on its electronic portal so that this account shall be approved to register judicial and executive proceedings, applications, deposit of regulations, list of evidence and other letters and judicial and executive papers, as well as the article. (5/5) It is for the Ministry of Justice and the courts to rely on information authorized by counsel to conduct civil judicial proceedings by electronic means, thus creating the lawyer's electronic account by linking information and data between the Bar Association and the Ministry of Justice The lawyer has an electronic account activated on his union number and is documented from Through his phone number and private email.

Despite the advantages offered by the electronic account to the lawyer, some shortcomings may appear, especially the permanent disruption of the system of electronic connectivity between the Bar Association and the Ministry of Justice.

d- Any electronic means adopted by the Minister of Justice:

Electronic judicial notifications were not received exclusively but for example, it is evident from the provision of Article (4/7) of the System for the Use of Electronic Means in Civil Judicial Proceedings, or any other means adopted by the Minister of Justice, this system is empowered by the Minister of Justice to adopt any new means that he deems appropriate for electronic reporting. and the system did not require the use of electronic means in civil judicial proceedings that the Court follow electronic means of communication in order but gave the Court freedom.

WhatsApp aims to protect judges, lawyers, court administrative staff, and auditors from the risk of contracting the coronavirus to reduce its spread and to ensure the continuity of the right to litigate and the regular functioning of the courts. According to the defense, Tablighi is a product of excitement from the day after the date of sending the message (Eckbo & Wier, 1985; Alshible et al., 2023; Al-Billeh et al., 2023a).

Justification for the Use of Technological Means of Reporting

Given the rapid development in all areas of technology that led to the emergence of the information revolution in communication and communication which has had the greatest impact on the emerging relationships between individuals and the breadth of interaction between them, this has complicated them, increased conflicts between them and access to justice because they are virtuous among them", it has therefore become necessary to find precise and expeditious means of conducting judicial notifications without which the principle of confrontation between adversaries does not materialize, because of the advantages of electronic means that encourage the use and use of such means in the field of judicial notifications, including (Abu Yusuf, 2015; Isa et al., 2022).

Contact Speed

Modern technological means have great connectivity speed Where anyone can do any part of the world in a matter of seconds, At present speed has become a prominent feature, one of the most important features it offers to modern electronic means is that it gives individuals speed in transactions, It enables him to make a coin from one place without the need for his presence and without costing the time and effort required for conventional reporting, These means have therefore been used in the field of judicial communications because they will provide time, effort and speed in the delivery of judicial communications to those concerned. Litigation (Al-Jemaei, 2000; Al-Billeh et al., 2023b).

Low costs

No doubt, the procedure of judicial notifications through the use of modern electronic means with the obvious effect of reducing expenditures for their conduct, not requiring large numbers of staff to make notifications and resulting in reduced salary and wage expenditures and, on the other hand, reduce the transportation and storage costs of tablet papers in courts so that they are sent, stored and archived electronically on computers so that they can be easily consulted in a short time, Low costs for transportation and storage are required in judicial notifications as important and required evidence for the conduct of proceedings, for many of which electronic notifications save time, effort and costs (Abu Yusuf, 2015; AL-Hammouri et al., 2023a; Al-Billeh, 2023a).

Ease of Use

The use of modern means of communication has become available to the majority of people. They can use these means relatively easily and without the need for high skills to use them. Their use does not require superior skills or the exact possibilities to operate them. All it takes for the notification officer is to learn the basics of their work. By allocating simple courses to employees, to

explain how to use these methods (Levenson & D'Amora, 2007; Al-Hammouri & Al-Billeh, 2023; Al-Billeh, 2023b).

Maintaining Confidentiality and Avoiding Errors

One of the advantages of using electronic means is to maintain the confidentiality of information transmitted through the information ", since only the sender and the recipient have access to such information by electronic means, and the content and information contained therein, cannot be consulted by the other person concerned or by the legal agent; Contrary to traditional notifications that may lose much of their privacy or confidentiality s reputation or social status, Electronic methods of judicial reporting would reduce errors in reporting, including errors in a party's name, national numbers or addresses or the address may be fictitious or may change the location of the address's residence (Al-Jemaei, 2000; Al-Billeh et al., 2023a).

Legal Basis for the Use of Electronic Means in Judicial Notifications

The task of the judiciary is to dismiss the cases brought before it by the litigants who bring the cases and proceed to put an end to the conflict between them. and one of the most important judicial principles to be applied by the Court is the principle of confrontation between the litigants, which requires that the litigant be informed of all his opponent's actions in the proceedings, It also guarantees freedom of prosecution and defense for the sake of justice and the preservation of the parties' interests (Al-Jemaei, 2000; Al-Billeh & Al-Hammouri, 2023).

Legislation must always keep abreast of technological developments in all areas of law, especially judicial procedures.

People Who Are Notified by Modern Electronic Devices

Liabilities are notified if they are a natural person using their proprietary ecosystems If it is required to notify a moral person such as companies, clubs, and State departments, the notification shall be made by electronic media approved by the Ministry of Digital Communication, and the adversaries shall be notified a hand within or outside the Jordanian State if the adversary resides outside the Kingdom (Al-Jemaei, 2000; Al-Billeh & Abu Issa, 2023a; AL-KHALAILEH et al., 2023; Al-Khawajah et al., 2023).

Time When Notification Produces Excitement

The general rule of the Code of Civil Procedure is that notification is a product of its effects on notification, which uses traditional methods from the time the notification is signed on the notification paper or from the time it is not signed,

or from the time it is conducted under the provisions of this Code (Shavell, 1982a; AL-Hammouri et al., 2023b)

Notifications Made by Modern Technological Devices

Notification is a source of legal excitement when the electronic means provided by the system are used from the date of receipt of the sender's text message, email, or any means provided by the system. The law differentiates between two cases:

- Notification of the use of text messages or e-mail or of an electronic means provided for in the system issued for this purpose is a product of its legal effects from the date of receipt.

If the regulations, annexes, notes, or pleadings are not accompanied by electronic notification, such notification shall be deemed to be a product of its legal effects within one week from the date of receipt (Peltzman, 1981; AL-Hammouri et al., 2023c; Al-Billeh, 2023c).

Reporting Time Range

Article 7 (4) of the Regulations on the Use of Electronic Means in Civil Judicial Proceedings provides that ((When making notifications through the mediation of modern electronic devices, the conditions and data stipulated in the Code of Civil Procedure must be observed). Article 4 of the Code of Civil Procedure, it states that (No notification or execution may be made before 7 a.m., not after 7 p.m. or on public holidays unless necessary with the Court's written authorization)

In the opinion of the researchers, the Jordanian legislator may include a provision in the system for the use of technological means of non-compliance within a certain time for electronic reporting. The notification to the addressee may be delayed because of the failure of the electronic system used by the Ministry of Justice or because of a failure on the Internet because of enormous pressure on it (McKnight & Thomason, 2009; Khashashneh et al., 2023; Al-Billeh & Abu Issa, 2023b).

Authenticity of Electronic Reporting

Article 7 of the Regulations on the Use of Electronic Means in Civil Proceedings stipulates that "judicial notification shall be by the same authoritative electronic means as notification by conventional means. Notification made under the provisions of these Regulations shall have the same legal effects as notification made under the provisions of these Regulations".

If the regulations, annexes, notes, or pleadings are not attached with electronic notification, such notification shall be deemed to be a product of its legal effects within one week from the date of receipt (Shavell, 1982b).

Electronic communication is regulated by officials of the Ministry of Justice in general, within the limits of their competence. The official himself checks the data he has organized and has the power of proof as an argument to all people unless it is found to be falsified. In support of the provisions of the Jordanian Law on Evidence, which gave the official stadium an argument to all people, including material acts committed by the public official within the limits of his competence, or signed by interested persons in his presence unless it is found that they were falsified by legally prescribed methods (Peltzman, 1981).

As the subject matter of the case and the date on which the notification was received, the name of the notifier, his signature, the applicant's name and address, and the court or entity in which the notification was made, these statements are of course an argument to all people and may be challenged only by forgery. The system gave the parties to the proceedings who had been notified by electronic devices the right to appeal against the inaccuracy of the communication (McKnight & Thomason, 2009).

Conclusion

The legal system of electronic reporting introduced by the legislator has been examined to facilitate litigation proceedings, to avoid difficulties encountered in conventional reporting in terms of delays in adjudication, and damage to liabilities, and to examine the importance of electronic reporting, the electronic means identified by the legislator for reporting and the justification for use, and the legal basis for its use.

The study has reached several conclusions, the most important of which Judicial notification of the use of electronic means does not differ from judicial notification in which traditional methods are used using the Ministry of Justice's transcript in substance, but in terms of the use of the means used in its procedure. The electronic method used in the reporting procedure is what makes it electronic. And the electronic means of judicial notification did not come exclusively, but, for example, gave the Minister of Justice the adoption of any other means, which has the advantage of encouraging the use and use of such means in the field of judicial communications in terms of speed of communication, low costs, keeping confidential and avoiding errors, and ease of use,

The system of use of electronic means did not indicate the procedures to be followed in electronic communications, when making electronic notifications, but rather the requirements and data to be met in judicial notifications provided for

in the Code of Civil Procedure and traditional judicial notification provided for in the Code of Civil Procedure.

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