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Implementation of national human rights judicial rulings in Jordanian law

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Abstract:

Many judicial rulings are issued by the national courts, and these rulings are useless if they are not implemented. Either those national human rights judicial rulings are implemented by the consent of the convict, or by being compulsory, through the executive authority through the enforcement departments affiliated to the national courts and it is by compulsion the person convicted of carrying out the sentence. The problem of this study lies in the adequacy of the legal texts in finding solutions to implement the national human rights judicial rulings. The researchers followed the descriptive analytical approach by analyzing the legal texts, the opinions of jurists, the jurisprudence, and the comparative approach, in comparison with some Arab laws such as the Egyptian Civil and Commercial Procedures Law, whenever possible, in order to reach the desired results. The researchers reached a set of results and recommendations, the most important of which was: The implementation of human rights judicial rulings is based on an executive case filed before the judiciary through the execution departments of the judicial authority. As for the most important recommendations, the Jordanian legislator should amend the implementation law by explicitly stating the provisions that must be implemented.

Keywords

Execution, judicial ruling, forced execution, voluntary execution.

First: the importance of the study:

The substantive protection of rights lies in the issuance of judgments by the judiciary for its determination and recognition, but this protection is not complete, and therefore it must be complemented by the executive protection of the right. This is done by executing these provisions at the competent enforcement departments, and this is by submitting the judgment for execution to the competent enforcement departments in the event that those judgments are not implemented by the voluntary convict. As there is no benefit from the ruling if, it is not implemented. Therefore, the Jordanian Execution Law showed how to

implement national human rights judicial rulings, which is the subject of the study ([Ibrahim, 1984](#)).

Second: The problem of the study:

The main problem of the study lies in the adequacy of the texts contained in the Jordanian law in accommodating the various aspects of this topic and the adequacy of the solutions that these texts provide for the problems and questions raised by the subject of the study ([A. a. A.-R. Sawi, 2005](#))

Third: Study questions:

To answer the main question, which is the implementation of national human rights judicial rulings in Jordanian law? Several questions are raised, including:

- 1- What are legal judgments and what are their types?
- 2- What are the conditions for implementing human rights judicial rulings?
- 3- What is the competent authority to implement human rights judicial rulings and what are the types of implementation?

Fourth: Study Objectives:

The study of the implementation of national human rights judicial rulings in Jordanian law aims to achieve several goals, the most important of which are:

- 1- Determining legal judgments and stating their types.
- 2- A statement of the conditions for implementing human rights judicial rulings.
- 3- Knowing the competent authority in implementing human rights judicial rulings and indicating the types of implementation of those rulings ([A. a. A.-R. Sawi, Osama, 2005](#)).

Fifth: Previous studies:

There are no studies specialized in the implementation of national human rights court rulings in Jordan, but most of the studies were on the implementation of foreign court rulings in Jordan. This study came to shed light on the implementation of human rights judicial rulings issued by national courts ([Al-Qudah, 2010a](#)).

Sixth: Study Method:

The two researchers will follow an integrated methodology to find a clear and comprehensive framework for analysis and comparison in studying the issue of implementing national human rights judicial rulings in Jordanian law. The most prominent of these approaches are:

- 1- Analytical approach: The researchers will analyze the legal texts, especially those contained in the Jordanian Execution Law and some other relevant legal texts, as well as judicial rulings, describing them accurately, explaining the aspects related to the variables of this study and their criticism ([Mahmoud, 2006](#)).
- 2- The Comparative Approach: The researchers will compare the texts of the Jordanian Execution Law with some Arab laws such as the Egyptian Civil and Commercial Procedures Law, whenever necessary, as well as the opinions of jurists and jurisprudence ([A. Meligy](#)).

Seventh: Study plan:

The method of the study requires the researcher to divide this study as follows:

The first topic: Judicial judgments and the conditions for their implementation.

The second topic: the competent authority in the implementation of human rights judicial rulings and the types of implementation.

Conclusion

Results and recommendations.

The first topic

Judicial judgments and the conditions for their implementation

The right is a material or moral interest that is protected by law and legal protection is considered an element of the substantive right. The right without legal protection does not provide its owner with the interest that is the basis and essence of the right, as the interest that is related to a person with a specific money becomes a right by granting legal protection to it. The content of the right is Interest and legal protection together, and legal protection as one of the elements of the right according to the preponderant trend in legal jurisprudence, is available even if there is no assault on the right. The protection of the right is through the issuance of a judicial ruling from a competent authority that protects what has been requested from the litigants, and accordingly it is necessary to talk about human rights judicial rulings and the conditions for their implementation, through the following two requirements:

The first requirement

Judicial Judgment Subject to Execution

The human rights judicial ruling proceeds in two stages of protection. The first stage is the stage of obtaining the judicial ruling and is called the stage of judicial protection, and this stage is not sufficient to protect rights. Therefore, there must be the other stage, which is the implementation stage, through which the full protection of rights is achieved. The legal implementation is: "fulfillment of the obligation so that the debtor is discharged from it, or it is the entitlement of one's right to another" ([Al-Mansour, 2019](#)). Therefore, the purpose of implementing a legal judgment is that the person who is sentenced submits the judgment to the competent enforcement departments, and the convicted person fulfills what the judgment has been voluntarily or coercively, and by implementing the legal judgment comes into existence.

The mere fact of obtaining the ruling in itself is of no value if it is not implemented, so it was said that (it is not useful to live with a right that has no enforcement). This means that the defendant wins the case twice, once before the trial courts, and once before the enforcement departments. The trial court - or it is a court of the first instance, which is the conciliation and the first instance, or the courts of the second instance, which is the beginning in its appellate capacity and the court of appeal - and the right holder has the right to file a case. This is in order to reach the judiciary's protection of his right and his

legal position when he is attacked or even when threatened to attack him, and the judicial protection is by obtaining a judicial ruling. This ruling has the right to implement it ([Hindi, 1999](#)).

Accordingly, judicial protection varies according to the type and extent of the assault. Sometimes it takes place as soon as a judgment is issued by the judiciary, and at other times it is an activity of the public authority to reconfirm the de facto position of the legal position in material terms to what it was. In these latter cases, the legal regulation gives the creditor the right to enforceable enforcement ("[Jordanian Execution Law No of 2007 and its amendments.](#)").

The judiciary issues the judicial ruling after examining the evidence of the case by the competent court, and it resolves every dispute about the disputed right. The law confirms and guarantees the effectiveness of the ruling and its ability to confirm the right and not allow disputes about its existence by giving it the authority of the decreed order, which considers the ruling the title of the truth, this In addition to the importance of the legal judgment as an executive bond, and accordingly, judicial judgments are in fact the most common executive bond in practical life ("[Egyptian Civil and Commercial Procedures Law No. \(13\) of 1968 and its amendments.](#)").

Judicial judgments differ from other executive bonds towards: the contract, the official anvil, ordinary bonds, and commercial papers in that they confirm the substantive right. On the one hand, its formation surrounds sufficient guarantees to reach the truth, as it is issued by a judge, in a judicial dispute, after investigating the facts and evidence of the case. On the other hand, the law guarantees it a decisive effectiveness in confirming the right through the authority of the res judicata ([Fathi Wali](#)).

Jurisprudence ([Fathi Wali](#)) defines a juridical judgment as: (a written statement issued by an authority with jurisdiction to settle disputes that arise between litigants).

Accordingly, the researchers believe that in the case of human rights judicial rulings, they enjoy the protection of the substantive right, and take the status of binding. And those provisions do not create rights, but rather reveal those rights. The legal judgment is a revealer and not a creator of the right.

Accordingly, the legal judgment in order for it to be considered an executive document must include the following:

1- The executive power of the human rights judicial ruling; These rulings derive that power from the law itself without the need to issue any procedure to confer that power on them, unlike some executive bonds such as arbitrators' rulings, which are required to have the power of enforcement and to paint the execution order on them from the Court of Cassation on the basis of the provisions of Articles (54, 53) of the Jordanian Arbitration Law No (16) for the year 2018.

2- The executive power of a human rights judicial ruling is not removed by any ruling, unlike some other executive bonds, such as a commercial facilitation contract. It is legally permissible for the executive power to be removed from it by a ruling.

3- Disputes related to the executive power of the human rights judicial ruling are raised before the chief execution officer or the trial court (the court of appeal) as a matter of fact, unlike some other executive documents such as the compulsory arbitration ruling, its disputes are not brought before the chief executive ([Fathi Wali](#)).

The human rights judicial rulings that the courts rule by are not all enforceable through the enforcement departments affiliated with the courts. Rather, there are rulings issued by the courts and implemented through other bodies, such as: Jurisdiction is spatially, quantitatively or qualitatively. These judgments are not implemented by the enforcement departments, but by the court that issued the judgment by refraining from

considering the case and referring it to the competent court in accordance with the text of Article (112) of the Jordanian Civil Procedure Code([A. Meligy](#)).

The sixth article of the Jordanian Execution Law No (25) for the year (2007) and its amendments stipulated the executive bonds, including the human rights judicial rulings, as it stated:

a) Judgments issued by human rights courts

Article (280) of the Egyptian Code of Pleadings states, "...and the executive documents are the rulings.....

The second requirement

Types of enforceable legal judgments and their condition

The Jordanian legislator specified the types of human rights judicial rulings that are enforceable at the enforcement departments of the courts, and stipulated that certain conditions be met in those rulings in order for them to become an enforceable executive document. Accordingly, those terms and conditions that must be met in it in order for it to be considered an execution bond will be explained through the following sections:

First branch

Types of enforceable legal judgments14.9

Works with executive power are divided into judicial rulings, which are rulings issued by the courts, and they include rulings and orders, and non-judicial rulings, which are documented documents. There are rulings that are not considered judicial, but are carried out under the supervision of the judiciary, including the reconciliation that is established in the session minutes([Tolba, 2016](#)). The legislator also granted individuals the right to choose arbitrators to issue special rulings called arbitrators' rulings, and these are subject to special rules in relation to their executive power([M. M. Ibrahim, 1984](#)).

The types of executive bonds are mainly judicial rulings, arbitrators' rulings, and there are some decisions of the chief executive that are executive bonds, conciliation minutes organized by the parties to the dispute and approved by the courts, and settlement agreements signed by the parties to the dispute at the Mediation Department and approved by the case management judge or The conciliation judge prepares executive bonds([Al-Qudah, 2010b](#)) , Official bonds, ordinary bonds, and negotiable commercial papers ([Shoshary](#)).

Article 6 of the Jordanian Execution Law specified human rights judicial rulings, which is the subject of our study among the executive bonds that may be implemented, and that human rights judicial rulings are divided according to the image of the substantive ruling into a mandatory ruling: it is the ruling that includes obligating the convict to perform a specific performance subject to enforceable execution, and for example, the ruling to vacate the wage. A judgment that confirms the existence or non-existence of a right or legal position or a specific legal fact, removing the doubt that exists about this existence without obligating the convicted person to perform a specific performance or effecting a change in the right or legal position of the plaintiff. The judgment that decides to create or amend, or that it is a right or an objective legal situation, and one example is the judgment of insolvency of the debtor([See Al-Mansour, 2019](#)).

Judgments are also divided by looking at them from different angles. They have been divided into objective rulings towards: A - in terms of the nature of their subject matter towards: civil rulings, commercial rulings, labor rulings, security provisions, personal status rulings, and penal provisions, and so on. B - In terms of its function towards: substantive provisions (judicial in the strict legal sense), executive provisions, and temporary provisions. C- In terms of their position towards: purely declarative rulings, obligatory rulings, and establishing rulings. And procedural provisions, which include: A- In terms of their authenticity towards: definitive provisions, and non-conclusive provisions. B - In terms of their ability to appeal in various ways of appeal towards: primary, final, having the force of the thing judged, and final. C - In terms of its issuance in the presence of the opponent or in his absence, towards: rulings in presence, and rulings in absentia([Al-Zoubi, 2019](#)).

The legislator in all countries is keen to determine the enforceable bonds, as he mentioned them in the law exclusively. The execution departments are not allowed to accept the execution of an execution bond that is not among those enforceable bonds and it is not permissible to compare them, and the reason is that forced execution causes serious consequences for the debtor([Al-Zoubi](#)).

Executable judgments are among the legal judgments that have been mentioned. They are final judgments, which are characterized by their executive power without being given that force, unlike arbitrators' judgments that must be given force of enforcement by the Court of Cassation([Al-Aboudi, 2007](#)). These provisions must be binding provisions because they obligate the debtor to perform a specific performance that can be enforced. As for the declarative and constitutive provisions that do not obligate the debtor to perform a specific performance, they are not enforceable.

The Jordanian Court of Cassation ruled, "The Execution Law entrusted the departments of execution of judgments issued by all human rights courts.....) ([Barrada, 1988](#)).

The Iraqi Court of Cassation ruled that it is not permissible to implement customs decisions imposing fines, because these documents are not considered executive bonds under the Execution Law or any other law([Al-Aboudi](#)).

Second branch

Conditions that must be met by a legal judgment in order for it to be considered enforceable

The law requires the fulfillment of two conditions in the legal judgment in order for it to be considered enforceable, and they are:

First: The legal judgment should be stipulated by law.

As the sixth article of the Jordanian Execution Law stipulates those bonds that may be executed and are mentioned exclusively, and they include judicial rulings, orders, documented papers, reconciliation minutes approved by courts or conciliation councils, and other papers that the law gives this capacity ([Al-Nimr](#)). What concern us are judicial rulings. Judicial rulings are those rulings issued by a court formed in accordance with the law and with jurisdiction and decide on all or part of the requests or on a matter subordinate to the original requests.

Second: The judgment must include an executive form.

Execution of a judicial ruling is not permissible except by virtue of an executive copy, i.e., the formula of execution has been painted over it, and Article (280/3) of the Egyptian pleadings states, "It is not permissible to execute in other than the cases excluded by a text in the law, except by virtue of a copy of the executive document with the formula of execution" (23).

Explanation of the types of executive bonds shows us knowing the provisions, papers and bonds that the law gave a special power in the execution process, and this power is called the executive power that allows the convicted person to start taking execution procedures based on these bonds (24). All of these provisions must be subject to the executive formula, and that they are equal in executive power - that is, forced execution is based on them - but they are not equal in the power of the decreed order, and therefore some bonds are preferred over others, and the basis of preference is the results of the bond and its emergence from the judiciary or without The judiciary, and therefore the judicial ruling is the most powerful bond undisputed ([Abu Al-Wafa](#)).

The second topic

The competent authority to implement human rights judicial rulings and the types of execution

The competent authority in the implementation of human rights judicial rulings is the enforcement departments of the regular courts, and these courts are stipulated in the Jordanian constitution, as Article (100) of it states, "The types of courts, their degrees, divisions, competencies, and how to manage them are determined by a special law." In implementation of that, No (26) for the year 1952, which was canceled According to Law No (17) of 2001 and its amendments, Jordanian Regular Courts Formation Law.

The legal rules address individuals and they are required to respect them. And their respect for it shall be according to the ordinary course of things of their choice; either because of their conviction of the necessity of respecting the law, or out of fear of being exposed to the penalties it contains ([A. Meligy, Judges, Mufleh](#)).

A person applies the legal rules of his own free will, and this is the principle. For example, a person refrains from committing crimes in implementation of the rules of the criminal law, and buys or sells goods in implementation of the rules of civil law, and sometimes the debtor may refuse to apply those legal rules. Here, resorting to forcing him to respect and implement the law is done through one of the public authorities of the state, which is the judiciary ([Ibrahim](#)).

The two elements of the obligation link are: the element of indebtedness and the element of responsibility, and indebtedness is a link between the creditor and his debtor, according to which the debtor is obligated either to perform a certain performance, or to refrain from a certain performance. As for the liability component, it is represented in the subjection of a person or thing to the authority of the creditor to obtain this performance (28). In order to implement national human rights judicial rulings, it is necessary to indicate the authority concerned with the implementation of these provisions and to indicate the type of implementation, through the following demands:

The first requirement

The competent authority to implement human rights judicial rulings

The competent authority in the implementation of human rights judicial rulings is the execution departments of the regular courts, and the jurisdiction of these departments is either qualitative or spatial. Article two of the Jordanian Execution Law states: "A- The execution of the executive bonds stipulated in this law shall be carried out by a department called (Execution Department). There is a court of first instance headed by a judge called the chief execution officer.....) Article 4 of the same law states: "A- The competent enforcement department is the department that is located in the area of the court that issued the judgment, or the domicile of the convicted person, or the court of the domicile of the convict, or the department in which the executive bonds were created. b- Execution may be carried out in the district in which the debtor's domicile or money is located, or in the district in which payment is stipulated. C- If the implementation requires taking measures outside the district's area, the president decides to delegate another department in which the executive measures will be taken.

From the previous texts, it is clear that the authority competent to implement the bonds, including the national human rights judicial rulings, is the execution department. Conciliation, an enforcement department is formed in that court.

Execution departments have qualitative and spatial jurisdiction. As for qualitative jurisdiction, which is stipulated in Article (6) of the Jordanian Execution Law, including human rights judicial rulings, which is the subject of our study. As for the spatial jurisdiction, the district in whose area there is the court that issued the judgment. If the judgment was issued by the Amman Court of First Instance, the execution department of the Amman Court of First Instance shall have the jurisdiction to implement the judgment or in whose circuit the executive document has been established. The domicile of the convict was issued by the Zarqa Magistrate's Rights Court, and the convict was a resident of Irbid, so the judgment may be executed before the Execution Department of the Zarqa Court of First Instance, or the circuit of the convict's domicile Jerash Court of First Instance Execution Department or the presence of the convicted person's money in it. If the convicted person had funds in a specific execution department, and the judgment was issued by a court that has an execution department, and the convict wanted to execute on the money of the convict, then he may execute the judgment in the circuit in which the money of the convict is located in it, and the purpose of that is to facilitate The procedures for selling those funds, or the department in which the payment was stipulated in its area, the creditor and the debtor were spending, provided that the fulfillment of the obligation in a specific area was agreed to meet the obstacle, then the execution department of the Aqaba Court of First Instance is competent for implementation (29).

The second requirement

Types of Enforcement of Judicial Judgments

The general rule in the implementation of human rights judicial rulings is that the debtor chooses it by his choice, and with this fulfillment, he responds to the element of indebtedness. But if the payment is voluntarily refused, the creditor uses the element of responsibility, so he obtains the performance despite the will of the debtor by compulsion, and implementation has two meanings in the field of civil law: objective and procedural. What he committed himself to by his own free will and without coercion from any party,

and the second is the forced execution and it is in the case of the convicted person's refusal to fulfill what he was committed to with his consent (30). This type is carried out through the enforcement departments affiliated to the courts, as Article (9) of the Jordanian Execution Law stipulates, "It is not permissible to enforce bonds as long as appealing them is permissible, unless the execution is expedited, stipulated in the law or ruled by it." Accordingly, the types of enforcement of human rights judicial rulings will be addressed through the following:

First: optional implementation.

The right to compulsory execution arises based on the existence of a judicial ruling with the creditor, so the law calls it the executive document, which is a legal act that takes a specific form that entitles the holder of the right of forced execution against the debtor. (31) For the person sentenced to voluntary execution, by performing what he committed to without pressure or coercion and at any time he wants, the fulfillment may be before resorting to the court and filing the case, or after resorting to the court and filing the case, or even after a judgment has been issued and it has acquired the strength of the case (32). As if the debtor fulfills the debt motivated by the fear of being forced to pay it through the means prepared by the legal regulation, the implementation here is considered a voluntary act on the part of the debtor, and the implementation is carried out without moving the element of responsibility in the obligation (33).

The Jordanian Execution Law provided for voluntary execution in more than one article in the Execution Law, as Article (22/a) of the Jordanian Execution Law stipulates the following: "A creditor may request the imprisonment of a debtor if he does not pay the debt or offers a settlement commensurate with his financial ability during the notification period to The first payment pursuant to the settlement shall not be less than (25%) of the adjudged amount. If the judgment debtor does not agree to this settlement, the president may order summoning the two parties to hear their statements and conduct an investigation with the debtor about his ability to pay the amount, and he may hear the creditor's statements and evidence on the ability of the convicted and make the appropriate decision.

And Article (24) of the Jordanian Execution Law stipulates, "Detention is denied in the following cases: C- If the debtor declares funds belonging to him sufficient to repay the debt."

Article (34/a) of the Jordanian Execution Law stipulates, "The heir may, after being notified of the notification, pay what he owes by depositing it in the department's treasury."

The researchers believe that there is no difficulty or problem in the voluntary implementation, since the convict carries out what he has committed himself to performing with his own free will and without being forced by the public authority to do so. In the event that the convict does not fulfill his obligation voluntarily here, the convict resorts to compulsory execution.

Second: Forced execution.

The creditor resorts to obligatory enforcement of legal judgments in the event that the debtor does not respond to the implementation of the voluntary rights ruled by him in those provisions. Forced execution is the method that is resorted to in many cases in order to collect debts. Therefore, the concept of forced execution, and its types, must be clarified. This is done through the following two branches:

Section one: Definition of forced execution.

Forced execution was defined: it is the execution carried out by the public authority under the supervision and control of the judiciary, based on the request of the person in whose possession an executive document meets special conditions, with the aim of obtaining a fixed right to the bond from the convict against compulsion ([Ibrahim](#)). This is done by forcing the convict to abide by his commitment in the event that he does not do so voluntarily.

Forced execution is the execution that is carried out by force against the convicted person and is carried out by order of the judicial authority by the execution departments at the request of the convicted person, in the event of non-execution voluntarily.

Second branch

Types of forced execution

Compulsory execution has several types, and there are many criteria for its division, some of which are individual execution. The purpose of it is to satisfy the right of the person sentenced to him, and it is assumed that the convicted person will not perform his obligation, and this is by transferring certain money to the convicted person into money that the convict fulfills his debt from. Including what is collective, and the purpose of it is to satisfy the rights of all those who are convicted, the creditors of the convict, and lead to the insolvency of the convict and thus liquidate all the debts of the convict. An example of this implementation is the insolvency system in the Jordanian insolvency law, which aims to conduct a comprehensive liquidation of the debtor's liability in favor of all those convicted and is under the supervision of the judiciary. This implementation may be direct (in kind) or indirect (by way of compensation). The criterion for division is the way in which the debtor obtains his right and it may be direct; This is done by resorting to the procedures of seizure of the debtor's money and selling it and obtaining the right from its price, and it may be indirect, i.e. through seizure and expropriation ([A. Al-Zoubi](#)). These types will be addressed through the following:

First: Specific or direct refutation:

If the actual implementation of the obligation is the principle, that is, the convict must perform what he is obligated to do. The convicted person has the right to demand from the outset to obtain the implementation in kind, and if the convicted person agrees to implement his obligation in kind, the convicted person may not resort to a demand for implementation by way of compensation in accordance with the rules of the Civil Law, there is nothing to prevent the combination at the same time between the two requests for specific execution and implementation by way of compensation (37). Execution in kind or direct is to compel the convict to perform exactly what he is obligated to do.

He defined specific (direct) implementation: (that it is the execution in which the creditor obtains the same commitment by the debtor, whether it is a commitment to work, and an example of this commitment is the delivery of a specific movable or specific goods that have a counterpart in the market, or the construction of a building or an obligation to refrain from work. An example of this is the obligation not to open a view or not to erect a building, or it was an obligation to transfer the ownership of a specific thing in person or by type) ("[Mediator in the Forced Execution Law, A Study of Direct and Indirect Execution \(Seizures\)](#)")

[According to the Yemeni Pleadings Law, Yemeni Civil Execution and Administrative Seizure, According to the Public Funds Collection Law, ,"\).](#)

The Yemeni Pleadings Law No. (40) of 2002 defines direct execution in Article 348, which is contained in Chapter Five, marked with (Subject of Execution), which states that: Doing an action or abstaining from an action)([Al-Jabali, 2014](#)).

Execution in kind (direct): It is the place of the thing or money on which the execution procedures fall, whether it is movable or immovable, which the convicted person is obliged to deliver originally and is forcibly delivered by direct execution, that is, it is the same as what the convict has committed to in the executive document, whether it is an obligation to perform a specific Or doing an act or refraining from doing an action, in accordance with the debt relationship([Ahmed](#)). If the subject of execution is the delivery of a specific animal to the convicted person, and the convict did not hand it over, here the convicted person obtains it forcibly on behalf of the convict, i.e. he obtains the same animal.

For the implementation of the direct or in-kind implementation to be valid, two conditions must be met:

A-: The absence of a physical impediment to its implementation, as this implementation becomes financially impossible.

In the event of the destruction of the thing under execution, the obligation cannot be executed directly. In this case, the obligation of the convicted person turns into an obligation of a sum of money as compensation, and direct execution is not valid, as in abstaining from an action if the violation took place by the convict performing this act despite his commitment to abstain. In this case, the convict has no choice but to request compensation([Meligy](#)).

B-: The absence of a moral impediment to the direct or in-kind execution.

That is, the execution should be morally possible, so that commitment to it does not lead to compromising the personal freedom of the debtor, so it is not permissible to assign the convicted person to do or refrain from doing an action, despite his will to force him to do so, to do or abstain from doing an act if the law does not allow it. Here, the convict may only request appropriate compensation by making up for the damage he has incurred and the lost earnings due to the non-fulfilment of the obligation in kind by the convict([Judges](#)).

Second: Execution by way of compensation or indirect execution

Execution by way of (indirect) compensation is defined as: (Execution in which the creditor obtains a cash amount to be paid by the debtor in the event of non-specific implementation of the original obligation)([Al-Aboudi](#)).

indirect enforcement or enforcement by way of compensation; It is the implementation of what was ruled in the judgment by seizing the money of the convicted person and then selling it by public auction and converting it into money delivered to the convicted person. It is the way of executing the obligation that is in place of money; because it is not directed directly to money, but rather to movable or real estate owned by the convicted person, it is seized for the account of the convicted person, then it is sold and the convict receives his right from its price. And because the judgment debtor, when executing it on the real estate or movables of the convicted person, affects other rights of the convict; as the subject of execution is not the subject of the obligation, but rather it is money from the money of the convicted person([Meligy, 1996](#)).

And indirect execution, i.e., execution on the money of the convict or by way of attachment, is only in the case of an obligation to pay a sum of money, regardless of the place of the obligation, whether it was originally the payment of a sum of money or it became so after the obligation was transformed into an obligation in return, i.e. through

compensation as a result of Because it is not possible to implement it directly, due to the presence of a material impediment, such as the destruction of the eye that is obligated to surrender it, the occurrence of the act committed to refraining from it, or a moral impediment such as the impossibility of subjugating the convict to perform the work he is obligated to perform. In the indirect execution, the convicted person does not obtain the subject of his right directly, but rather seizes any of the money of the convicted person by expropriation by selling it by public auction in order to convert it into money to fulfill his right from it ([Wali, 1995](#)).

This is in accordance with the general rule, which is that it is permissible to seize any of the debtor's money, since all the debtor's money is a guarantor of the debt, and this is a result of the idea of a general guarantee stipulated by law, according to which the financial liability of the convict is the general guarantee of the convicted person. However, there are funds for the convict that may not be seized and the reason for this is due to a set of considerations created by the law. The law excludes certain funds from the scope of implementation, and they are not valid for it, and if those funds are seized, the seizure is void([Barada](#)). As the Jordanian Execution Law stipulates in Article (29) of it: "It is not permissible to seize the following things:

A- Necessary clothes and furniture for the debtor and his legal dependents. B- Cooking utensils, safes, and food tools necessary for the debtor and his family. C- Books, machines, tools and containers necessary for the debtor to practice his profession or trade, unless the debt arises from their price. D- The necessary provisions for the debtor and his legal dependents. E- The seeds necessary for sowing the debtor's land that he used to cultivate, if he was a farmer. F- Animals necessary for the debtor's livelihood and cultivation of his land, if he is a farmer. G- Feed for animals excluded from confinement, which are sufficient for a period not exceeding the seed season. H- The official dress of government employees and their other official supplies. I- Alimony and robes are ecclesiastical tools that are used for worship. J- alimony.

Conclusion

After studying the implementation of national human rights judicial rulings in Jordanian law, two researchers reached a number of conclusions and recommendations:

First: the results.

1. The courts issue many rulings, and the enforceable judicial ruling is a binding ruling, provided that it is appended to the executive form.
2. Implementation of human rights judicial rulings shall be pursuant to an executive lawsuit filed before the judiciary through the competent enforcement departments affiliated to the judicial authority.
3. There are two types of enforcement of human rights judicial rulings: they are forced execution, which is carried out by the enforcement departments of the regular courts, and optional execution is carried out by the debtor his own.

Second: Recommendations

1. The two researchers hope from the Jordanian legislator to amend the provisions of the implementation law with independent and comprehensive legal texts for all the

conditions and procedures to be followed in the implementation of national human rights judicial rulings similar to the implementation of foreign human rights rulings and arbitration rulings.

2. The researchers hope from the Jordanian legislator to amend the implementation law by stipulating not to resort to forced execution unless the legal judgment to be implemented is appended to the executive formula.

3. The researchers hope from the Jordanian legislator that resorting to forced execution will be in accordance with specific conditions, since this type of execution is by force against the will of the convict and is not done by choice.

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