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THE LEGAL AND PROCEDURAL IMPACT OF THE CORONA PANDEMIC ON PROCEDURAL DEADLINES AND LITIGATION: COMPARATIVE STUDY

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Abstract

The region and the countries of the world as a whole were exposed to a global epidemic of Covid 19 at the beginning of the year 2020, which greatly affected all areas of political, economic and health life. The World Health Organization declared a state of emergency in the world, so countries made partial or total closures and curfews. The Jordanian legislator declared a state of emergency and activated Defense Order No. (5) Of 2020 in accordance with the provisions of Defense Law No. 13 of 1992, and closed all activities except for the medical field. In the judicial field, litigation and court procedures stopped from March 18, 2020 to May 25, 2020, and that, created a legislative vacuum in regulating legal relations, exceeding legal periods, and a defect in procedural deadlines in light of this emergency circumstance. Here, many questions arise about how to address the legal impact on judicial procedures that were suspended as a result of the curfew, the dates of the sessions that were postponed, and the impact on the implementation law in both Jordanian legislation compared to Egyptian legislation.

Keywords

Corona, curfew, emergency conditions, force majeure

I. Introduction

The world witnessed a health disaster that was not taken into account, It was the Corona pandemic, which imposed social, economic and legal effects that led to the cessation of economic activity and judicial procedures related to the rights and freedoms of citizens. The economic transformations that the world was witnessing and the consequent financial or economic difficulties due to the imposition of the curfew in force in most countries of the world, Jordan declared a state of emergency and Defense Law No. 13 of 1992 was implemented resulting in a comprehensive ban and curfew for several consecutive weeks in it. This affected the work of the judicial system, and work procedures stopped for several weeks, resulting in the rise of several questions about the dates of the sessions, the dates of appeal, the judicial periods, the suspension of the implementation of contracts between the state and investors (companies and individuals), as well as between government agencies themselves, and the suspension of the implementation law due to the enactment of the defense order and the curfew. This led to the procrastination in deciding cases by repeating the postponement of sessions, and the overcrowding in the courts as a result of cases arising from the Corona crisis.

The Judicial Council formed a Supreme Judicial Committee with the participation of the Ministry of Justice and the Bar Association for the purpose of preparing a plan to continue examining crime cases (felonies of all kinds and misdemeanors) for the defendants who were arrested in the reform and rehabilitation centers, in coordination with the Reform and Rehabilitation Centers Department. This was achieved by employing technology and trial technology (remotely) in order to prevent prolonging the litigation period in these cases. In the light of the continuation of the official holiday, the Court of Cassation resumed its work in the second week of the crisis, considering that the consideration of cases before it is scrutinized without the presence of lawyers. The work of the judicial bodies and their cadres was organized alternately over the course of one week, taking into account all the health and safety instructions specified by the Ministry of Health, and in a way that enables the judges to study the files of cases presented to them, deliberate in them and issue judgments in them without indicating the impact of the suspension on judicial procedures and legal periods.

But a number of questions raised, the most important of which were, what was the impact of lawyers' non-compliance in attending sessions on the course of judicial justice? Was the plan followed by the Judicial Council in continuing the crime cases done fairly? And what were the effects of the Corona pandemic on litigation procedures and legal deadlines?

II. The Importance of the Research

The importance of the study lies in researching the nature of the Corona pandemic and its legal adaptation and studying its impact after the issuance of Defense Order No. 5, which froze the work of procedural deadlines. Procedural dates are determined in hours, days, months or years, and the Civil Procedure Code has drawn up how to calculate the beginning and end of the date, which means that if these dates are violated, then there must be a penalty for violating it. All court sessions and administrative works were stopped, in an attempt to address and combat the spread of the Corona virus by disrupting judicial

appointments and stopping the validity of legal periods. This affected the speed of the consideration of the cases. Therefore, it was necessary to study this and shed light on the decisions of the Jordanian Judicial Council in this regard compared to the Egyptian judiciary.

III. Research Problem

The problem of the study lies in how to deal with the legal impact resulting from the work stoppage for fear of the spread of the Corona virus between people in the judicial field for both judicial procedures and legal periods, and for what extent the Corona virus is considered one of the applications of force majeure and its effects on the dates of sessions, court procedures, and legal periods and if it is possible for the appellant to invoke force majeure to exercise the appeal outside the legal time limit for which he is entitled to appeal, and finally, accessing to appropriate solutions to achieve justice and ensure that the rights of citizens are not violated.

The problem here is to answer the following questions:

What is meant by the Corona pandemic and what is its legal adaption?

What is the legal impact of the Corona pandemic on litigation procedures?

What is the legal impact of the Corona pandemic on contractual relations?

What are the harms caused by the suspension of judicial work in light of the Corona pandemic?

IV. Research Methodology

The researcher used the comparative analytical approach through the stability of legal texts for emergency circumstances and defense orders, analyzing them and extrapolating the legal texts stipulated in the Civil Procedure Code and comparing them to the Egyptian legislation.

V. Search Plan

This research was divided into two main sections:

The first topic: the Corona pandemic and its legal adaptation.

The first requirement: the concept of the Corona pandemic.

The second requirement: the legal adaptation of the Corona pandemic in Jordanian and Egyptian legislation.

The second topic: the impact of the Corona pandemic on the course of litigation.

The first requirement: the procedural dates.

The second requirement: the judicial litigation.

VI. The first topic: Corona pandemic and its legal adaptation

The world was exposed to an unprecedented event, which is the spread of a global epidemic known as the Corona virus, and most countries of the world have taken precautions and measures to prevent the spread of the Corona epidemic, including Jordan, with the aim of preventing the epidemic from reaching its lands. Therefore, the Jordanian government has

taken several measures, including a curfew, declaring a state of emergency, implementing the defense law, closing all sectors except the medical sector and some vital sectors that are difficult to close. It also suspended the work of the judiciary during the curfew period, and this caused several problems represented in the conduct of judicial procedures, including the dates of the sessions, the legal periods related to appeal, discrimination and other litigation procedures. It is known that the dates of judicial procedures are linked to the exercise of the right to litigation and the failure to respect it leads to the fall of the right, except for the presence of force majeure or an emergency circumstance, and really this is what the countries of the world have been exposed to as a result of the emergence of the Corona pandemic. Here, a question arises: What is the concept of the Corona pandemic and what is its legal adaptation in Jordan legislation compared to Egyptian legislation? Accordingly, this topic was divided into two demands: the first requirement is, the concept of the Corona pandemic, and the second requirement is, showing its legal adaptation.

- **The first requirement: Corona pandemic concept**

The pandemic (plural pandemics) is known in language as the general epidemic that spreads among humans in a large area such as a continent, for example, or may expand to include all parts of the world.

As for the Corona pandemic, it is known as a wide strain of viruses that may cause disease in animals and humans. It causes a number of respiratory diseases ranging in severity from the common cold to more severe diseases such as Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS). The newly discovered corona virus causes Covid-19 disease, as Covid-19 is an infectious disease caused by the last discovered virus of the Corona virus family. The Corona pandemic appeared on December 30, 2019 in Wuhan, Republic of China, and the credit for discovering the Corona virus is attributed to a Chinese ophthalmologist at Wuhan Central Hospital. The matter was ambiguous at first, because it was believed that the SARS virus might return, but the acceleration of events and the rapid spread of the disease led to the Chinese authorities to conduct further study, and soon they knew the genetic makeup of the virus. On January 22, 2020, the Chinese authorities informed the World Health Organization of the presence of the virus which has been named the Corona virus. On March 16, 2020, a joint statement was issued by the International Chamber of Commerce and the World Health Organization calling on the private sector in the countries of the world to take measures to address the Corona virus pandemic, and Jordan declared a state of emergency, applied the defense law, and announced a comprehensive ban in the country.

- **The second requirement: Legal adaptation of the corona pandemic**

The Corona pandemic sparked sharp controversy about its legal basis. A legal adaptation of the Corona pandemic was established, and legal opinions differed in adapting the Corona pandemic, some of them considered it as emergency conditions, and some considered it as exceptional circumstances.

Accordingly, we must distinguish between emergency circumstances and force majeure.

- **Section one: emergency circumstances**

The origin is that the procedural dates for judicial sessions and legal periods are adhered to, except for the presence of force majeure or an emergency circumstance. The emergence of the Corona pandemic affected these appointments and were suspended and disrupted throughout the duration of the curfew imposed by the Jordanian legislator on all areas in the country, since the countries of the world adapted a pandemic Corona as a force majeure, although some countries considered it an emergency or exceptional circumstance. In order to adapt the Corona pandemic to force majeure or emergency circumstances, it is necessary to study each of them as follows:

First: The concept of emergency circumstances in Jordanian legislation

The Jordanian legislator did not define the theory of emergency circumstances, but rather dealt with it in the civil law. The Jordanian legislator organized the theory of emergency conditions in the Jordanian Civil Law No. (43) For the year 1976 in Article (205) of it "If Available on the website (*Pandamic*) <https://ar.wikipedia.org/wiki/%D8%AC%D8%A7%D8%A6%D8%AD%D8%A9> (*World Health Organization*), available at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/q-a-coronaviruses>)

"If exceptional (A M Dumar, 2009), general incidents occur that could not have been foreseen, and their occurrence resulted in the implementation of the contractual obligation, even if it doesn't become impossible, but becomes a burdensome to the debtor in a way that threatens him with heavy loss, the court may, according to the circumstances and after balancing between the two parties, reduce the burdensome obligation to a reasonable extent if justice requires such thing and any agreement to the contrary is void: A. The emergency circumstances referred to in Article 205 do not make the implementation of the obligation impossible, but rather become burdensome for the debtor, threatening him with heavy loss. Here, the Court of Cassation is permitted, according to the circumstances and after balancing the interests of the two parties, to reduce the burdensome obligation to a reasonable extent if justice requires that, and any agreement to the contrary is void. This is also what the Jordanian Court of Cassation referred to in its Decision No. 1013/1992 dated 30/6/1993.

It also defined it as "a general unfamiliar or abnormal situation, or a general material fact that was not taken into account by the contracting parties at the time of the contract and they are not in a position to arrange its occurrence after the contract, and which entails that the implementation of the contractual obligation will be stressful for the debtor so that he threatens him with a heavy loss." Among the laws that refused to adopt the theory of emergency circumstances are the Moroccan Civil Code and the Lebanese Law of Obligations and Contracts, as there is no text in which they accept the theory.

Second: Conditions of Emergency Circumstances

1- The emergency situation must be an exceptional event. This condition means that the incident should be emergent and exceptional, and this applies to the Corona pandemic as it is one of the pests that are rare and not familiar.

2- That the emergency circumstance must be general. This means that the emergency circumstance should be general and not specific to a specific person, and this is what some legal scholars stipulated. It is not sufficient in applying the theory of emergency conditions that the exceptional event that occurs is specific to the debtor alone, no matter how grave it is, or specific to a few people, rather, the accident must be general. It is not permissible for the debtor, for example, to invoke a disease that afflicted him or the death of a relative. This condition applies to the Corona pandemic, as it is a general emergency circumstance that includes everyone.

3- The emergency situation should be unexpected. The emergency circumstance must be unexpected and unpredictable, and this applies to the Corona pandemic, as it is a sudden and unexpected matter, and it cannot be pushed out. This theory is named after this essential condition.

4- Executing the obligation with the presence of the emergency circumstance should be stressful. This condition is apparent and clear, and this is consistent with what the legal scholars mentioned in their requirement that the circumstance is to be onerous in implementation. They mentioned its meaning and standard. (Bani Ahmed, 2005; Dr. Chalabek, 2006) (Abu Al-Wafa, 1990; Al-Nadawi, 1995; Balqasem, 2013)

• **Section Two: Force Majeure**

Force majeure is defined as "every external action in which man has no control, such as natural accidents, wars, and other unexpected issues." The Jordanian Civil Code referred to force majeure in Article 247 that "in contracts binding on both sides, if a force majeure occurs that makes the implementation of the obligation impossible, the corresponding obligation lapses with it and the contract is terminated on its own. The law defines the "force majeure" condition as a form of foreign cause which denies a causal relationship between the defendant's act and the damage suffered by the plaintiff; That is, it represents every event external to the thing that cannot be foreseen, and can never be induced. Force majeure arises either from an act of nature, such as earthquakes, lightning, floods and snow. The Corona pandemic is considered one of the natural things that may result in force majeure, or from human action, and makes the implementation of the obligation impossible. This is what was indicated in Article 247 of the Jordanian Civil Code, and the Jordanian Court of Cassation Decision No. 310/1999 dated 4/28/1999.

In Egypt, the Egyptian Court of Cassation defined force majeure as: "Force majeure within the meaning of Article 165 of the Civil Code may be war, earthquake or fire, as it may be an administrative order that is enforceable, provided that it is impossible to foresee and payment is impossible too."

The Egyptian Court of Cassation also went in a decision to define force majeure as "an abnormal, extraordinary event that one cannot expect, could not have the ability to expect it, and could not have the ability to prevent or foresee it, and with the result that it not only makes fulfillment of the pledge difficult, but completely impossible."

In application of this, the Egyptian Court of Cassation ruled, "If it is clear from the circular No. 5 of 2011 issued by the Ministry of Justice that there is a force majeure that prevented the litigants from appealing the rulings in the period from 26/1/2011 until 7/2/2011, which necessitated stopping the validity of all The procedural deadlines related to

the appeal against the judgments resulted in suspending the validity of the date of the appeal that took effect from the issuance of the appealed judgment on December 28, 2010, so that this date is calculated on the basis of adding the period prior to the suspension of the validity of the date for the period following the demise of the reason for this suspension. If the contested judgment violates this consideration and does not count the period during which the period of appeal was suspended due to the aforementioned statement, he then makes a mistake in applying the law and is tainted by shortcomings in causation.

Force majeure terms:

- 1- Unexpectancy is an objective criterion that requires to be absolute.
- 2- Impossibility of payment.
- 3- No mistake was made by the debtor holding on to force majeure.

Undoubtedly, from which we can conclude that the spread of the Corona virus epidemic as a material fact may be a force majeure, since the previous conditions were fulfilled, namely the lack of expectation and the impossibility of payment in the manner previously explained. For the condition of the debtor's fault, the case of the "Corona" virus is an element that is not logically required. Rather, the circumstances surrounding the spread of the virus or those generated by it may, in turn, be a force majeure, such as stopping work.

9- (Dr. Yunus 2018, pg 4(Dr. Ali, 2018).

10 - (See the text of Article No. 165 of the Egyptian Civil Code).

11 - (Decision of the Egyptian Court of Cassation No. 13 of 1963, a decision quoted from the book of (Al-Fakhani and Abdel-Moneim, 1966).

12 - (Decision of the Egyptian Court of Deficiency No. 12097 of 2012, issued on 3/5/2012, copied from Alaa Radwan, Youm7 newspaper, published on 3/29/2020 on the website <https://www.youm7.com/story/2020/3/29/4692760> (Radwan, 2012).

13- (Dr. Thanoun, 2008)

VII. The second topic: The impact of the Corona pandemic on the course of litigation

To know the impact of the Corona pandemic on litigation procedures and the validity of legal periods, it is necessary to clarify the concept of litigation procedures and contractual relations, and to clarify the legal effects of the Corona pandemic on civil litigation procedures. Therefore, this topic was divided into the following two requirements:

- **The first requirement: Procedural appointments**

Procedural deadlines represented by periods, which are a period of time specified by the legislator to practice a specific legal procedure, as the litigants must abide by them during this period. As for litigation procedures, they are the set of laws that govern the methods and practices used in civil lawsuits. It can be issued by the legislature or the courts. These can be laws used in dealing with a civil case from the time the initial complaint is filed and the commencement of the initial court hearings; That is, it is approved during the hearings.

The Jordanian legislator specified the procedural dates in the Code of Civil Procedures in Article No. (59/5) with regard to the management of the civil case from the dates for submitting the written response to the list of claims, requests and defense evidence. It also specified the normal and extraordinary appeal periods represented in appeal and cassation, as stated in Article No. (178) The duration of the appeal is within thirty days in the judgments ending the litigation and ten days in the decisions that are subject to appeal, and accordingly these procedures must be taken within the stipulated periods and the failure to respect them shall forfeit the opponent's right to appeal and reject the appeal in form, unless the law provides for the extension, suspension or force majeure. And here by force majeure is meant the occurrence of cases or accidents that affect the periods, such as wars, epidemics or natural disasters. Once the conditions of force majeure are met, the legal periods and judicial procedures are suspended.

Force majeure affects litigation procedures and legal periods, by either they are suspended or extended in order to preserve the rights of the litigation and the achievement of justice, as the period in which the ban is not counted and the period begins after the expiry of the force majeure and the resumption of judicial work. To study this, this requirement is divided into two branches, the first is the suspension of judicial work in Jordan, and the second is the suspension of judicial work in Egypt.

Section One: Suspension of Judicial Work in Jordan

We see that with the Corona crisis, work in the courts has been suspended, but the Judicial Council has worked to facilitate the work of the judiciary that does not require the presence of a lawyer, as the Judicial Council has postponed the consideration of all cases pending before all courts and whose sessions are set during the period between 3/16/ 2020 and 04/15/2020 automatically without the need for the litigants to attend, and considering this period as part of the judicial recess for this year, with all courts continuing their work to consider some cases and requests whose nature requires taking urgent measures that cannot be postponed.(Asfour, 2010).

With the announcement by the Council of Ministers of the official holiday starting from the date of March 18, 2020, the Judicial Council decided that the Public Prosecution departments will continue their work during the holiday and that all courts remain open, at a minimum, for the purposes of conducting emergency business, and in light of the continuation of the official holiday, as it came "on 3/17/ 2020 The Judicial Council of the Court of Cassation met at the invitation of its president in his book No. (2/1/1/806) dated 3/17/2020. And in light of the Cabinet's announcement to suspend all official institutions and departments with the exception of vital sectors, and following our decision no. (67) For the year 2020 issued on March 15, 2020, and after deliberation, the Board decided the following:

1. Emphasis on what was stated in Judicial Council Decision No. (67) Dated 3/15/2020.
2. The Public Prosecution Departments shall continue their work during the holiday specified in the decision referred to above, and the Chief Public Prosecutor, in coordination with the Public Prosecutors, determines the shifts of the Public Prosecutors, each according to his jurisdiction.
3. All courts remain partially open, at a minimum, for the purposes of conducting emergency business. The president of each court determines the names of judges, chief

executives, and execution judges who are required to be present in the court according to the needs of the court and its subsidiary courts.

4. Considering the holiday period specified in the Cabinet decision an official holiday for the purposes of appeal periods and other procedural dates.

5. Addressing His Excellency the Minister of Justice to nominate the employees assigned to work during this period in coordination with the chiefs of the courts and the public prosecutors.

6. Addressing the Prime Minister to inform him of the content of the decision to take the necessary measures to allow the movement of judges and prosecutors who hold a permit from the head of the Judicial Council." The Court of Cassation resumed its work in the second week of the crisis, on the grounds that the cases before it are reviewed without the presence of lawyers.

The cases brought before the courts of appeal and the courts of first instance were dealt with in their appellate and scrutiny capacity by the same mechanism that was followed in the Court of Cassation, as all these cases were distributed to the governing bodies and their presence in their business centers was coordinated alternately for the purposes of deliberation and preparation of judgments. By the end of April, a percentage of (100%) of the cases was accomplished. What remained for courts were the pending cases, for which the heads of the courts have been instructed to prepare a plan to consider these cases directly after the ban period ends, in coordination with the Bar Association, and with the option of lawyers to hold trials using the (remote) arbitration technique provided that the parties agree on this.

16- (Decision No. (69) for the year 2020 issued by the Judicial Council 03-17-2020)

17- (See Resolution No. (80) of 2020 issued by the Judicial Council 04-28-2020)

As for the cases brought for scrutiny before the courts of first instance and the courts of appeal, work has been done to send all these cases to the judges in their places of residence, for the purposes of completing their studies and preparing the preparatory and final decisions for them, so that those decisions and judgments are prepared for pronouncement in the first session when the parties of the case attend.

As for the civil judgments enforcement departments, it continued to work during the crisis for the purposes of ensuring the transfer of the amounts deposited on the account of the executive cases to the convicted persons on the specified dates without delay using the electronic bank transfer service.

The Defense Order No. (5) Of 2020 states the following:

- 1- The validity of all periods and dates stipulated in the legislation in force shall be suspended, whether they are statute of limitations, lapses, failure to hear a case, or periods for taking any litigation procedure before all types of courts in the Kingdom, public prosecution departments, arbitration bodies, enforcement departments, wages authority, and any conciliation council. In addition to Mediation, discipline, and others which exercise competencies similar to those of these councils, even if these periods are among the periods to which the endowment does not apply.
- 2- All periods and dates necessary to take any action with any ministry, government department, public official institution or public institution under any applicable legislation, including the Social Security Corporation, the Department of Lands and Surveys, the Companies Control Department, the Customs Department, the Greater Amman

Municipality, other municipalities, shall be suspended. In addition to the prescribed periods for non-isolable agencies.

- 3- The period of time for submitting public and private sales tax returns, which must be submitted during the prescribed official holiday during the period of operation of Defense Law No. (13) of 1992, shall be suspended.
- 4- The endowment does not include the periods and dates set for fulfilling the financial obligations owed to state departments, official public institutions, and public institutions.
- 5- The periods suspended under Clauses (1), (2) and (3) of Paragraph (First) of this defense order shall be completed from the date of the Prime Minister's decision that institutions, official departments and courts start their work. "

The researcher here sees that the legislator has frozen the legal periods, as the defense order stipulates the suspension of the validity of all periods, and the dates stipulated in the legislation in force, whether they are periods of limitation, fall, failure to hear a lawsuit, or periods to take any litigation procedure in all types of Courts in the Kingdom, Public Prosecution departments, arbitration bodies, enforcement departments, the wages authority, in addition to any conciliation, mediation, and disciplinary council and others which exercise competencies similar to those of these councils, even if these periods are among the periods to which the endowment does not apply. This is what was approved by the Judicial Council, "The Council decided to clarify Clause No. (4) of Resolution No. (69) related to legal periods as follows: ((The official holiday period or any extension thereof as a result of the emergency circumstance, for being a force majeure, shall not be counted of the appeals periods and any other procedural deadlines)." And this is what the Court of Cassation ruled. "The plaintiff was not satisfied with this decision, so she submitted a request to the President of the Court of Cassation to grant her permission to cassette, and she was granted permission by Resolution No. (469/2020) dated.

18-(<http://www.jc.jo>)(*Jordanian Judicial Council*)

19 - (Decision No. (70) for the year 2020 issued by the Judicial Council 03-24-2020) 16/2/2020. Her attorney was notified on 20/2/2020 and he submitted a list of discrimination on 25/2/2020. Then he was notified of the distinguished on 12/3/2020 and then submitted a reply list on 27/5/2020. That was done on 18/3/2020, corresponding with the validity of the terms and dates which continued till May 31, 2020. Therefore it was submitted within the legal period."

The researcher here believes that this matter is very important and necessary because it deals with periods and dates in litigation procedures and others that are related to specific periods, as it was a duty to explain this because it deals with the rights of individuals, so the clarification came to preserve primarily the rights of citizens and the stability of the judiciary. The defense order emphasized that the required payment orders are to be paid because there are electronic payments and banks are open and life continues.

Defense Order No. 5 related to the duration of the litigation procedures was issued, according to which all periods and dates stipulated in the legislation in force were suspended, and the provisions of the Companies Law No. 22 of 1997 was suspended, too. The order suspended the validity of all periods and dates necessary to take any action with any ministry, government department, public official institution, or public institution, under any applicable legislation. As the Jordanian legislator considered the Corona pandemic as a force majeure, which resulted in the issuance of the defense order, and which affected the legal periods and

litigation procedures, as the legal periods were suspended during the Corona pandemic from 3/18/2020 to 5/31/2020. However, there are those who believe that it was until 5/26/2020, and that appeared in some decisions, such as the decision of the Amman Court of First Instance.

In terms of form: the court found that the appealed decision was issued in a legal case against the appellant on (10/03/2020), and he submitted his appeal on (31/05/2020 AD), as the legal deadlines were suspended during the Corona pandemic from The date of (18/03/2020 AD) until 25/05/2020 AD, Accordingly, the appeal was submitted within the legal period, so the court decided to accept it in form.

The respondent, through her attorney, was informed of the list of appeal on (06/08/2020 AD), and she submitted her answer sheet on (06/17/2020 AD), and within the legal period, so we decide to accept it in form.”

The writer here believes that the Jordanian legislator has exceeded the legal period of appeal due to the presence of force majeure that prevented the appellant from submitting his appeal within the legal period based on the defense order that stipulated the suspension of the work of the courts in light of the Corona pandemic.

Accordingly, the researcher finds that when the judicial work stops completely, it means that the cases prepared for scrutiny and which are to studied scrutiny have been separated. The researcher sees that the legislator could allow remote work, the use of the electronic system, and the conduct of trials remotely, similar to many sectors that continued to work remotely.

20-(The Court of Cassation in its capacity as a Jurist, Judgment No. 3430 of 2020 - issued on 09-09-2020)

21- (Amman Court of First Instance in its Appeal capacity, Judgment No. 968 of 2020, issued on 7/16/2020, your decision)

22- (See Article (1) of Communication No. (6) issued on the basis of the provisions of Defense Order No. (5) of 2020 As of 05/31/2020, institutions, official departments and courts will begin their work, and all suspended periods and dates under clauses (1), (2) and (3) of Paragraph (First) of Defense Order No. (5) of 2020 shall be completed.

Finally, the researcher finds that the procedural deadlines are of great importance in the framework of the civil lawsuit, and these dates are determined by certain times during which the procedural work must be carried out, and it is forbidden for the procedural work to be carried out after the expiry of these deadlines.

Section Two: Suspension of Judicial Work in Egypt

Egyptian law stipulates cases of stopping the validity of the dates of judicial procedures in the event that the country is exposed to a case of force majeure that affects the validity of the dates and legal periods.

If society is exposed to exceptional circumstances that disrupt the normal course of life in it, such as cases of natural disasters, sedition, internal or external wars, and the spread of contagious epidemics that require citizens to stop practicing their lives and work and stay in homes for fear of the spread of the epidemic or other manifestations and situations of force majeure that prevent the normal course of life in society This requires that the validity of the

legal periods stipulated by the legislator to perform a judicial procedure to be suspended until the removal of the impediment.

Accordingly, the Egyptian legislator, following the Corona pandemic, issued Resolution No. (206) in mid-March of the year 2020, to postpone all cases before the courts, and this postponement continued until May 16, 2020, in line with the state's plan to confront the Corona virus.

- **The second requirement: Judicial litigation**

A general emergency matter that was not taken into account may occur and makes it impossible for the opponent to file a lawsuit with the judiciary during the period specified by the law, as in the case of wars or internal disturbances and the spread of epidemics and diseases. This is what actually happened in light of the spread of (Corona virus), as it paralyzed movement at the internal and external levels, by imposing a curfew by the competent authorities, while disrupting the work of state authorities, including the judiciary, and stopping the work of the courts. So, what is the effect of this on the litigation?

Accordingly, we will divide this topic into two branches. In the first we will discuss the concept of judicial litigation and in the second we will discuss the impact of the Corona pandemic on the litigancy.

Section one: The concept of judicial litigation

The judicial litigation is the direct result of the use of the case, which is based on the judicial claim, as this claim results during the presentation of the case to the judge, and that is what is expressed as the judicial litigation, since it is based on a set of specific procedures that should be legally respected by the judge who is obligated to supervise it until the end. The last stage in it, as well as the litigants who are obliged to respect the principle of confrontation between them, and therefore the general rule is to follow the case procedures until their expiry with the issuance of a judgment that terminates them by the judge to end all disputes between individuals.

Judicial litigation is defined as the sum of the procedural actions issued by the litigants, the judge, his assistants and others, which constitute a procedural medium that serves as the general framework within which the draft judicial decision called a judgment, and which will be issued at the end of the litigation to finish it. They are the procedures that start from the time of filing the lawsuit and end with the ruling on the subject and may not end with it. It is a legal situation arising from the initiation of the case, arranging a legal relationship between the litigants. Accordingly, the researcher believes that the judicial litigation is a complex procedure, which begins with the judicial claim and then follows its procedures in a temporal and logical sequence until it reaches its natural end, which is the issuance of the judgment. These procedures do not proceed according to the desire of the opponents or the sole discretion of the judge, but are subject to a specific system drawn up by law, in order to achieve the goal of judicial work.

Second section: The impact of the Corona pandemic on the judicial litigation

Accessing to justice is sometimes hampered by a number of difficulties, including those related to formal procedures at the level of making, appealing, and executing sentences. Sometimes it leads to losing the right due to a procedural defect that can be bypassed so that the judiciary does not remain shackled to formalities that may waste rights. Therefore, the Jordanian legislator worked to stop the terms and disrupt the work of departments, including the courts, which led to the suspension of the discussion of the pending case that needs the presence of the parties. The Corona pandemic imposed a number of new measures in a number of fields, with the aim of protecting individuals and limiting the spread of the epidemic. Some of these procedures were aimed at maintaining the functioning of certain sectors, including the field of litigation, where the work of courts in Jordan was suspended, unlike some countries that resorted to remote trials such as Morocco, with the aim of ensuring the continuity of the judicial facility and protecting the rights of the accused to expedite their trial, except In Jordan, electronic dealing was limited to the registration and submission of papers without the existence of remote trials.

The Jordanian legislator has created, under the recent amendments, many texts that allow this, including what allowed electronic registration, and the exchange of regulations, as "Article (4) of the system of using electronic aids in civil judicial procedures No. 95 of 2018" states:

A: It is permissible to register lawsuits and requests, pay fees for them, notify them, exchange lists, memoranda and other papers therein, and conduct communications by electronic means as follows:-

1. The entire statement of claim and its attachments shall be filed by electronic means.
2. The court shall notify the claimant of the acceptance of its registration.
3. After notifying the other party the statement of claim and its attachments, the lists may be exchanged between the parties to the case using electronic means.
4. The parties to the case are required to submit the original papers that were deposited under this paragraph through electronic means to the court at the first session following the procedure that was carried out by electronic means, under pain of nullity of this procedure.

B. The executive bonds shall be deposited by electronic means, and the execution judge shall instruct the creditor to produce them.

c. Electronic payment is accepted for the purposes of paying claims and requests fees in accordance with the provisions of this system(Alqudhah, 2004).

D. The Minister may issue the necessary instructions to organize the process of registering judicial and executive cases and requests, paying fees, depositing regulations, evidence, memoranda and other papers, conducting correspondence and hearing witnesses by electronic means. It is permitted to regist cases and hear witnesses remotely. it is permitted for the court to hear witnesses through electronic means, either automatically or according to a request of one of the parties. In the event that the witness resides in an area outside the jurisdiction of the court, or in the event that the witness is unable to attend the competent court for any reason, the system allows hearing witnesses through electronic means between courts, but with ensuring that there are no influences on the witness's will. This means that electronic means should enable the court to see the place of the witness clearly.

The legislator has also introduced an amending system of expertise before the regular courts for the year 2020. The system comes for the purposes of organizing the accreditation of experts, institutionalizing their work before the courts, and enabling the Ministry of Justice to collect allowances for their accreditation and for each type of expertise.

Therefore, the researcher believes that the Corona pandemic has disrupted the work of the courts. It was more appropriate for the legislator to use technology to continue the work of the courts and consider the case by holding trials remotely.

Those aforementioned official decisions and the successive executive procedures that followed had an impact on the judicial system in Egypt, especially the procedures and dates of litigation. The Minister of Justice, Counselor Omar Marawan, announced that he directed all courts of first instance and appeals to announce an administrative postponement of all hearings, starting on April 4, for a period of two weeks, as part of the state's plan to confront the new Corona virus, in order to preserve the health and safety of citizens, judges and litigants.

This decision, which was scheduled to end on April 15, has been implemented. The researcher here sees that the terms and judicial work have been suspended after the issuance of Resolution No. 252 of 2020 - to April 23 and then again to May 14, in line with the decision of the Council of Ministers to extend the period the ban on the movement of citizens to that date. This is from the point of view of the administrative judiciary. With regard to the ordinary judiciary, the Court of Cassation decided, in line with the decisions of the Prime Minister, to postpone all sessions until May 14, while continuing to work administratively, and it was adopted by the courts of first instance and appeals at the level of the Republic. This means that the decisions are not to suspend work, but are only decisions to postpone sessions and consider cases with reducing the number of employees working in them and dividing the dates of their attendance and departure. In this regard, it should be noted that the continuation of administrative work in the courts has an important legal effect. That is, the continuation of the pleadings dates in force without being interrupted or suspended. The aforementioned decisions only affected the continuation of the sessions. As for the clerk's office and the reporter's registry, work continues. Therefore, the litigants can carry out all the litigation procedures on time, from filing the lists of cases and appealing the appeal or cassation without any suspension and on the dates in force. The researcher here sees that what the Jordanian legislator did was better than the Egyptian legislator, as he stopped the judicial work and the periods to protect the rights of individuals, while the Egyptian legislator stopped the hearings without Suspending the terms, and this makes the matter stressful for the rights holders and may cause their loss.

VIII. Conclusion

The subject of the study is the legal and procedural impact of the Corona pandemic on procedural deadlines and judicial litigation, a comparative study. The importance of the study lies in researching the nature of the Corona pandemic and its legal adaptation and studying the resulting impact after the issuance of Defense Order No. 5 that froze work with procedural deadlines.

The dates are determined in hours, days, months, or years, and the Code of Civil Procedures has drawn up how to calculate the beginning and end of the date, which means

that if these dates are violated, then there must be a penalty for violating them, except in the dropping of some rights in the lawsuit and sometimes the right to the lawsuit as a whole is dropped, such as the date of appeal and the date of appeal by discrimination. All court sessions were stopped and administrative work was stopped, too, in an attempt to address and combat the spread of the Corona virus by disrupting judicial dates and stopping the validity of legal periods. This affected the speed of deciding on the case, so it was necessary to study this and shed light on the decisions of the Judicial Council in this regard, comparing it to the Egyptian judiciary. This was addressed by dividing this research into two sections. In the first, we dealt with the Corona pandemic and its legal adaptation by explaining the concept of the Corona pandemic and its legal adaptation in Jordanian and Egyptian legislation. In the second topic, we dealt with the impact of the Corona pandemic on the conduct of litigation through two demands. In the first we dealt with procedural deadlines, through the statement of Defense Order No. 5, compared with the Egyptian legislation and judiciary, and in the second demand we dealt with judicial litigation by defining it and explaining the impact of the Corona pandemic on procedural appointments and judicial litigation.

The researcher concluded a number of results, the most important of which are

1- The Corona pandemic is considered a force majeure that makes it impossible to continue judicial work with the announcement of the comprehensive ban and the suspension of sessions

2- The Jordanian legislator, according to the Defense Law, enacted Defense Order No. 5, which suspended the validity of all periods and dates stipulated in the legislation in force, whether they were periods of limitation, fall or failure to hear a case, or periods to take any litigation procedure before all types of courts in the Kingdom and public prosecution departments Arbitration boards, enforcement departments, wages authority, any conciliation, mediation, and disciplinary board, and others which exercise competencies similar to those of these boards, even if these periods are among the periods to which the endowment does not apply.

3- The Judicial Council continued to consider the cases that require scrutiny examination, and judicial work resumed in Jordan on 6/1/2020, and the courts resumed hearing the case in the usual manner.

IX. Recommendations:

1- The researcher recommends the need to continue judicial work because of its importance and role in society and Judicial authorities should work to find alternatives instead of stopping judicial work and freezing periods because it is one of the most important sectors concerned with the rights of individuals and the extension of security and peace in society.

2- The researcher recommends the need to use technological means in the courts in order to continue the judicial work during the presence of force majeure by activating the electronic trials system and interrogating witnesses remotely, continuing to enact legislation and creating an electronic environment that can face pandemics and force majeure conditions.

3- The researcher recommends for more researches and studies on electronic courts with the aim of resorting to them in the event of emergency circumstances or force majeure instead of closing the courts and stopping the sessions.

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