

LEGAL STUDIES AND TERMINOLOGY IN ENGLISH

- 1- An introduction to the study of Law.**
- 2- Rights and persons.**
- 3- Civil Law.**
- 4- Criminal Law.**
- 5- Commercial Law.**
- 6- International Law.**
- 7- Selected Legal Terms and intellectual property.**
- 8- Brief dictionary in legal terminology.**

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Introduction

Studying introduction to the law aims to provide students with:

- 1) General Juristic Principles which are necessary to study the various branches of law.
- 2) Special legal terminology.
- 3) Law aims at organizing the conduct of individuals in society.
- 4) And also organizing the relationships which arise in society.
- 5) Law is a body of rules which organize the affairs of citizens.
- 6) Law indicates the rights and duties of individuals towards each others in society.
- 7) Law protects individual activities.

And also provide the student with the source of obligation the contract and proof of the right.

In this book we also provide the student with selected terminology in intellectual property and at end of this book we provide the students with brief dictionary in legal terminology.

So, it is necessary to study introduction to the law, to know, the nature of the law, the sources, the branches, the rights and how the law can be applied.

Dr. Mohd Abu-Baker

Acknowledgment

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Part one:

An Introduction To the Study of Law

Section one: Theory of law (نظرية القانون)

Necessity and purpose of law:

Legal rules appeared when man began to live in society which varies from one county to another, and which is same in namely – the law science.

The purpose of law aims at organizing the individuals in the society. And the welfare of the community as a whole, it protects also the liberties and private interest of individuals.

So as to live all in peace on these societies.

Law	قانون	Legal	قانون
Society	مجتمع	Science	علم
Purpose	غاية	Organize	ينظم
Individual	الفرد	Welfare	الرفاه
Community	مجتمع	Protect	يحمي
Liberty	الحرية	Private	خاص
Interest	اهتمام		

Definition of Law: تعريف القانون

The term "Law" means a body of general rules that govern the behavior of individuals in society and which persons must obey, even by force, if need be.

- a) **The characteristics of legal rules this definition indicates the essential of the characteristics of legal rules:**

1) The legal rules are general and abstract:

general rules	قواعد عامة	govern	يحكم
behavior of individuals	سلوك الفرد	must obey	يخضع
force	قوة	essential	ضروري
characteristics	وصف	legal rules	قواعد قانونية
General	عامة	abstract	مجردة
applied	يطبق	category	فئة
equity	عدالة	citizens	المواطن

General:

The legal rules is applied to every person it may be applied to a category of persons or to a single person.

Like: (The employee, lawyers, Judges, Merchants)

(Organizes the powers of the presidents of the state)

It is general in space and permanent in time.

It realizes equity among citizens

2) The legal rules are social:

The legal rules exist only in the human beings, who live in a community and the relationships between the persons in this community.

3) Legal rules govern the conduct of

individuals in the society:

The legal rules govern the conduct of individuals through the state, or the relationships of the authorities of the state, and law organizes social of the behavior which takes place in the form of external action.

Social	اجتماعي	Human beings	العنصر البشري
Relationship	علاقة	Conduct	سلوك
Individual	الفرد	Govern	ينظم، يحكم
Authority	سلطة	State	الدولة
Behavior	سلوك	External	خارجي
Action	فعل		

4) The legal rules are compulsory and are

Accompanied by sanction:

The persons who violate the law the public authority imposed sanction upon them.

And the sanction are different from the point of nature and force:

The sorts of sanction are:

Penal sanction

Civil sanction

Administrative sanction

Compulsory	إلزام	Violate	يتعدى
Imposed	يفرض	Sanction	عقوبة
Differ	يختلف	Nature	طبيعة
Force	قوة	Sort	نوع
Penal sanction	عقوبة جزائية	Civil sanction	عقوبة مدنية
Administrative sanction	عقوبة إدارية		

B) imperative and complementary rules:

according to the liberties of the individuals the relationships with other activities of the individuals, the force, legal rules are classified into two categories:

1) Imperative rules.

2) Complementary rules.

1- **Imperative rules are:**

In organizing society, state sets by law certain restrictions on some of liberties and activities of the individuals and imposing on them imperative and prohibitive rules which they must obeyed and respect.

Example: (Otimparative Rules)

* Prohibit murder.

* The age of majority shall be eighteen & solar years.

2- The restriction of law is not absolute. It allows individuals in the society to enjoy certain liberty in organizing their relationships with others and which individuals can violate.

Example:

If two persons in a contract agree to pay the price upon delivery and they agree to delay the time of price the rules goes into effect.

Imperative	أمره	Complementary	مكملة
Relationships	علاقة	Liberty	حرية
Force	قوة	Classified	تصنيف
Category	طائفة	Impose	يفرض
Abide	ملزم	Absolute	مطلق
Violate	مخالفة	Restriction	حصر، تحديد

D) Distinction between legal rules and social rules of conduct.

Legal rules: Aim to organize the relationships of the individuals in the society and if the individuals violate these rules the public authority impose sanction against them or to abide these rules.

However: Other social rules which govern individuals conduct in society as:

Curtsey rules, customs, tradition moral, ethical and religious commandments are:

Differ from legal rules in

- a) The sanction: there is sanction upon those who violate legal rules.
- b) The purpose: of legal rules aim at security, stability in society moral rules aim at achieving ideals, aspire to man's perfection.
- c) Clarity and definition legal rules are defined and clear and easy to apply.

But moral rules are not, and different respectively.

Therefore: The crucial difference between rules of law and rules of morality lies in the method of enforcement of each.

Curtsey	الاحترام	Customs	العادات
Tradition	التقاليد	Moral	الأخلاق
Ethical religious commandments	التعاليم الدينية	Ideal	الكمال
Aspire	يطمح	Perfection	الكمال
Respectively	على التوالي	Crucial difference	الفرق / الحاسم
Clarity	وضوح	Clear	واضح

Section two:

Classification of the law:

Legal rules are classified into public law and private law.

These is the common classification employed by the Roman. Moreover the most usual used in all over the world and Jordan. This classification depends on the existence or non existence of the state as a party in the legal relationships that govern by these rules.

1) Public Law:

Public Law:

- 1) Regulate the constitution of the supreme and Subordinate authorities of the state.
- 2) Whether legislative, executive, or judicial.
- 3) The methods of the operation of the legislative authorities' executive authorities And judicial authorities.
- 4) The rules which govern the relation of the

state authorities in an administrative capacity

With private individuals.

5) The state acts as the representative of the
Community as whole.

Private law	قانون خاص	Public law	قانون عام
Classification	تصنيف	Most usual	الأكثر شيوعا
Depends on	يعتمد على	The state	الدولة
Govern	يحكم	Regulate	ينظم
Constitution	دستور	Supreme	السلطات العليا
Authorities	سلطات	Legislative	التشريعية
Executive	التنفيذية	Judicial	القضائية
Methods	أساليب	Administrative	بصفته الإدارية
		Capacity	
Representative	يمثل	Community	المجتمع

However if the state in its competence as possessor of sovereignty, is a party in the legal relationship which the law govern, the legal rules in this case are termed as the rules of public law.

And if the state is not considered as possessor of sovereignty in the relationship which the law organizes the legal rules this case are named as rules of private law.

So the branches of law are two:

(1) Public law.

(2) Private law.

Competence	أهلية	Possessor	ملك
Sovereignty	سيادة	considered	اعتبار

(1) Public law:

a) Definition of public law:

Is the body of rules that govern the relationships which the state is considered as a party that possesses authority and sovereignty.

b) Branches of public law:

The branches of public law are:

- 1) Public international law. القانون الدولي العام
- 2) Constitutional law. القانون الدستوري
- 3) Administrative law. القانون الإداري
- 4) Financial law. القانون المالي
- 5) Penal law or criminal law. القانون الجزائي
- 6) The law of criminal procedures. أصول المحاكمات الجزائية

1) Public international Law: القانون الدولي العام

Definition:

- 1) The public international law is the body of legal rules that organize the relationships among states and determine the rights and duties of each at times of peace or of war.
- 2) or: The body of legal rules which are binding upon states and other international persons in their relations with one another.

Branches of Public law	فرق القانون العام	Public international law	القانون الدولي العام
Binding	ملزم		

1)Subjects of public international law:

The subject of public international law are:

- 1) The rules that indicate at time of peace and war.
- 2) The rules which organizing the relationships which relating to the international institutions with each others.
- 3) The rules which organize the relationships with states and individuals.

2) Constitutional law: القانون الدستوري

Definition: Is a body of legal rules that determine regime of the state.

(Its public authorities).

(The competence of each).

(The relationships among these authorities).

(The relationships between these authorities and individuals).

Or) The form of the state determines the members of its government and fixes the limits of the powers accorded to each.

Subject	موضوع	Indicate	يعبر، يظهر
Constitutional law	القانون الدستوري	Regime of the state	أجهزة الدولة
Competence	اختصاص		

Subject of constitutional law:

1) Determines the system (Regime) of the state.

(Republican, Royal, Democratic, Dictatorial, or Parliamentary).

2) Determines the authorities of the state:

a) Legislative authorities. (السلطة التشريعية)

b) Executive authorities. (السلطة التنفيذية)

c) Judicial authorities. (السلطة القضائية)

Determine	يحكم، يفصل، يقرر	Republican	جمهوري
Royal	ملكي	Democratic	ديمقراطي
Dictatorial	دكتاتوري	Parliamentary	برلماني

3) Administrative law – (القانون الإداري)

Definition and subjects:

Definition:

Administrative law is the body of legal rules that concerned with the constitution and relations of those members of the executive which are charged with the care of those public interests which are the object of public administration and the relation of the administrative.

Or: is the body of legal rules that indicate how the executive authority functions.

The subjects of administrative law are:

- (1) The organization and functions of the supreme executive authority.
- (2) The organization of the military and naval established and the police.
- (3) The management of state property.
- (4) The control of irrigation.
- (5) The regulation of trade.
- (6) The organization of education and public health.
- (7) It indicates the relationships between the state and its employees.
- (8) It determines the administrative acts the necessary conditions of their

validity and methods of controlling them.

Law	القانون	Administrative	الإداري
Charged with	الموكل إليها	Concerned	يهم
Function	مهام	Supreme	العليا
Indicate	يحدد	Military	عسكري
Naval	بحري	Property	أموال
Trade	تجارة	Indicate	يحدد
Validity	شرعية		

4) Financial law:

Definition and subjects:

Definition:

Is the body of legal rules that govern public funds of the state its various revenues, such as taxes, dues, and loans, and the ways of collecting any spending such funds.

Or: The rules which organize the budget and the taxes.

The subjects of financially law are:

- 1) The budget.
- 2) The taxes.
- 3) Public loans.
- 4) The revenues of the state.
- 5) The expenses.

Financial law	القانون المالي	Public funds	النفقات العامة
Various	متنوع	revenue	الدخل العام
Taxes	الضرائب	Dues	المستحقات
Loans	القروض	Spending	المصاريف
Budget	الميزانية	expenses	النفقات

5) Penal law or criminal law: القانون الجزائي

Definition and subjects of penal law:

Is the body of legal rules that determine crimes and types of punishment.

The subjects of penal law are:

1) The rules that indicates the conditions of crimes and the punishment of each.

2) Types of crimes:

a) Felonies (Felony). (جناية)

b) Misdemeanors. (جنحة)

c) Contraventions. (مخالفة)

Felonies	جناية	Misdemeanors	جنحة
Contraventions	مخالفة		

6) The law of penal procedures: أصول المحاكمات الجزائية

Definition:

It is a group of legal rules that indicate the procedures that must be taken from the time of the commitment of a crime till the time of inflicting punishment on the wrong-doer.

the subject of the law of penal procedures are:

(1) Arresting and interrogating the criminal.

إلقاء القبض على المخالف وأخذ إفادته

(2) Committing him to the trail.

(3) Executing the punishment inflicted on him.

Commitment	مخالفة	punishment	يوقع العقاب
Inflicting			
Wrong-doer	المخالف	Arresting	اعتقال
Interrogating	استنطاق	Committing	تقديم
Trail	العدالة	Executing	تنفيذ العقوبة
Punishment	عقوبة		

2) Private law:

Private law is a body of legal rules that govern the relationships among the individuals in general or between individuals on one hand and the state as an ordinary person doing ordinary acts. And not as possessor of sovereignty and authority on the other hand.

The branches of private law are the following:

- (1) Civil law. القانون المدني.
- (2) Commercial law. القانون التجاري.
- (3) Maritime law. القانون البحري.
- (4) Air law. القانون الجوي.
- (5) Labor law. قانون العمل.
- (6) The law of civil procedures. قانون أصول المحاكمات المدنية.
- (7) Private international law. القانون الدولي الخاص.

Private law	القانون الخاص	Rules	قواعد
Govern	يحكم	Relationship	علامة
Individuals	افراد	On one hand	من ناحية
State	الدولة	Possessor	مالكة
Sovereignty	سيادة	On the other	من جهة أخرى
Hand authority	يد السلطة		

(1) Civil law: القانون المدني

Definition of civil law:

Is the body of legal rules that organize the relationships among individuals except the relationships organized by other branches of private law?

Subjects of civil law: الحقوقية الشخصية

Civil law usually includes two kinds of relationships: الحقوقية المادية

- 1) The personal status relationships.
- 2) Real Status.

(2) Commercial law: القانون التجاري

Definition of commercial law:

Is that body of legal rules that organize the relationships arising from commercial acts.

Definition	تعريف	Organize	ينظم
Commercial law	القانون التجاري		

Subjects of the commercial law:

It includes:

- 1) The duties of merchants. واجبات التجار
- 2) Various kinds of companies. أنواع الشركات
- 3) Commercial contracts. العقود التجارية
- 4) Bankruptcy. الإفلاس
- 5) Commercial acts. أعمال التجار

3) Maritime law: القانون البحري

Definition of maritime law:

Is that body of legal rules that organize the special relationships which arise from sea navigation?

Sea navigation	ملاحة بحرية
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Subjects of maritime law:

It includes:

- 1) The rules of selling. قواعد البيع.
- 2) Buying. الشراء.
- 3) Shipping الشحن
- 4) Insuring ships and their shipment. تأمين السفينة والشحنات
- 5) Maritime contract. عقود بحرية.
- 6) The relationships between the captain and crew. الطاقم : Crew
- 7) The relationships between the captain and the crew on one hand and the ships owner on the other hand.
- 8) Maritime loans. القروض البحرية.

4) Air law: القانون الجوي

Definition of Air law:

Is that body of legal rules which govern and settle all matters arising from, or relating to civil aviation

Or: Air law is that body of legal rules which settle all matter arising from the use of aircraft.

Subject of Air law:

It includes:

- 1- Air aviation.
- 2- Rules of selling and buying.
- 3- Shipping and passengers.
- 4- Insurance.
- 5- Air contract.

6- The relationships between the captain and crew.

7- Air loans.

The relationships between the captain and crew on one hand and the owner on the other hand.

Air Law	القانون البحري	Settles Matters	بفض النزاع
Arising from	تظهر، تنشأ عن	Air Aviation	الملاحة الجوية

5) Labor law:

Definition of labor law:

Is that body of legal rules that organize the relationships which arise between the laborers and the employers.

Subjects of labor law:

It includes:

1- The relationships between the laborers and employers.

2- Protect laborers.

Labor Law	قانون العمل	Laborers	العمال
Employers	صاحب العمل	Protect	يحمي

6) The law of civil procedures: قانون أصول المحاكمات المدنية

Definition of law of civil procedures:

Is that body of legal rules that determine the procedures that must be taken in civil courts to protect the rights if they are subject to disputes

Subjects of civil procedures:

It includes:

- 1- Organization of civil courts. تنظيم المحاكم المدنية.
- 2- The law of evidence. قواعد الإثبات.

7) Private international law: القانون الدولي الخاص

Definition of private international law:

Is that body of legal rules which organizes the relationships among individuals bearing of foreign elements.

The subjects of private international law:

If include:

- 1- It determines the competent court. تحديد المحكمة المختصة.
- 2- The law that must be applied. القانون الواجب التطبيق.

Bearing of	له صلة	Bearing	صلة
Foreign Element	عنصر أجنبي		

Section Three:

Sources of law: مصادر القانون

Definition:

The sources of law means:

The bodies of rules or principles according to which a judge is bound to decide cases.

Either material or formal sources.

Material sources are:

(Those from which the substance of law is derived).

These sources are numerous such as:

- 1- Social.
- 2- Natural.
- 3- Geographical.
- 4- Political.
- 5- Religious facts.
- 6- Traditions of the nation.

Formal sources are: المصادر الرسمية

Which the legal rules derive their obligatory force they are:

- 1- Legislation. التشريع
- 2- Custom. العرف
- 3- Religion. الدين
- 4- Doctrine. المبدأ القانوني
- 5- Jurisprudence. الفقه

Principles	مبادئ	Case	دعوى
Material	مادية	Formal	شكلي

The sources of Jordanian law: مصادر القانون الأردني

The sources of Jordanian law are the following:

- 1- Legislation. التشريع
- 2- Islamic law (Religion). الشريعة الإسلامية
- 3- Custom. العرف
- 4- Equity. العدالة
- 5- Judicial decision. السوابق القضائية
- 6- Jurisprudence. الفقه

Legislation is the first source of law in Jordan, and if the judge or the court shall find no provision in the legislation, they shall decide by the

rules of Islamic law, and if there is none then by the custom, and if there is none by the rules of equity the judge may refer to a judicial decision for guidance and also the juries prudence.

(1) Legislation: التشريع

Definition:

Is the formulations of legal rules by a competent authority according to determined procedures in the state.

Legislation is the principal source of modern law.

The judge has to resort to it to settle disputes unless he can not find a provision in the original sources.

Legislation plays a very important part in law-making at the present day.

Legislation	التشريع	Settle Disputes	يفصل في النزاع
Provision	نص		

(1) Legislation issues from the legislation authority in Jordan.
It is embodied in the chamber of deputies.

Sometimes:

(2) Under exceptional circumstances the executive authority issued regulation.

According to the competence entitled to it by the constitution.

Enactment of legislation:

The steps of enactment legislation:

- 1- initiative of legislation. المبادرة بالتشريع
- 2- the promulgate of legislation. إصدار التشريع
- 3- the publication of legislation. نشر التشريع
- 4- delay of information. مهلة الإعلام
- 5- codification. التقنين

Abrogation of Law: إلغاء القوانين

Abrogation means abolition of legislation which is not produced without posterior one.

There are two kinds of abrogation:

- 1) Express abrogation إلغاء صريح
- 2) Tacit abrogation إلغاء ضمني

Changers of deputies	مجلس النواب	Exceptional circumstances	تحت ظروف استثنائية
Executive authority	سلطة تنفيذية	Enactment of legislation	إصدار التشريعات

(2) Islamic law (Religion) الشريعة الإسلامية

Islamic law is considered as a principal formal source with respect to personal status, all matters that came under the title (personal status) are subject to the application of religious rules of various sects.

Islamic sharia is considered as a source of law by the Jordanian law maker.

Personal Status	الأحوال الشخصية	Various sects	الطوائف المختلفة
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(3) Custom: العرف

Definition of custom:

Is collective habit or usage that has become constant and it is considered obligatory by the public

Or: Is a usage or practice of the people, which, by common adoption.

And acquiescence and by long unvarying habit has become compulsory and has acquired the force of a law with respect to the place and subject matter to which it relates.

Custom	العرف	Usage	عادة
Practice	تعامل	Common adoption	بالتبني والإذعان

Acquiescence	ممارسة	Unvarying habit	غير المتغيرة
Compulsory	ملزم	Acquired the force of law	يكتسب قوة القانون
With respect to	فيما يتعلق	Subject	الموضوع

4) Equity: العدالة

Rules of equity:

Equity denotes:

- The spirit and habit of fairness.
- Justness and right dealings.
- Which regulate the inter course of man with man.

العدالة هي:

- أ- بروح وعادة الاتصاف.
- ب- العدل والتعامل الصحيح.
- ج- الذي ينظم تعامل الإنسان مع الإنسان.

Or as it is expressed by Justinian:

- To live honestly.
- To harm nobody.
- To render to every man his due. حقه

أو كما عبر عنها جستنيان:

- أ- ان تعيش برف.
- ب- أن لا تؤذي أحداً.
- ج- وأن تعطي كل ذي حق حقه.

5) Judicial precedent or (Precedent)

Or (Case law). السابقة القضائية.

Precedent plays as the most important part in law making in England.

But in Jordan the judicial precedent is not interpretive source of law, formal source of law.

The judge is not bound to follow judicial precedent court may refer to it for guidance only.

So, judicial precedent:

- 1- Should guide the judge to better apply the proper legal rules to the dispute before him.
- 2- Precedent can fill up the gaps in the body of existing law.

دليل، استرشاد:

- 1- ترشيد القاضي نحو تطبيق أفضل للقاعدة القانونية السليمة على النزاع المعروض أمامه.
- 2- تسد السابقات الثغرات الموجودة في القانون النافذ.

Interpretive	معروف	Bound to	ملزم
Guidance	دليل، استرشاد		

6) Jurisprudence (آراء الفقهاء) الفقه

(Doctrine)

(Scientific Opinion)

Jurisprudence means:

The legal opinion given by jurists and all authors who are interested in law.

The legal opinion the works of such jurists as professors or lawyers.

The court and the judge may refer to it for guidance only. And it is not a formal source.

Jurists	الفضاء	Professors	الأستاذ
Lawyers	المحاميين	Formal source	مصدر رسمي

Section Four:

Applicants of law:

The law effected immediately and the law governs the future facts and transactions from the time it comes into force to the time of its abrogation (this means):

إلغاء مبدأ الأثر غير الرجعي للقانون. Non-retroactive effect of the law.

Governs	يحكم	Facts	حقائق
Transaction	تحدد	Force	قوة
Abrogation	إلغاء		

Questions for Part One

(An Introduction to the study of Law)

1) Define Law?

.....

.....

2) There are four characteristics for Legal rules, what are they?

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-

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-

3) According to the force Legal rules classified into two categories,

what are they?

-

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4) What are the classification of the Law?

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-

5) Define public Law?

-

6) Define private Law?

7) What are the branches of public Law?

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8) What are the branches of private Law?

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9) Complete these sentences:

a) The subjects of financial law are:

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-
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b) The subjects of civil Law are:

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-
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c) The Subject of Air Law are:

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-

d) The subject of Labor Law are:

-
-

10) There are three authorities of the state, what are they?

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-
-

11) There are three sorts of sanction what are they?

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-
-

12) What are the sources of Law in Jordanian Law?

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-
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-
-
-

13) What means custom.

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-
-

14) Justinian expressed Equity as the following:

- a)
- b)
- c)

15) Jurisprudence means:

16) Give the meaning of these English Legal Terminology in Arabic

Legal Terminology.

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-

17) Give the English Legal terminology of these Arabic Legal

Terminology.

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-
-

Part Two

Rights and Obligations

Section One:

1) legal rights and duties: الحقوق والواجبات

Every person has a right to enjoy personal security within the limit of the law.

The nature of the right makes it necessary to impose the duty.

To observe it upon all members of the community.

Classification of rights:

1) Political rights: (الحقوق السياسية)

- a) Right to vote. حق أن ينتخب
 - b) Right to be voted. حق في أن ينتخب.
 - c) Right given to citizens. حق المواطنة
- ##### 2) Civil rights: (الحقوق المدنية)
- a) Public rights. (حقوق عمامة)
 - b) Family rights. (حقوق عائلية)
 - c) Patrimony rights. (حقوق الملكية)

Another classification of rights

Various classification of rights in general are in use:

These are the best known:

1) Public and private: الحقوق العامة والخاصة

As such: Nature personality.

Membership of society.

Personal freedom.

Private property.

Public officials.

Political rights.

- 2) Rights in rem and rights in person am. الحقوق المطلقة والحقوق المعتبرة
- 3) Real and personal right. الحقوق العينية والحقوق الشخصية
- 4) Personal and proprietary rights. الحقوق الشخصية والحقوق المالية
- 5) Positive and negative rights. الحقوق الإيجابية والحقوق السلبية
- 6) Perfect and imperfect rights. الحقوق الكاملة والحقوق الناقصة

The subjects of rights: أصحاب الحقوق

There are two sorts of subjects:

1) Physical persons: الأشخاص الطبيعيين

The personality of man commences upon birth and ends upon death.

To be considered a person, man must be born a live.

And to distinguish every person from his fellowmen his name and his domicile.

2) Moral persons: الأشخاص المعنويين

As: Societies. المؤسسات

Municipalities. البلديات – أمانة العاصمة

Association. الجمعيات

Section Two:

Persons and things: الأشخاص والأشياء

1) persons:

Legal conception of personality المفهوم القانوني للشخصية

Law is considered only with persons as holders of rights and subjects to duties.

1) Physical person.

2) Moral person or / juristic persons.

In Jordan civil section (43): "Every person who attains full age enjoys his mental power and it not interdicted shall have full capacity to exercise his civil rights".

Article (47) no person shall be allowed to disown his personal freedom of capacity to amend their provision

(2) Moral Persons or (juristic persons) or (Legal Person):

The modern law confines the legal personality only to natural person but also attributes it to a group of person i.e companies or to amounts of many collected and specialized for the achievement of a specified objects, i.e Associations, and foundations.

(3) Classification of Moral Personal.

(a) Private moral persons.

(a) Public moral persons.

The most important of these are:-

(a) Associations.

(b) Societies.

In the Jordan Civil Code:-

Section (50) legal persons are:-

1: The state, the municipalities and the public and other establishment granted legal personality by the law.

2: The religious bodies and sects whose legal personality is recognized by the state.

3: Al- Waqf

4: The Commercial and civil companies.

5: The societies and establishment established by virtue of the provision of the law.

6: Every group of persons who are proved by virtue of the provisions of the law.

Section 51: From the Jordanian Civil law:

A legal person shall be subject to the limitation prescribed by the law enjoy all the rights except those which attach to the natural elements of the person thus shall have:

A) An independent financial obligation.

- B) Capacity within the limits by the law.
- C) The rights of adjudication.
- D) An independent domicile.
- E) It has representatives who express its will.

Legal Terminology:	المصطلحات القانونية:
Person	شخص:
Subject	يحكم، يطيع، يتمتع، موضوع، يخضع:
Term	مصطلح:
Capable	مؤهل، قادر:
Enjoying rights	يمارس حقوقه:
Physical Person	الشخص الطبيعي:
Natural Person	الشخص الطبيعي:
Obligation	التزام:
Personality	شخصية:
Commence	يبدأ:
Consider	محل اعتبار:
Infant	طفل:
Legal conception of personality	المفهوم القانوني للشخصية:
Holder of right	يتحمل الحقوق:
Subject duties	يمارس الواجبات:
Signs	علامات:
Distinguish	تميز:
Place of Domicile	مكان الإقامة
Usually Residence	مكان الإقامة العادي:

Section (43): من القانون المدني الأردني المادة (43)

Every person who attains full age, enjoys mental power and is not interdicted shall have full capacity to exercise his civil rights.

كل شخص يبلغ سن الرشد متمتعاً بقواه العقلية ولم يحجر عليه يكون كامل الأهلية لمباشرة حقوقه المدنية.

Section(47): من القانون المدني الأردني المادة (47)

No person shall allow to disown his personal freedom or capacity or to amend their provision.

ليس لأحد النزول عن حرية الشخصية ولا عن أهليته أو التعديل في أحكامها.

Moral person	الشخص المعنوي:
Or Juristic person	الشخص القانوني:
Legal person	الشخص القانوني:
Confine	حدد:
Attribute it to	يوصف إلي، ينسب إلي:

Company	شركة:
Collect	يجمع:
Achievement	يهدف إلي:
Specified Object	موضوع مخصص:
Association	جمعية:
Foundation	مؤسسة:
Societies	شركات:
The State	الدولة:
Municipalities	البلديات:
Establishment	مؤسسات، أنشأت:
Granted	منح:
Religious Bodies and Sects	الهيئات والطوائف الدينية:
Al- Waqf	الوقف:
Commercial and Civil Companies	الشركات التجارية والمدنية:
Societies	جمعيات:
Establishment	مؤسسات:
Virtue	بمقتضى، وفق:

Section (52) from the Jordan civil code.	المادة (52) من القانون المدني الأردني تنص على
------------------------------------------	-----------------------------------------------

A legal person shall subject to the limitation prescribed the law, enjoy all the rights except of these which attach to the natural element of the person.

الشخص الحكمي يتمتع بجميع الحقوق إلا ما كان منها ملازماً لصفة الإنسان الطبيعية وذلك في الحدود التي قررها القانون.

Thus it shall have	فيكون له:
A: An independent financial obligation	ذمة مالية مستقلة:
B: Capacity, within limits by the law	أهلية في الحدود التي يقرها القانون:
C: The rights of adjudication	حق التقاضي:
D: An independent domicile	موطن مستقل:
E: It have a representative who express its will	يكون لها من يمثلها في التعبير عن إرادتها

2) Things and Property الأشياء والأموال

- Extent of the use of the right.
- Abuse of use of the right.
- Division of the right.

(1) Things

Things are the objects of rights. However, not all things are apt (ملائم- مناسب) to be the objects of rights.

1. Some of things are excluded by their nature such as, the sunrays.
2. Some other things excluded by the provision of law such as narcotics.(مخدرات)

Classification of things:

Things are of various classifications: The most important of which are:

1. Corporal and in corporal things: مادية وغير مادية
2. Consumable and inconsumable: المستهلكة وغير قابلة للاستهلاك
3. Movable and immovable: منقولة وغير منقولة
4. Fungible and non-fungible: تقبل البديل ولا تقبل البديل

Section (53) from the Jordanian Civil Code:

(Property is any things or right which has material value in dealing).

المال هو كل عين أو حق له قيمة مادية في التعامل

2. The Rights:

Section (61)

Legality negates liability for damage, this whoever exercises his right lawfully not guarantee the damage that may result there from.

الجواز الشرعي ينافي الضمان فمن استعمل حقه استعمالا مشروعاً لا يضمن ما ينشأ عن ذلك من ضرر.

Section (62)

Injury dose not justify, injury and damage shall be abated.

لا ضرر ولا ضرار والضرر لا يزال

Abuse of the use of the right:

Section (64)

1. Liability for damage shall be due from the person who exercises his right unlawfully.

يجب الضمان على من استعمل حقه استعمالاً غير مشروع

2. The exercise of the right shall be unlawful:

ويكون استعمال الحق غير مشروع:

- a. If there is intent to aggress:
إذا توفر قصد التعدي
- b. If the interest to be achieved from the act is unlawful.
إذا كانت المصلحة المرجوة من الفعل غير مشروعة.
- c. If the benefit therefore disproportionate with the damage inflicted on others.
إذا كانت المنفعة منه لا تتناسب مع ما يصيب الغير من الضرر.
- d. If it exceeds custom and usage.
إذا تجاوز ما جرى عليه العرف والعادة.

Division of the Right "or" Classifications of Rights are in use

The following are the best known:

1. Public and private rights:

Public right means: rights which enjoyed by all persons as a consequence (ما هو لصيق) of natural personality and membership of society Thus:

Rights of personal security	:الأمن
Rights of personal freedom	:الحرية
Rights of personal reputation	:السمعة
Right to vote	:لاانتخاب
Right to sell-to lease	
Right to marry	
2. The personal right.	
3. The real right.	
4. The moral right.	

1. Personal rights: الحقوق الشخصية

Is the legal relationship between a creditor and a debtor.

2. Real rights: الحقوق العينية

Is a direct power over certain and it may be original (الأصلي) Or consequential (تبعي)

- a. The original right are (i.e: ownership (ملكية), disposition(تصرف) User (استعمال), residence (إقامة) .
- b. Consequential (التبعية) real rights are (i.e.: securities confirmed by possessive mortgage (الرهن الحيازي) (التوثيقات الثابتة بالرهن التأميني)

2. Moral rights: الحقوق المعنوية are those attached to non-material things i.e.: the right of author, inventor, artist, trademarks.

Things and property	الأشياء والأموال
Apt	ملائم – مناسب
Excluded	مستثنى
Narcotics	المخدرات
Material	قيمة مادية
Dealing	تعامل
Legality negates	الجواز الشرعي
Liability for damage	ينافي الضمان
Corporal and in corporal thing	أشياء مادية وغير مادية
Consumable and inconsumable thing	مستهلكة وغير مستهلكة
Movable and immovable thing	منقولة وغير منقولة
Fungible and non fungible thing	تقبل البديل ولا تقبل البديل
Damage	ضرر

Injury	إصابة
Abuse	إساءة استعمال
Unlawful	غير مشروع
Guarantee	ضمان
Intent to aggress	قصد التعدي
Disproportionate	لا تتناسب
Custom	العرف
Usage	العادة
Consequence of	لصيق بـ
Reputation	السمعة
Vote	انتخاب
Sell	بيع
Lease	إيجار
Marry	الزواج
Original	أصلي
Consequential	تبعي
Securities confirmed by security	التوثيقات الثابتة بالرهن التأميني
Possessive mortgage	الرهن الحيازي
Author	مؤلف
Inventor	مخترع
Artist	فنان
Trademark	علامة تجارية

Section Three

Proof of the Right

The means of proof the right are the following:

1. Writing	الكتابة
2. Testimony	الشهادة
3. Presumptions	القرائن
4. Inspection and expertise	المعاينة والخبرة
5. Declaration	الإقرار
6. Oath	اليمين

General Rules of evidence:

1. The fundamental principle is freedom from liability and the creditor shall prove his right and the debtor may revoke it.
2. Certainty can not be dispelled by doubt.
3. The fundamental principle is that a thing remains as it originally and accidental matters do not exist.
4. And that which is proved to have existed at a certain time shall be adjusted to remain unless contrary proof is available.
5. That which is apparent is evidence for defense and not for entitlement.
6. Proof is due from the plaintiff and oath from him who denies.
7. Evidence is for proof of the contrary of the apparent and oath for the preservation of the original.
8. Writing, testimony, final presumptions, inspection and expertise are positive proof and declaration is proof binding only the declarant.
9. Every testimony which entails acquisition of again for the witness or the avoidance of loss by him shall be rejected.

10. The testimony and oath of the dumb shall be accepted by his usual sign.
11. The oath by the depositor shall be accepted to prove his freedom from liability but not bind others.
12. The oath shall not be administered except on the application of the opposing party, but even though he does not apply for it. The court shall order him to swear the oath if he lays claim to an interest in a deceased person's estate or to ownership of the property of another or when he wishes to return property sold to him for any inherent defect of a judgment is to be given in a case of preemption.
13. The words of the trusted interpreter shall after he swears the oath before the competent authority be accepted if he knows the two languages.
14. Contradiction is of no avail against proof but it shall have no effect on a Court decision if it is thereafter proved and the interested party shall be entitled to claim damage from the witness.

المعنى باللغة العربية لكل قاعدة

- 1- الأصل براءة الذمة وعلى الدائن أن يثبت حقه للمدين نفيه.
- 2- اليقين لا يزول بالشك.
- 3- الأصل بقاء ما كان على ما كان كما أن الأصل في الأمور العارضة العدم.
- 4- وما ثبت بزمان يحكم ببقائه ما لم يوجد دليل على خلافه.
- 5- الظاهر يصلح حجة للدفع لا للاستحقاق.
- 6- البينة على من ادعى واليمين على من أنكر.
- 7- البينة لإثبات خلاف الظاهر واليمين لإبقاء الأصل.
- 8- الكتابة والشهادة والقرائن القاطعة والمعينة والخبرة حجة متعدية والإقرار حجة قاصرة على المقر.
- 9- كل شهادة تضمنت جر مغنم للشاهد أو دفع مغرم عنه ترد.
- 10- يعتد في شهادة الأخرس وحلفه بإشارته المعهودة.
- 11- تقبل اليمين ممن يؤديها في براءة نفسه لا في الزام غيره.
- 12- لا تحلف اليمين إلا بطلب الخصم ولكن تحلفه المحكمة يمين الاستظهار وعند الاستحقاق ورد المبيع للعيب فيه وعند الحكم بالشفعة ولو لم يطلب الخصم تحليفه.
- 13- يقبل قول المترجم الموثوق إذا كان عالماً باللغتين بعد حلفه اليمين لدى الجهة المختصة.
- 14- لا حجة مع التناقض ولكن لا أثر له في حكم المحكمة إذا ما ثبت بعده ولصاحب المصلحة حق الرجوع على الشاهد بالضمان.

Questions on Part Two

(Rights and Obligations)

1) What are the Legal persons in Article (50) From the Jordanian civil Law?

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-
-
-
-

2) What are the right which legal prerson can practice in Article (51) Form the Jordanian civil Law?

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-
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-
-
-

3) Classify the things in civil Jordanian Law?

-
-
-

4) When the use of the right will be unlawful?

-
-
-
-
-

5) **Define:** a) personal rights.

b)

c)

6) **There are way and means to proof the right what are they?**

-

-

-

-

-

-

7) **Give these English Legal terminology in Arabic Legal Terminology.**

8) **Give these Arabic Legal terminology in English Legal terminology.**

9) **Translate this passage from English to Arabic:**

10) **Translate this passage from Arabic to English:**

Part Three

Civil Law

Section one:

Source of Obligation

The sources of obligation are:

- 1) The contract.
- 2) Unilateral disposition.
- 3) The injurious act (illicit acts).
- 4) The beneficial acts (unlawful enrichment).
- 5) The law.

القانون المدني

مصادر الالتزام

(1) العقد

(2) التصرف الإفرادي

(3) الفعل الضار (العمل غير المشروع)

(4) الإثراء بلا سبب (الفعل النافع)

(5) القانون

Sources of Obligation):

One: The contract.

Definition of the contract:

Is the concurrence of two intents to produce a juristic effect.

Or: Is the agreement of two wills to create amends or extinguish a legal or juristic relationship.

Or: (Article 1151) of French civil code

(An agreement by which one or more persons bind themselves in favor of one or more person to give, to do, or not to do something).

تعريف العقد في المادة (1151) من القانون المدني الفرنسي: (العقد هو اتفاق بين شخص أو أكثر يلزمون أنفسهم تجاه شخص آخر أو أكثر لإعطاء شيء أو لعمل شيء أو الامتناع عن عمل.

Concurrence	اتفاق	Intents	إرادة
Produce	يبتج	Juristic effect	أثر قانوني
Agreement	اتفاق	To create	ينشأ
Amend	يعدل		

Article 87 from the Jordanian civil law define the contract:

Is the joining and consistence of the offer from one of the contracting parties with acceptance from the other in a manner which proves the effect thereof on the object of the contract and the obligation of each party by what he is bound with to the other.

المادة (87) من القانون الأردني:

العقد: هو ارتباط الإيجاب الصادر من أحد المتعاقدين بقبول الآخر وتوافقهما على وجه يثبت أثره في المعقود عليه ويترتب عليه التزام بما وجب عليه للآخر.

The things and rights which the contract may apply to the subject of the contract may apply on the following.

- 1) Property.
- 2) Property movable and immovable.
- 3) Property material and moral.
- 4) Benefits of property.
- 5) Certain works.
Certain service.
- 6) Any other thing not prohibited by a legal provision.
- 7) Any other thing not contrary to public order or morality.

يكون محل العقد وإن يرد على الأموال التالية:

(1) الأعيان

(2) الأعيان المنقولة وغير المنقولة

(3) الأعيان المادية والمعنوية

(4) منافع الأعيان

(5) على عمل معين

على خدمة معينة

(6) أي شيء آخر ليس ممنوعا بنص القانون

(7) أي شيء غير مخالف للنظام العام أو الآداب

In article (88):

From the Jordanian civil law lists four subjects may apply and to be subject of the contract.

- 1) To property morale and immovably, material and moral.
- 2) To benefits of property.
- 3) To certain work or service.
- 4) To any other thing not prohibited by a legal provision or not contrary to public order or morality.

Formation of contract: انعقاد العقد

The contract must have three essential element between two parties to be requires:

- 1) The consent of two parties. (الرضا للطرفين)
- 2) Legal object. (المحل القانوني)
- 3) Legal cause. (السبب القانوني)

This element must be available and if one of these elements is not available the contract will be absolutely void.

And the two parties is capable and the intent must not be vitiated.

In article (90) from the Jordanian civil law (listed) or (provide):

The contract shall be made as soon as the offer is joined with acceptance subject to the condition which the law in addition prescribes.

ينعقد العقد بمجرد ارتباط الإيجاب بالقبول مع مراعاة ما يقرره القانون فوق ذلك من أوضاع معينة

لانعقاد العقد.

Essential

عناصر رئيسية

Requires

يتطلب

Consent	قبول ، رضا	Intent	النية
Available	متوافر ، مناسب	Absolutely void	بطلان مطلق
Capable	القابلية	Intent	النية
Vitiate	باطلة أو معيبة	Listed	نصت
Provide	نص		

Formation of the contract: شكل العقد:

- 1) The consent of two parties.
- 2) A legal object.
- 3) A legal cause.

(1) The consent of two parties:

a) The consent of the two parties and their will to create or towards the creation of obligator.

And this will is:

Intent must aim at creating a legal effect

Of the intent may be:

- 1- Express declaration.
- 2- Tacit declaration.

الإعلان عن الرضا قد يكون:

1- إعلان صريح.

2- إعلان ضمني.

Consent	الرضا	Acceptance	الإيجاب
Offer	القبول		

Offer and acceptance: الإيجاب والقبول

Every contract or convention must be analyzed into two parts:

- 1- An offer (الإيجاب) from one party (the offerer) (الإيجاب)
- 2- And an acceptance (قبول) from the other (the offeree).

And the contract is complete as soon as the offeree has declared his acceptance of the offer.

The offer must be – definite (محدد) – and final (نهائي).

Silence does not constitute acceptance. But, it is considered as acceptance in exception cases determined by the law.

The acceptance shall be identical (مطابقا لإيجاب القبول) with the offer and if acceptance is attached with an additional restrictions or amendment of the offer, it shall be considered as rejection amounting to a new offer.

إذا اقترن القبول بما يزيد في الإيجاب أو يقيدده أو يعدل فيه اعتبر رفضا يتضمن إجابا جديدا.

B) Capacity for contract:

As a general rule:

Any person who attained the age of (18) years (in Jordanian Civil Law) is capable to be engaged with any contract unless his incapacity is declared by a judgment or a text of Law.

Article (116) of the Jordanian Civil Law provides: (Every person has capacity to contract unless his capacity is lost or limited by virtue of the Law).

C) The conscience of intent or consent: تطابق الرضا

The consent or the conscience of intent is the coincidence of offer with identical acceptance:

- 1- The offer.
- 2- The acceptance.

Defects affecting consent or (vices of consent):

- 1- Duress: (Fear).
- 2- Deceit and damage (fraud).
- 3- Mistake (error).
- 4- Incapacity.

عيوب الرضا
1- الإكراه

2- التغيرير – الغبن

3- الغلط

4- عديم الأهل

Coincidence اتفاق Conscience تطابق Identical مطابق / متحد

1) Duress: or Fear

Definition: الإكراه

An act that creates fear in the other contracting party leading to contract.

Violence then vitiates intent

The violin is unwilling to contract his fear, which has been created by duress, fears leading him to contract. (الإكراه يبطل الإرادة)

The contract is null when it is concluded under duress, fear inspired by physical violence's or threats, effecting the person on his estate, his spouse his ascendants (العقد باطل إذا تضمن وتم العقد تحت الإكراه)

Or his descendant.

No distinction being made as to whether duress is the exercise of the contracting party, a third party or circumstances beyond the contractual scope.

Threat	الخوف	Estate	أموال
Spouse	الزوج إما زوجة	Ascendants	أصوله
Descendants	فروعه	Distinction	خاص، مستقل عن غيره

الإكراه يبطل الإرادة (يعيب) intent (Violence then vitiates)

Duress can be either physical or moral.

The contracts can also be annulled because of violence (Duress), physical or moral according to the following conditions:

- (1) The contractor must believe that a serious and imminent danger is going to threaten him – his life – his person – property – or his honor.
- (2) The party who invokes (يدعي) in violence to annul the contract must be – pushed – according to the circumstances – to accept it.

To appreciate violence: it must be taken in the consideration:

- If he is male or female.
- His age.
- His social conditions.
- His health.
- Any other circumstances.

لتقييم الإكراه يجب الأخذ بعين الاعتبار الأمور التالية:

(1) إذا كان ذكر أم أنثى.

(2) العمر.

(3) الحالة الاجتماعية.

(4) الصحة.

(5) أي ظروف أخرى.

The violence must be exercised by the other party of the contract.

Definition of duress: Article (135) from the Jordan civil code:

Duress is the unjustifiable obligation of a person to commit a deed without his consent and it may be material or moral.

الإكراه هو إجبار الشخص بغير حق على أن يعمل عملاً دون رضاه ويكون مادياً أو معنوياً.

2) Deceit and damage التغيرير والغبن

Or (fraud and lesion) الاحتيال والغبن

Fraud Definition: is using intrigues (خداع) that trap (يوقع) the contracting party into error which leads him to contract.

It creates the error in the mind of the contractor thus (vitiating his intent).

The conditions of fraud are three in number:

- 1- Using fraudulent acts.
- 2- Fraud must be the determining factor inciting the victim to contract.
- 3- Fraud must arise from the other party or the latter must be aware of it.

عيب الإرادة:

- 1- استعمال أعمال احتيالية
- 2- الاحتيال شجع على التعاقد
- 3- أن يكون الطرف الآخر على علم بوجوده

Lesion: الغبن

Lesion is the discrepancy (الاختلاف) between what contracting party gives and what he takes.

Definition of deceit:

Article (143) of the Jordanian civil code provides:

"Deceit is the deceiving of one of the contracting parties by the other trickery means whether by word of mouth or deed in order to oblige him to consent to what he would not consent to without these means".

التغريير هو أن يخدع أحد العاقدين الآخر بوسائل احتيالية قولية أو فعلية محتملة على الرضا بما لم يكن ليرضى به بغيرها.

Mistake (or) error: الغلط

(1) Mistake or error is considered as vice of consent in the following cases:

1. When it is relating essential qualities of thing, object of the contract (or nature of it).
2. Mistake in the nature of the contract it is considered essential.
3. Mistake relating to the identity or to the quality of the person.
4. Mistake in the thing – object of the contract itself. (a car instead of another car). And the cause of obligation.
5. Mistake in a matter of law. (مسألة قانونية)
6. Mistake bearing on the essential motives. (الخطأ المتعلق بقيمة الشيء)
7. Mistake bearing on the value of the things.

We must also say: in order that the mistake produces its effect, the two parties of the contract must be in error or at least "error must be known or easy to be known from the other party".

Definition of mistake: in article (151) of the Jordanian civil code:

"Mistake shall not be material except as to the provisions of the contract or as proved by circumstance of the case, the nature of the things or custom".

لا يعتبر الخطأ إلا فيما تضمنه صيغة العقد أو دلت عليه الملابسات وظروف الحال أو طبائع الأشياء أو العرف.

(2) Indifferent mistake or error:

- 1- The secondary qualities of the things or person.
- 2- The value of the things.
- 3- The simple motives.
- 4- The figures on a reckoning.

الخطأ غير المؤثر:

- 1- الخطأ في الصفات الثانوية للشيء أو الشخص.
- 2- قيمة الشيء.
- 3- الدافع البسيط.
- 4- الخطأ في الأرقام أو التقديرات.

2) Subject matter: المحل

Definition:

Is the legal process which the two parties of the contract aim at or its objective.

The condition of the object are the following in Jordanian civil law:

1- The object shall be an ascertained property:

* In financial disposition shall be an ascertained property. في الأمور المالية أن

يكون مقوما

* It may be real right. يصح أن يكون حق عيني.

- * It may be easement. يصح أن يكون منفعة.
- * Any other financial right. أي حق مالي آخر.
- * Performance. تقديم عمل
- * Refrained from work. الامتناع عن عمل

2- It shall be known to the contracting parties.

3- It shall be not prohibited dealing by the legislator or shall be contrary to public order it morals. (It must be legal)

Legal process	إجراء قانوني	Aim	هدف
Objective	هدف	sufficiently and determined	محدد بشكل كاف

3) The cause: السبب

The cause of the contract:

Definition:

It is the direct purpose intended in the contract by the two parties. السبب هو الغرض المباشر المقصود من العقد

In article (163) from the Jordanian civil law (the cause is the direct purpose intended in the contract).

Or: the motive which held the two parties of the contract ratify the contract.

Ratify	أبرم	Held	حمل
Motive	الدافع		

The condition of the cause:

From article (2/165) from the Jordanian civil law:

- 1- The cause shall be exist. موجودا
- 2- The cause shall be valid. صحيحا
- 3- Permissible. مباحاً
- 4- No contrary to public order or morals. غير مخالف للنظام العام والآداب

So, the condition of the cause must be:

- 1- It must be exist. موجودا
- 2- Must not be erroneous. غير مضلل
- 3- Must be legal.

Legal terminology	
Intent	رغبة
Vitiated	باطل / عيب
Public order	النظام العام
Morality	الآداب
Declared	يعلن
The offer must be definite and final	يجب أن يكون الإيجاب محدد ونهائي
Rejection	رفض
Capacity	الأهلية
Defects consent	عيوب الرضا
Declared by a judgment	تسلب منه بحكم القانون
Fear (duress)	الإكراه
Violence	الإكراه
Violence vitiates intent	الإكراه يبطل النية
Duress can be either physical or moral	الإكراه قد يكون مادياً أو معنوياً
Annulled	باطل
Serious and imminent danger	الخطر وشيك الوقوع وبلغ
Honor	الشرف
Invoke	يدعي

Legal terminology	
Fraud and lesion	التغريب والغبن
Intrigues	خداع
Trap	يوقع
Vitiate	يبطل
Deceiving	خداع / يخدع
Trickery	احتيال ، خداع
Formation of the contract	انعقاد العقد
Offer and acceptance	الإيجاب والقبول
Conditions of the contract	شروط العقد
Capacity	الأهلية
Vice of consent	عيوب الرضا
(Defect affecting consent)	التغريب والغبن
Deceit and damage	الغلط
Mistake and error	المحل والسبب
Subject matter and cause	اتفاق
Concurrence	إرادة
Intent	لإحداث اثر قانوني
To produce a juristic effect	اتفاق
Agreement	رغبة – إرادة
Will	يعمل – ينشئ
Create	يقدم – يعدل
Amend	الامتناع – ينهي
Extinguish	يلزمون أنفسهم
Bind themselves	يعمل شيء أو تقديم أو الامتناع عن
To give, to do, or not to do something	تقديم أو عمل شيء
Joining consistence	اتفاق الإيجاب
Obligation	التزام
Requires	يتطلب
Essential element	شروط ضرورية
Available	متوفر – موجود

Legal terminology	
Absolutely void	بطلان مطلق
In addition to	بالإضافة على
capable	ذو أهلية

Classification of Contract: تصنيف العقود

Contracts concluded correctly, according to law, are binding on those who are party to them, they must be understood interpreted, and executed in conformity with good faith, equity and custom.

(1) Classification of contract according to the mode of formation:

According to the mode of formation:

- Consensual contract. عقود رضائية
- Solemn contract. عقود شكلية
- Real contract. عقود عقارية
- Nominate and in-nominate contract. عقود مسماه و غير مسماه

(2) The contract according to elements of a contract:

(a) Valid contract

- If all the element so the contract is valid.

According to the article (167) from the Jordanian civil law:

- 1- Basically and descriptively lawful.
- 2- Capable person.
- 3- Relating to an object that can be subject to its provision.
- 4- Having an existing valid and lawful.
- 5- Having description.
- 6- And is not subject to a vitiating condition.

العقد الصحيح

- 1- مشروع بأصله ووصفه
- 2- صادرا من أهله
- 3- مضافا إلى محل قابل لحكمه
- 4- له غرض قائم وصحيح مشروع
- 5- أوصافه صحيحة
- 6- ما لم يقترن به شرط مفسد

(b) Contract void:

According to the article (168) from the Jordanian civil law: If the contract which is basically and descriptively unlawful in its base – subject matter purpose or the form prescribed the law for its celebration being deficient.

العقد باطل

العقد الباطل/ ما ليس مشروعا بأصله ووصفه بأن اختل ركنه أو محله أو الغرض منه أو الشكل الذي فرضه القانون لانعقاده.

(e) Defect contract:

According to the article (170) from the Jordanian civil law: "If the contract which is lawful in its base but not in its description, and if the reason for its invalidity shall be abated it shall become valid.

العقد الفاسد

العقد الفاسد هو ما كان مشروعا بأصله ولا بوصفه فإذا زال سبب فساده صح.

(d) The suspend contract:

According to article (171) from the Jordanian civil law: "The effect of disposition shall be suspended until ratification if it is by an officious person disposing of another's property. By the owner of the property to which others rights are attached by the owner of the property when he is

in competent and his disposition varies between benefit and harm, by a person under duress or if the law so provides.

العقد الموقوف

يكون التصرف موقوف النفاذ على الإجازة إذا صدر من فضولي في مال غيره أو من مالك في مال تعلق به حق الغير أو من ناقص الأهلية في ماله وكان تصرفا دائرا بين النفع والضرر أو من مكره أو إذا نص القانون على ذلك.

(e) Non obligator contract:

According to article (176) from the Jordanian civil law: "The contract shall be non-obligatory on either or both of the contract any parties in spite of its validity and effectiveness if it is subject to a term of rescission without consent or litigation.

العقد غير اللازم

يكون العقد غير لازم بالنسبة إلى أصله عاقديه أو لكليهما رغم صحته ونفاذه إذا شرط له حق فسخه دون تراض أو تقاض.

Dissolution of the contract (Termination)

According to article (241) from the Jordanian civil law: If the contract shall be valid and obligatory neither of the contracting parties may withdraw from it, amend it or rescind it except by consent, litigation, or by virtue of provision in the law.

الإقالة ، إنحلال العقد

إذا كان العقد صحيحا لازما فلا يجوز لأحد العاقدين الرجوع فيه ولا تعديله ولا فسخه إلا بالتراضي أو التقاضي أو بمقتضى نص في القانون.

The two contracting parties may after making the contract agree to terminate it.

العاقدين أن يتقايلا العقد برضاها بعد انعقاده.

Two: Illicit acts or (The injurious acts)

Article 256 from the Jordanian civil law:

Every injurious act shall render the person who commits it liable for damages even if he is non discerning person.

(الفعل الضار) أو (الأعمال غير المشروعة)

كل إضرار بالغير يلزم فاعله ولو غير مميز بضمان الضرر.

The legislator established the dialectal responsibility on the idea of wrong. Required concerning personal acts, the proof of wrong and presumed the existence of wrong with respect to the responsibility of other and the study will be into three parties:

a) The responsibility of personal acts.

Article (273). الخطأ

b) The responsibility of the acts of the other.

Article (274). الضرر

c) The responsibility of the acts of other things

Article (275) علاقة السببية ما بين الخطأ والضرر

(a) The responsibility of personal acts: جناية الحيوان

Three elements must be required the dialectal responsibility and to be exist:

- The wrong.
- The damage.
- Caused connection between the damage and the wrong.

(b) The responsibility of another's acts: الأبناء والآلات

- The responsibility of the supervision for the acts done by the persons under his supervision.
- The responsibility of the master or employer for the acts done by his employee. Article(288)

(c) Responsibility due to the acts of things: حارس البناء/ انهيار البناء

Three distinction are drawn:

- Responsibility due to the acts of animals.
Article (289)
- Responsibility due to the acts of things that require particular supervision.
Article (291)
- Responsibility due to the acts resulting from building.
Article (290)

Three: Unlawful enrichment الإثراء بلا سبب

(The beneficial acts): (الفعل النافع) أو (الكسب بلا سبب)

Definition:

The person, who, without legitimate cause has grown rich at another's expense, is held for restitution up to the amount of the enrichment.

1. Enrichment without cause:

Definition:

No person shall take the property of another without cause and if he takes it he shall return it.

Article (293) from the Jordanian civil law.

الإثراء بدون سبب

لا يسوغ لأحد أن يأخذ مال غيره بلا سبب شرعي فإن أخذه فعليه رد

2. Receiving what is not due:

Definition:

Whoever delivers something under the impression that he has to do so and, it is thereafter ascertained he had no such obligation, may take it back from its receiver if it is excitement and its like or value if it is not.

Article (296) from the Jordanian civil law.

قبض غير المستحق

من أدى شيئا ظاناً أنه واجب عليه، ثم تبين عدم وجوبه فله استرداده ممن قبضه إن كان قائماً ومثله أو قيمته إن لم يكن قائماً.

3) Officiousness:

Definition:

Whoever renders a beneficial act to another without request but with licenses from the court or by necessity or as prescribed by custom, shall be considered as his representative and shall be subject to the following provision.

Article (301) from the Jordanian civil law.

- 1) The agency rule shall be applied.
- 2) The officious person shall be liable for the Damage.
- 3) The officious person shall continue the work.
- 4) The officious person shall be liable from the Persons whom he delegates to them the work.
- 5) The officious person shall return what he has taken because of his officiousness as the agent, and in rendering and account for what He has done.

Article from (302-306) from the Jordanian civil law.

الفضالة

من قام بفعل نافع للغير دون أمره ولكن أذنت به المحكمة أو جبته ضرورة أو قضى به عرف فإنه يعتبر نائباً عنه وتسري عليه الأحكام التالية:

- 1) تسري قواعد الوكالة
- 2) الفضولي مسئول عن الأضرار
- 3) يجب على الفضولي أن يمضي في العمل
- 4) الفضولي مسئول عن العمل الذي عهد به إلى أشخاص آخرين
- 5) يلزم الفضولي برد ما استولى عليه بسبب الفضالة فيما يلزم به الوكيل وتقديم حساب ما قام به.

4) Settlement of the debt of another: قضاء دين الغير

Definition:

Whoever settles the debt of another by his order may have recourse against him for what he has paid on his behalf, and he shall be entitled to be the subrogate of the original creditor in claiming it whether he had stipulated resource against him or not.

من أوفى دين غيره بأمره كان له الرجوع على الآخر بما أداه عنه وقام الدائن الأصلي في مطالبته سواء اشترط الرجوع عليه أم لم يشترط.

Whoever settles the debt of another without his order may not have recourse against the debtor for what he has paid except as provided in the officious section.

من أوفى دين غيره دون أمره فليس له الرجوع بما دفعه على المدين إلا وفقا (الفضالة) ولا على الدائن إلا إذا أبرأ المدين من الدين ولو بعد استيفاء دينه منه.

Or against the creditor unless he discharged the debtor from the debt even after he was paid his debt by him.

Article from (309-310) from the Jordanian civil law.

Four: Unilateral Disposition:

Definition a promise:

A promise is what a person binds himself with to another in the future but not by way of a financial obligation and it may relate to a contract or work.

الوعد هو ما يفرضه الشخص على نفسه لغيره بالإضافة إلى المستقبل لا على سبيل الالتزام في المال وقد يقع على عقد أو عمل.

Article (254) from the Jordanian civil law.

The promise shall bind its maker unless the dies or becomes bankrupt.

ويلزم الوعد صاحبه ما لم يموت أو يفلس

Five: The law.

The law is the source of every obligation because by virtue of law obligations arise from facts and legal acts.
Therefore it is an indirect source of obligation.

Section Two:

Consequences of the contract

(or: effects of contract) آثار العقد

Contracts concluded correctly, according to law, are binding on those who are party to them they must be understood interpreted (تفسير) and executed in conformity with good faith equity and custom.

A) The effect of the contract with respect to its parties:

The contract is the law of the parties no one of them can revoke or modify the contract individually without their mutual consent.

B) The effect of the contract with respect to the successors of the parties:

Distinction must be drawn between two sort of successors.

- Singular successors. الورثة العموميين، الخلف العام.
- Universal successors. الخلف الخاص.

C) The effect of contracts with respect to a third party:

In principle, the contract is not operative in relation to third parties but it may create certain right in their favors, as: The relative of contracts, the exceptions of the principle of relative effective of contract promise for another stipulation for another.

Revoke يرفض

Modify يعدل

Section Three:

Extinction of obligation

Extinction of obligation are in many ways:

- 1- Through performance (payment).
- 2- Impossibility of performance.
- 3- Discharging prescription.
- 4- Confusion.
- 5- Waving the debt. (Release).

انقضاء الالتزام

- 1- الدفع
- 2- استحالة التنفيذ
- 3- مرور الزمن
- 4- اتحاد الذمة
- 5- التنازل عن الدين

Section Four:
Legal Terminology for
Source of Obligation

Legal terminology	
Concluded correctly	عقدا صحيحا ، أبرم صحيحا
According to	وفقا للاتفاق
Interpreted	تفسير ، فسر
Executed	ينفذ
Conformity	مطابقة ، ملائمة
Good faith	حسن النية
Equity	العدالة
Mode of formation	طريقة أو شكل التكوين
Consensual contract	عقود رضائية
Solemn contract	عقود شكلية
Real contract	عقود عقارية
Nominated and unanimated contract	عقود مسماه وغير مسماه
Valid contract	عقد صحيح ، عقد ملزم ، عقد ساري المفعول
Descriptively unlawful	صوري ، تفسير غير قانوني
Base subject matter	محل زائف أو مغشوش
Prescribed	تقادم
Deficient	عدم كفاية
Void contract	عقد باطل
Invalidity	غير صحيح
Abated	يبطل
Valid	صحيح
Defects contract	العقد الفاسد
Suspend contract	العقد الموقوف
Ratification	إبرام ، ملزم ، إجازة
Officious person	الشخص الفضولي
Disposing	تصرف
incompetent	غير قانوني
Varies	متغير ، مختلف
Various	متعدد
Benefit	منفعة ، فائدة
Harm	ضرر
Duress / dyooris	إكراه
Provides	يزود
Non-obligatory contract	العقد غير الملزم
Effectiveness	ساري المفعول

Legal terminology	
Rescission	إبطال ، فسخ
Litigation	قضية ، دعوى ، خصومة
Consequence of the contract	آثار العقد
Effect of contract	آثار العقد
Interpreted	تفسير
Conformity	ملائم ، مطابق
Revoke	ينقض ، يلغي ، يبطل
Modify	يعدل
Mutual consent	قبول متبادل
Successors	وارث
Distinction	واضح
Distinguish	مميز - يستثنى حالة معينة من نص أو حكم
Singular successor	الخلف العام
Universal successor	الخلف الخاص
Operative	نافذ ، ساري المفعول
In their favor	ينتصر له من قبيل التعصب ، يتحيز إلى
Stipulation	اشتراط ، مشاركة
Disposition of the contract	انحلال العقد
Termination	الإقالة
Illicit acts	الفعل الضار
Unlawful enrichment	الإثراء بلا سبب
Unilateral disposition	التصرف الانفرادي
Source of obligation	مصادر الالتزام
Wrong	الخطأ
Damage	الضرر
Caused connection	علاقة السببية
Supervision	إشراف مراقبة
Due to	عائد إلى ، بسبب
Particular	تام ، معين

Question on Part Three

(Civil Law)

1) There are five sources of obligation what are they?

-
-
-
-
-

2) Define contract in Jordanian Civil Law?

-

3) The contract must have three essential element between two parties to be requires what are they?

-
-
-

4) What are the vices of consent?

-
-
-
-

5) To appreciate violence it must be taken in the consideration the following:

- a) ----
- b) ----
- c)----
- d) ---
- e)

6) The conditions of Fraud are three:

a)

b)

c)

7) Mistake or error is considered as vices of consent in the following cases:

a)

b)

c)

d)

e)

f)

g)

8) What means: a) void contract.

b) Defect contract.

c) the suspend contract.

9) There are many ways that abligation Extinction:

a)

b)

c)

d)

e)

10) Translate this Legal passage from Arabic to English.

-

11) Give the meaning of these English Legal Terminology to Arabic Legal terminology?

-

Part Four

Criminal Law

I. Criminal Law

Punishments in General

(1) Criminal Punishments

1. Death Penalty: Hanging the sentenced to death.
2. Hard Labor: Making the sentenced working in a labor fitting his health and age whether inside or outside the reform and rehabilitation center.
3. Detention: Placing the sentenced in one of the reform and rehabilitation centers for the whole sentenced period along with giving him special treatment, not forcing him to wear the inmate uniform and not making him taking any work inside or outside the reform and rehabilitation center but with his approval.

-1 القانون الجزائي

العقوبات بصورة عامة

(1) العقوبات الجنائية

- (1) الإعدام: هو شنق المحكوم عليه
- (2) الأشغال: هي تشغيل المحكوم عليه في الأشغال التي تتناسب وصحته وسنه سواء قي داخل مركز الإصلاح والتأهيل أو خارجه.
- (3) الاعتقال: هو وضع المحكوم عليه في أحد مراكز الإصلاح والتأهيل المدة المحكوم بها علي مع منحه معاملة خاصة وعدم إلزامه بارتداء زي النزلاء وعدم تشغيله بأي عمل داخل مركز الإصلاح والتأهيل أو خارجه إلا برضاه.

(2) Misdemeanor Punishment:

1. Jailing: Placing the sentenced in one of the reform and rehabilitation centers for the whole sentenced period which ranges from one week to three years, unless the law provides otherwise.
2. Fine: Making the sentenced paying to the government treasury the sum of money as provided in the court award, which ranges from five to two hundred Dinars, unless the law provides otherwise.

(2) العقوبة الجنحية

(1) الحبس: هو وضع المحكوم عليه في أحد مراكز الإصلاح والتأهيل المدة المحكوم بها عليه وهي تتراوح بين أسبوع - وثلاث سنوات إلا إذا نص القانون على خلاف ذلك.

(2) الغرامة: هي إلزام المحكوم عليه بأن يدفع الى خزينة الحكومة المبلغ المقرر في الحكم. وهي تتراوح بين خمسة دنانير ومائتي دينار إلا إذا نص القانون على خلاف ذلك.

(3) Punishment due to Disturbance

1. The Disturbing punishment ranges from twenty four hours to one week in jail and is enforced on the sentenced in places other than those assigned to sentenced in criminal punishment or misdemeanor, as possible.
2. Fine: Fine due disturbance ranges from five to thirty Dinars.

(3) العقوبة التكديرية

(1) تتراوح مدة الحبس التكديري بين أربع وعشرين ساعة وأسبوع وتنفذ في المحكوم عليه في أماكن غير الأماكن المتخصصة بالمحكوم عليه بعقوبات جنائية او جنحة ما أمكن.

(2) الغرامة: تتراوح الغرامة التكديرية بين خمس دنانير وثلاثين دينار.

(4) Social Reform Activities

1. Society Service: making the sentenced doing unpaid work for society service for a period determined by the court of not less than (40) hours and not more than (200) hours, provided that such work would be performed within one year in maximum.
2. Social Surveillance: making the sentenced to subject to social surveillance for a period determined by the court not less than six months and not more than three years.
3. Social Surveillance under the condition of going through one or more rehabilitation program: making the sentenced going through a rehabilitation program determined by the court aiming at correcting and improving the sentenced behavior.

(4) بدل اصلاح مجتمعية

1- الخدمة المجتمعية: هي إلزام المحكوم عليه بعمل غير مدفوع الأجر لخدمة المجتمع لمدة تحددها المحكمة لا تقل عن (40) ساعة ولا تزيد على (200) ساعة على أن يتم العمل خلال مدة لا تزيد عن سنة.

2- المراقبة المجتمعية: هي إلزام المحكوم عليه بالخضوع لرقابة مجتمعية لمدة تحددها المحكمة لا تقل عن ستة أشهر ولا تزيد على ثلاث سنوات.

3- المراقبة المجتمعية المشروطة بالخضوع لبرنامج تأهيل أو أكثر: هي إلزام المحكوم عليه بالخضوع لبرنامج تأهيل تحدده المحكمة بهدف لتقيوم سلوك المحكوم عليه وتحسينه.

(4) Precautionary Arrangement:

1. Freedom Preventing Arrangements
2. Tangible Confiscation
3. Precautionary Guarantee
4. Closing out business store
5. Suspension or termination the incorporate entity.

(5) التدابير الاحترازية:

- 1- المانعة للحرية.
- 2- المصادرة العينية.
- 3- الكفالة الاحتياطية.
- 4- إقفال المحل.
- 5- وقف هيئة معنوية عن العمل او حلها.

(6) In the Civil Obligations:

The civil obligations which the court might order are:

1. Answer
2. Indemnity and Damages
3. Confiscation
4. Expenses

(6) في الالزامات المدنية:-

الالزامات المدنية التي يمكن للمحكمة ان تحكم بها هي:

- 1- الرد
- 2- العطل والضرر
- 3- المصادرة
- 4- النفقات

(7) In Criminal Awards Dismissal:

The causes and reasons for dismissal, execution prevent or issuance suspense of the criminal court awards are:

1. Death of the sentenced
2. General Amnesty
3. Special Amnesty
4. Waiver by the damaged party
5. Time Limitation
6. Execution Suspension
7. Rehabilitation

(7) في سقوط الأحكام الجزائية:-

الأسباب التي تسقط الأحكام الجزائية أو تمنع تنفيذها أو تؤجل صدورها هي:

1- وفاة المحكوم عليه

2- العفو العام

3- العفو الخاص

4- صفح الفريق المتضرر

5- التقادم

6- وقف التنفيذ

7- اعادة الاعتبار

(8) In Intangible Crime Element:

1. Intention:

- a. Intentions is the crime commit will, as defined by the law.
- b. The crime is considered as intentional even if exceeded the criminal outcome resulting from the doer's act if he expected such outcome and accepted the risk of the same. The mistaken act is the damaging act which has been resulted due to negligence, lack of precaution or non-respecting of laws and regulations.
- c. The act result is not taken in consideration if the doer's intention is that the committed act would lead to it, but if there is an explicit provision that the intention of reaching such outcome composes one of the criminal elements which all or part of it forms such act.

2. Motive:

- * The motive is the cause which makes the criminal committing the act or the maximum objective he seeks:
- * The motive will not be one of the crimination elements but in the events determined by the law.

(8) في عنصر الجريمة المعنوي:

1- النية:

أ) هي إرادة ارتكاب الجريمة على ما عرفها القانون.

ب) تعد الجريمة مقصودة وان تجاوزت النتيجة الجرمية الناشئة عن الفعل قصد الفاعل اذا كان قد توقع حصولها فقبل بالمخاطرة ، ويكون الخطأ اذا نجم الفعل الضار عن الاهمال أو قلة الاحتراز أو عدم مراعاة القوانين والأنظمة.

- (ج) لا عبءة للنتيجة اذا كان القصد أن يؤدي اليها ارتكاب فعل الا اذا ورد نص صريح على ان نية الوصول الى تلك النتيجة تؤلف عنصرا من عناصر الجرم الذي يتكون كله او بعضه من ذلك الفعل.
- (د) إذا وقعت الجريمة على غير الشخص المقصود بها عوقب الفاعل كما لو كان اقترف الفعل بحق من كان يقصد.

2- الدافع:

- الدافع هو العلة التي تحمل الفاعل على الفعل او الغاية القصوى التي يتوخاها.
- لا يكون الدافع عنصرا من عناصر التجريم الا في الأحوال التي عينها القانون.

(9) In Tangible Crime Element:

1. Attempt: starting executing an apparent act leading to committing a crime or misdemeanor, so if the committer was not able to conclude the acts necessary for creating such crime or misdemeanor due to reasons which his will is not related to, he would be punished as follows, unless the law provides otherwise:
 - * Life or temporary hard labor sentence from seven to twenty years, if the punishment of the attempt crime is death penalty and at least five years of the same punishment if such attempt crime is life hard labor or life detention.
 - * The other temporary punishment would be reduced from half to two thirds.
2. Punishment Unification:
If several crimes or misdemeanors have been proved, every crime would be awarded a punishment and the severe punishment will be executed only.
3. Publicity: The following fall within publicity:
 - * Acts and movements – if happened in a public place, a place available to public, or a place seen by any person exists in the said places.
 - * Writings, drawings, manual pictures and photos, films, signs and all various photography if have been shown in public place or place accessible to the public, or otherwise is shown to the public, or sold or presented for sale or distributed for more than one person, or

published through electronic media enabling the public to read or view without any restriction.

9- في عنصر الجريمة المعنوي:

1- الشروع: هو البدء في تنفيذ فعل من الأفعال الظاهرة المؤدية الى ارتكاب جناية او جنحه ، فإذا لم يتمكن الفاعل من إتمام الأفعال اللازمة لحصول تلك الجناية او الجنحة لحيلولة أسباب لا دخل لاراداته فيها عقوبة على الوجه الآتي إلا اذا نص القانون على خلاف ذلك:-

- الأشغال المؤبدة او المؤقتة من سبع سنوات إلى عشرين سنة اذا كانت عقوبة الجنائية التي شرع فيها تستلزم الإعدام، وخمس سنوات من ذات العقوبة على الأقل اذا كانت العقوبة الأشغال المؤبدة او الاعتقال المؤبد.
- أن يحط من أي عقوبة أخرى مؤقتة من النصف الى الثلثين.

2- اجتماع العقوبات:

إذا ثبت عدة جنايات او جنح قضي بعقوبة لكل جريمة ونفذت العقوبة الأشد دون سواها.

3- العلنية: تعد من الوسائل العلنية:

- الأعمال او الحركات - اذا حصلت في محل عام او مكان مباح للجمهور او مكان يشاهد ع أي شخص موجود في المحال المذكورة.
- الكلام او الصراخ - سوء جهر بهما او نقلًا بالوسائل الآلية بحيث يسمعها في كلا الحالين من لا دخل له بالفعل.
- الكتابة والرسوم والصور اليدوية والشمسية والأفلام والشارات والتصاووير على اختلافها اذا عرضت في محل عام، او مكان مباح للجمهور او معرض للأنظار او بيعت او عرضت للبيع او وزعت على أكثر من شخص أو نشرت بوسائل الكترونية تمكن العموم من قراءتها او مشاهدتها دون قيد.

Development of Criminal Responsibility

In the early development of English law, and probably up to the 12th century, a person was generally liable for certain harms resulting from his conduct. The state of his mind (i.e. his "moral blame worthiness") was rarely a relevant consideration in attaching liability. The act alone created liability: the presence or absence of criminal intent was usually disregarded. Thus, X, who injured Y accidentally and without any negligence, would be held liable for the harm caused, as if he had intended that injury to Y.

Liabile	مسؤول
Harm	أذى
Resulting	ناجما عن
Conduct	سلوك
State of his mind	الحالة العقلية
Moral	معنوي
Blame worthiness	استحقاق اللوم
Relevant	واضح
Consideration	اعتبار، سبب
Liability	المسؤولية
Intent	تحسد، نية
Disregarded	لا يعول على
To injure	يؤذي، يسيء، يجرح
Accidentally	عرضي
Negligence	إهمال
Intended	قصد

By the 13th century, influenced by the teachings of the church, which drew attention to the importance of the mental element in evil

conduct, the law came to recognize the significance of criminal intention and its role as an essential feature of many crimes.

(260) influenced	أثر
Mental element	العنصر المعنوي
Recognize	يعترف، يقر
Significance	مغزى، معنى
Intention	القصد
Features	ملامح، سمات

1- Elements of the crime

A cardinal doctrine of English criminal law is this maxim: "an act does not itself constitute guilt unless the mind is guilty"

This maxim draws attention to the two essential elements of a crime:

- The physical element (the actus reus), i.e.. the deed.
- The mental element (the mens rea), i.e.. the condition of mind.

Thus, if X is to be convicted of the t. the prosecution must prove beyond **reasonable doubt** that he appropriated property belonging to Y and that the appropriation had been carried out by X dishonestly and with the intention of permanently depriving Y out of that property.

Cardinal	رئيسي
Doctrine	فقه
Maxim	قاعدة
Guilt	ذنب
Mind	عقل
Guilty	مذنب، مدان
Physical	حسي، جسماني
Mental	ذهني

Condition	شرط
To convict	يدين
Theft	سرقة
Prosecution	المقاضاة، إقامة الدعوى
Beyond a reasonable doubt	بعيد عن الشك
To appropriate	يستولي على مال الغير بدون إذنه
Dishonestly	بسوء نية
Permanently	على نحو دائم
To deprive	يحرّم، يستولي على

2- Physical Element

فعل الجرمي (actus reus)

Actus reus refers not only to an "act" in the usual sense of that term: it has a much wider meaning. It involves the conduct of the accused person, its results and those surrounding circumstances which are included in the definition of the offence. The actus reus comprises, **therefore**, all the elements of the definition of the offence, save those which concerne the condition of mind of the accused. Should any element of the actus reus not be present, then the offence has not been committed. Proof of actus reus is essential: if this is impossible, then no crime has been committed by the accused person.

Meaning of this element:

Term	يصطلح، شرط، نص
Involves	يستغرق
Accused	متهم، ظنين
Surrounding	محيطاً بـ
Circumstances	ظروف
Offence	جريمة

To commit	يرتكب (-جريمة)
Proof	إثبات، برهان

Where the actus reus of crime includes specific consequences of conduct, it must be shown that those consequences have been caused by the accused. In general. X will not be held to have caused a particular event unless it is possible to establish a sufficiently direct link between X's conduct and that event.

Consider the following cases which illustrate, in ascending degree of complexity, the problem of causation, in each case the question is: did X cause the death of Y. thus creating the actus reus of unlawful homicide?

3- Causation

Link of causation	رابطة السببية
To ascend	يرجع إلى، يصعد
Unlawful	غير قانوني، غير شرعي

a) X. intending to kill, moves towards him and deliberately shoot him. Y dies. Here there is no apparent problem of causation: the link between X's physical act and Y's death can be established without difficulty.

b) X. intending to kill Y. persuades a young child, who knows nothing of the circumstances, to place an explosive charge in Y's house. Y is killed. Here. Again, there is little difficulty in establishing a direct connection between X's act and Y's death.

c) X assaults Y who is riding a horse. Y, intending to escape spurs the horse which rears in fright, throwing Y. Y dies. It is held, on these facts. That Y's death was caused by X.

d) X. intending to murder a child. Y. gives laudanum to Y's nurse, starting that it a medicine to be administered to Y. The nurse decides that Y does not need it and leave the bottle on a shelf from which her daughter, aged 5 years, later takes it and administers it to Y. Y dies. A sufficient direct link was established between X's conduct and Y's death, so that X that was convicted of murder.

e) X unlawfully wounds Y in a fingers. Y refuses advice to have the finger amputated, lockjaw sets in and he dies. X was convicted of murder, a sufficiently direct connection having been traced between the wounding and Y's subsequent death.

Intending	قاصدا
To deliberate	يتداول
Apparent	ظاهر
Physical act	عمل جسماني
Establish	يؤسس، يثبتي
Persuade	يقنع
Explosive charge	عبوة ناسفة أو متفجرة
To assault	يعتدي علي، يهاجم
To spur	يستحث، يرتجل
Fright	خوف
Laudanum	مستحضر طبي مخدر
Nurse	ممرضة
To administrate	يدير
Lockjaw	مرض الكزاز (تشنج عضلات الفك)

Proof of actus reus may be complicated by the existence of a chain of events:

a) In general, where the event in question is not caused solely by the conduct of the accused, this will not necessary exempt him from liability for that event.

b) where the cause of an event can be traced partly to X's conduct and partly to the conduct of another person, the court may hold, in certain circumstances, that X's conduct is too remote or indirect a cause of criminal responsibility to be attached to him.

Solely	وحيداً
Remote	يبعد

Omission to act

There are circumstances in which an actus reus may stem from an omission to act. In general, the harmful effect of X's omission to act in given circumstance will result in criminal responsibility onl where the law has imposed a duty on X to act in those circumstances.

Thus, if X. who has no special relationship with Y. stands by passively and watches Y drown in circumstances in which he could have saved him, then, on matter how morally reprehensible X's omission to act may be, no crime results from that omission.

But where X undertakes – whether by contract or not – to look after Y. and Y is unable to look after himself properly (because, say, he is infirm). X is under a duty to take all reasonable steps to care for Y.

(266) Stem	ساق
Omission	إهمال، ترك، إغفال

Section 2

Forms of Physical Element

The physical element might be either complete, in which case the criminal offence is perfect, or incomplete, thus constituting an attempt.

Also, the criminal offence might either be committed by one person, or by two persons or more. In the latter case, there exist a criminal participation.

In the following pages we are going to discuss both attempts and participation.

Attempt	شروع، محاولة
Participation	مساهمة

1. Attempts

268) An attempt to commit an offence is any act with "intent" to commit that offence, and forming part of a "series" of acts which would constitute its actual commission if it were not interrupted.

The act must, however, be immediately connected with the intended offence, so that it would have been an actual "cause" of the offence.

Commission	ارتكاب (الجريمة)
Interrupted	انقطع
Connected with	مرتبط بـ

Thus in the case of that servant, who, without authority to do so, agreed to sell property of his master for £30 and received cheque for that amount but did nothing more than tell the purchaser that, as there was no act connected with asportation of the property, he should not, be convicted of attempted larceny since that what he has done was merely

"preparation for the commission of a crime, not a step in the commission of it".

And the fact that an act only the beginning of an attempt and could not produce the desired result unless followed by other acts, does not prevent it from being an attempt. Therefore the giving for a small dose of poison, which would not be fatal unless followed by other doses, may be an attempt to murder.

Cheque	شيك
Purchaser	المشتري
Delivery	تسلم
Asportation	نقل الحيازة
Larceny	سرقة
Preparation	تحضير
Desired result	النتيجة المرغوبة فيها (أي التي اتجهت إرادة الجاني إليها)
Dose	جرعة
fatal	مميته، قاضية على الشخص

2. Participation

In case the Criminal participation exists in a criminal offence there arises the Criminal responsibility of the participants.

criminal participatin مساهمة جنائية

Degrees of participants

There are two degrees of participants: Principals and accessoirs:

A- Principals:

In common Law, a person who is "Present when a felony or a misdemeanor is committed may be considered either as a principal in the first degree or a principal in the second degree.

Principals	(المساهمون) الأصليون (أي الشركاء)
Accessoires	(المساهمون) المتدخلون (اي مساهموا الدرجة الثانية)
Felony	جناية
Mi demeanour	جنحة

A principal in the first degree:

Is person who actually performs or takes part in the execution of the felony, or misdemeanor.

A person, however, who employs an innocent agent is liable as a principal in the first degree although he is not actually present at the completion of the commitment, nor does anything with his own hands.

Performs	يتم، ينجز، (ينفذ الجريمة)
Innocent	بريء
Liable	مسؤول
Commitment	ارتكاب

Thus in that case where the prisoner was indicted for the murder of her infant child, who was in the charge of a woman to whom the prisoner had given a bottle of laudanum, telling her it was a medicine and asking her to give the child a teaspoonful every night, but happened that the woman placed the bottle on a mantelpiece and in her absence one of her won children gave the prisoner's child about half the contents of the bottle causing his death, in that case, it was held that the prisoner was rightly convicted of murder.

If however, the agent is aware of the nature of the act, then he is a principal in the first degree, and the employer, if absent, is an accessory before the fact.

To indict	يتم
Teaspoonful	ملعقة شاي (أي ملعقة صغيرة)
Mantelpiece	رف الموقد
Rightly	على حق
Aware	على بينة من
Before the fact	قبل الفعل (= متدخل في الجريمة قبل إتمامها)

Is one who is "present" at the commission of felony or a misdemeanor without taking any part in its actual commission, aids and abets its commission.

And where a person witnessing the commission of a crime, and offered no opposition to it through he was expected to do that and had the power to do so, this might- in some circumstances provide a strong evidence to the court that he willfully encouraged and so aided and abetted the crime.

A Principal in the second degree:

To abet	يحرص
To witness	يشاهد
Opposition	اعتراض
To expect	يتوقع
Strong evidence	دليل قوي
Willfully	بملاء إرادته
Encouraged	شجع

If, there is a common purpose, a principal in the second degree is equally responsible, although, without his consent the principal in the first degree, while carrying out that common purpose, does some act which varies the agreed design only "in circumstance of time or place or in the manner of execution".

Example: If (A) and (B) agreed to rob (C), who was carrying a sum of money. (B) attacked (C) and struck him a blow which caused his death, and was therefore guilty of murder. Here, since (A) was a party to the purpose of committing robbery with violence he was a principal of the second degree to the criminal offence of murder, although he had not anticipated or agreed to the use of such a degree of violence by (B).

Common purpose	غرض مشترك
Consent	رضاء
Carrying out	يقوم به، يتحمل، = ينفذ
Agreed design	الخطة (أو المشروع) المتفق عليها
Rob	يسلب، يسرق بالعنف
Attacked	يهاجم
Struck	يضرب
Blow	ضربة
Robbery	جريمة السرقة الموصوفة (أي المقترنة بالعنف)
Violence	إكراه، عنف
Anticipated	يستبق، سلفا

A person who is "absent" when a felony or a misdemeanor is committed, may be regarded either as an accessory before the fact or an accessory after the fact.

Accessories:

(276) Accessory before	المتدخل قبل، (وقوع الجريمة)
The fact	الواقعة، الحقيقة

Is one, who, being "absent" when a crime is committed, actively counsels, commands, or abets its commission.

Thus. If a person lends his car knowing – or even suspecting that it is to be used for an unlawful purpose, that may be sufficient to consider him an accessory before the fact.

1- An accessory before the fact:

Counsel	يرشد
Commands	يأمر
Suspecting that	متوقعاً أن

The commission of the crime may either be direct, by actually counseling the felony, or indirect by expressing approval thereto; but the bare concealment of a felony committed by another person will not make the party concealing it an accessory before the fact.

An accessory before the fact is responsible for all that result upon the execution of the unlawful act which is counseled, etc, by him, even though it is executed by means different from those counseled.

Expressing	معبراً عن
Approval	موافقة، تأييد
Bare	عار، مجرد
Concealment	إخفاء
Means	وسائل

Accordingly:

(A) Counsels, etc. (B) to burn (C) 's house, and as a result D's house is also burnt. (A) is an accessory before the fact to the burning of D's house.

But a person cannot be liable as an accessory before the fact to a different kind of felony from that which he counseled, as, e.g., if (A) counsels (B) to burn C's house and (B) instead of burning it, commits a larceny therein.

Is one who, with knowledge that a crime has been committed by another, receives, relieves, comforts or assists the felon.

In order to make a person an accessory after the fact, the following conditions must exist:

-I- Some crime must have been committed and completed. Thus if (A) wounds (B) mortally, and (C) assists (A) before (B) dies, he is not accessory after the fact to the homicide.

-II- He must, at the time when he receives, etc, the criminal have notice, direct or implied, that he had committed a felony or a misdemeanor.

-III- He must give the felon some assistance in order to prevent his arrest, trial or punishment, as, for instance, by assisting him to escape or concealing evidence of his crime.

NOTICE

What we exposed about participation concerns the Anglo-Saxon-Law. Its rules are different from the Lebanese Criminal Law.

2- An accessory after the fact:

Relieves	إعانات
To comfort	يواسي، يخفف عن
Felon	الجاني، مرتكب الجريمة
Prevent	يقي
Arrest	يلقي القبض على
Trial	محاكمة

SECTION 3

Mens Rea النية الجرمية

The translation of this phrase as "guilty or wicked mind" is inadequate, since Mens Rea exist even through a person acts in good faith and with a clear conscience. A more accurate meaning of the phrase would be "criminal intention". i.e. an intention to do an act which is an offence, or recklessness as to the consequences of that act.

Criminal law is about the right of the state to punish persons for their conduct, generally where that conduct is undertaken with a wicked intent or without justificatory cause.

Meaning of the phrase "Mens Rea":

Wicked mind	سيء النية
Inadequate	غير كاف
Faith	عقيدة
Conscience	وجدان، إحساس
Accurate	صحيح: مضبوط: دقيق
Criminal intention	القصد الجنائي
Recklessness	الطيش، عدم المبالاة، عدم الإكترانث
State	الدولة
Justificatory	مبرر، مبيح

Mens Rea should not be confused with motive:

a) Motive indicates why X wishes a particular event to happen. Thus. X. in stealing Y's coat. May have as motive his desire for warmth: this is not, however, the Mens Rea required for the crime of stealing which is simply the intention to deprive Y permanently of his property.

b) A good motive is usually irrelevant to the question of criminal responsibility: but it may be relevant, however, as evidence, or in deciding punishment after conviction.

Mens Rea and motive: الباعث على النية الجرمية

Motive	باعث
Particular	خاص
To seal	يسرق
A good motive	باعث شريف
Irrelevant	لا يعتد به
Punishment	عقاب

X shoots at Y with the intention of killing him, i.e. X foresees Y's death or resulting from the shooting and actively desires that result. Intention is equated here with foresight plus the desire for certain consequences of one's conduct.

Intention: القصد

To foresee	يتوقع
To equate	يسوي، يوازن بين
Foresight	توقع، تبصر

X, wishing to reach his home quickly, drives his motor-cycle at very high speed through a city street at a peak traffic hour. He has no desire to harm any person, but he can foresee the possible results of his conduct. In effect, X takes a deliberate and unjustifiable risk, as a result of which he runs down and injures Y. X's mens rea is evidenced, therefore, by his intentional creation of a risk which, in the circumstances, was not justifiable.

Recklessness: عدم الإكتراث

Peak	ذروة، قمة
Traffic	حركة السير

Risk

مخاطرة

GENERAL DEFENCES

An act that is committed under physical coercion is not a criminal offence. If, for example (A) seizes the hand of (B) and compels him to stab (C), no criminal offence is committed by (B) because the act of stabbing (C) is not his act.

Coercion:

General defences

موانع العقاب

Physical coercion

الإكراه المادي

-I- An act or omission which would otherwise be a criminal offence may be justified if the motive was to prevent the execution of an illegal purpose, and the act or omission was "necessary" in order to prevent it.

-II- An act or omission which amounts to a criminal offence cannot be justified by mere personal necessity, like want of food and clothes in theft.

(2) Necessity:

Necessity

الضرورة (حالة)

Personal necessity

ضرورة ترجع إلى اعتبار شخصي

Thus if a "smallpox hospital were on fire, and a person in his trying to save the infected inmates from the flames, took some of them into crowd, although some of the crowd would be liable to catch smallpox, yet, in that case, he would not be guilty of a wrongful jact.

Small - pox

داء الجدري

Infected

المريض بمرض يعدي

Inmates

نزلاء (المصحّة)

The term accident is used in two senses, namely, (I) of consequences due to some external condition over which the accused persons had no control as, e.g., where a person is killed in the street through a horse bolting against the will of its rider and without any neglect on his part. (II) of unintended consequences of lawful voluntary act as. e.g., where in a lawful boxing contest one of the parties accidentally kills his opponent.

(3) Accident:

Accident	الحادث الجبري
Bolting	يفر
Will	إرادة
Neglect	[همل
Unintended	غير مقصود
Voluntary	عن إرادة
Boxing	ملاكمة
Opponent	خصم

Mistake or ingnorance of "law" is no excuse for crime even in the case of a foreigner.

Mistake of fact is regarded by law as a defence where the accused acted under an honest and reasonable belief in the existence of a state of things which would have excused his act.

Thus if a man kills his servant, believing him to be a theif, his mistake is a defence if, in the circumstances, the killing of a theif would have been excusable.

Mistake	غلطة
Ignorance	جهل
Reasonable	معقول

Belief	اعتقاد
State of things	حالة متعلقة بالشئ

Chapter II

Offender

The offender (or criminal) is the one who commits the criminal offence, and consequently is liable to be prosecuted and punished.

Offender	الجاني، المجرم
Criminal	جناي
Prosecuted	تتخذ إجراءات التعقب والمحاكمة ضده

Personal Incapacity

When personal incapacity exists, it prevents the formation of the mental element or "mens rea". It may arise in the following cases:

Incapacity	انعدام الأهلية
Formation	تكوين
Mens rea	الركن المعنوي (مصطلح لاتيني) (النية الجرمية)

Under the Lebanese penal law, no child under the age of seven can be guilty of any offence.

Between the ages seven and eighteen, the minor is subject to criminal responsibility in different degrees. As to punishment in this age, it is confined to putting the minor in a Juvenil's prison for rehabilitation, for a limited interval.

At the age of eighteen the person is said to be "doli capax", and according, as a rule, may be convicted of any crime and be punished thereupon.

(1) Infancy: القاصرات

To confine	يقتصر على
Juvenil's prison	سجن الأحداث
Rehabiliation	إعادة التأهل، إعادة الأقامة
Interval	فترة
Doli capax	مصطلح يطلق على الشاب إذا بلغ الثمانية عشرة من عمره

Two classes of insanity have been recognized:

- (I) idiocy, or absence of understanding from birth, without any Lucid intervals.
- (II) Insanity in the strict sence, which is due to some derangement of the mind.

It may be either "partial" (insanity upon one or more subjects) or "total". And it may be either permanent or temporary (occurring only for a limited time or during limited periods).

(2) Insanity: الجنوح

Insanity	الجنون
Idoey	انعدام الإدراك، العته
Lucid	أفاقه
Strict sence	المعنى الضيق
Derangement	اختلال
Portial	جزئياً
Temporary	وقتي
To occure	يحدث، يقع

To establish a defence on the ground of insanity it must be clearly proved that "at the time" of committing of the act, the party accused was

suffering from such a disturbance in mind as not to know the nature of the act he was doing, or if he did know it, that he did not know he was doing wrong.

At the time	لحظة (ارتكاب الفعل)
Act	فعل
To suffer	يعاني من
Disturbance	اضطراب، اختلال

With respect, to delusions of fact under the actual influence of which a crime is committed, the accused "must be considered in the same situation as to responsibility as if the facts with respect which the delusion exists were real.

For example, if (A), acting under a delusion that (B) is attempting his life, kills (B) as he supposes in self-defence, he will be-exempt from punishment, but not if his delusion was that (B) had been guilty of some offence against his property.

Delusions	هوس
Self - defence	دفاع عن النفس
Exempt	إعفاء (من العقاب)

The rules related to voluntary drunkenness as a defence are stated as follows:

(I) If actual insanity, is the result of alcoholic excess, the rules applied on insanity, applies as well here with regard to criminal conviction.

(3) Drunkenness: السكر

(296) Drunkenness	السكر
Alcoholic	كحولي (مسكر)

Excess	إفراط
Criminal conviction	الاتهام الجنائي

(II) Where a special in intent is an essential element in the offence, evidence of a state of drunkenness making the accused incapable of forming such an intent, should be taken into consideration, in order to determine whether he had in fact formed the intent necessary to constitute the particular crime.

Incapable	عاجز عن
To intent	يقصد

Thus, on a charge of murder based upon intention to kill or to do grievous bodily harm, if the accused was, through drunkenness, incapable of forming that specific intention, he cannot be convicted of murder.

But owing to the presumption that a man intends the natural consequences of his acts, the accused in this case is considered to have committed homicide, this case is considered to have committed homicide, and therefore, since there is not a total absence of "mens rea", he can be convicted of manslaughter.

If, however, the drunkenness is involuntary, as for example, if it is caused by a practical jok or fraud, the person so made drunk, will be excused to the same extent as in the case of insanity.

Grievous	جسيم
Bodily harm	أذى جسماني
Murder	قتل
Presumption	قرينة
Homicide	قتل

Manslaughter	قتل خطأ
Involuntary	غير إرادي
Practical jok	مزاح
Fraud	غش، تدليس
Extent	عذر، إعفاء

Exceptions from Criminal Responsibility

1- The President is no presentable in front of the criminal courts of his country. Nor is the reigning sovereign of another state, nor is a foreign ambassador who is a subject of this country is presentable in front of the courts of this country.

2- Aliens, except, perhaps, those claiming diplomatic privilege, can be tried by Lebanese courts for offences committed withen Lebanon.

3- A juristic person cannot be indicted for a criminal offence whether a felony or a misdemeanor involving personal violence or offences which the only punishment is imprisonment.

President	رئيس الدولة
Reigning sovereign	رئيس ذو سيادة
Ambassador	سفير
Aliens	الأجانب
To claim	يستحق، يتمتع بـ
Privilege	امتياز، حصانة
Juristic person	شخص معنوي أو اعتباري
To involve	يتضمن، يحتوي على
Personal violence	اعتداء شخصي

And there are some offences, such as perjury, which a limited company, not being a natural person, cannot commit vicariously or otherwise.

(300) Perjury

شهادة الزور

Vicariously

عن سوء قصد

Corporation

شخص معنوي

Prejudice

ضرر

Breach

يخل بـ

Question on Part Four

(Criminal Law)

1) Criminal punishment are three in kinds, what are they:

- 1)
- 2)
- 3)

2) What means social reform Activities:

-
-
-

3) The Civil obligations which the court might order are:

- a)
- b)
- c)
- d)
- e)

4) The causes and reasons for dismissal execution prevent or issuance suspense of the criminal court awards are:

- a)
- b)
- c)
- d)
- e)
- f)

5) What are the degrees of participants of criminal participation.

6) What means infancy?

-

7) What means insanity?

-

8) Translate these passayes from English to Arabic.

9) Translate these legal passages from Arabic to English.

Part Five

Commercial Law

Commercial Law

Companies Types according to the Jordanian Companies Law:

1. Joint Liability Company
2. Partnership in Commendam Company
3. Joint Venture Company
4. Limited Liability Company
5. Shareholding Partnership Company
6. Private Shareholding Company
7. Public Shareholding Company
8. Holding Company
9. Joint Investment Company
10. Offshore Company
11. Foreign Company (Operating in the kingdom)
12. Foreign Company (Non-Operating in the kingdom)

القانون التجاري

أنواع الشركات وفقاً لقانون الشركات الأردني :

- 1 شركة التضامن .
- 2 شركة التوصية البسيطة.
- 3 شركة المحاصة.
- 4 الشركة ذات المسؤولية المحدودة .
- 5 شركة التوصية بالأسهم.
- 6 الشركة المساهمة الخاصة.
- 7 الشركة المساهمة العامة.
- 8 الشركة القابضة.

- 9 شركة الاستثمار المشترك .
-10 الشركة المعفاه .
-11 الشركات الأجنبية – (العاملة في المملكة) .
-12 الشركة الأجنبية – (غير العاملة في المملكة).

1. **Joint Liability Company:** Is a company formed by several natural persons not less than two and not more than twenty persons, unless an increase in such numbers has been done because of inheritance consequences. No person is accepted in the joint liability company but if has completed eighteen years old at least.

The partner in the joint liability company is considered severally and jointly liable with other partners for the debts and obligations which have been incurred to the company during his partnership in the company and is guarantor for such debts and obligations by his personal properties and such liability and guarantee are passed to his heirs post to his death within the limits of his inheritance.

1- شركة التضامن:

وهي الشركة التي تتألف من عدد من الأشخاص الطبيعيين لا تقل عن اثنين ولا يزيد على عشرين إلا إذا طرأت الزيادة على ذلك نتيجة للارث ، ولا يقبل أي شخص شريكاً في شركه التضامن إلا إذا كان قد اكمل الثامنة عشره من عمره على الأقل .
ويعتبر الشريك في شركه التضامن من مسؤولاً بالتضامن والتكافل مع سائر شركائه عن الديون والالتزامات التي ترتبت على الشركة أثناء وجوده شريكاً فيها، ويكون ضامناً بأمواله الشخصية لتلك الديون والالتزامات وتنتقل هذه المسؤولية والضمانة إلى ورثته بعد وفاته في حدود تركته .

2. **Partnership in Commendam Company**

The Partnership in Commendam Company is composed from two classes: active partners who are in charge of the company management and conducting its business as well as they jointly and severally liable for the company debts and obligations from their own private money; and silent partners who share in the company capital without having any right in the company management or

running its business. They are liable for the company debts and obligations according to their interest in the company capital.

-2 شركة التوصية البسيطة :-

تتألف شركة التوصية البسيطة من الفئتين الشركاء والمتضامنون وهم يتولون أداره الشركه وممارسه اعمالها ،ويكونون مسؤولين بالتضامن والتكافل عن ديون الشركه والالتزامات المترتبه عليها في اموالهم الخاصه والشركاء الموصون ، ويشاركون في راس المال دون ان يحق لهم ادارة الشركه او ممارسة اعمالها ، ويكون كل منهم مسؤولاً عن ديون الشركه والالتزامات المترتبه عليها بمقدار حقه في راس مال الشركه .

3. Joint Venture Company

A commercial company entered between two or more persons where its business is conducted by an apparent partner dealing with others so that the company is restricted and limited to the private relations among the partners, provided that the company among the partners could be established and proved with all proof ways.

The company does not enjoy incorporate capacity and is not subject to the registration and licensing rules and procedures.

-3 شركة المحاصة:

شركة تجاربه تنعقد بين شخصين أو أكثر يمارس أعمالها شريك ظاهر يتعامل مع الغير بحيث تكون الشركة مقتصره على العلاقة الخاصة بين الشركاء على أنه يجوز إثبات الشركة بين الشركاء بجميع طرق الإثبات .
ولا تتمتع بالشخصية الاعتبارية ولا تخضع لأحكام وإجراءات التسجيل والترخيص .

4. Limited Liability Company

The limited liability company is composed of two or more persons where the financial liability of the company is considered as independent of the financial liability of each partner and so the company, with all its assets and properties, is liable for the

company debts and obligations. The partner is not liable for such debts, obligations and losses but in the amount of the shares he owns in the company.

The Company Controller is permitted to register a limited liability company composed of one person or the limited liability company could become owned by one person.

4- شركة ذات المسؤولية المحدوده :-

تتألف الشركة ذات المسؤولية المحدودة من شخصين او اكثر وتعتبر الذمة المالية للشركة مستقلة عن الذمة المالية لكل شريك فيها وتكون الشركة بموجوداتها واموالها مسؤولة عن الديون والالتزامات المترتبة عليها ولا يكون الشريك مسؤولاً عن تلك الديون والالتزامات والخسائر الأ بمقدار حصصه التي يملكها في الشركة .
يجوز للمراقب الموافقة على تسجيل شركة ذات مسؤوليه محدوده تتألف من شخص واحد او ان تصبح مملوكه لشخص واحد .

5. Shareholding Partnership Company

The shareholding partnership company is composed of two class partners:

- a. Joint partners: Their figure is not less than two and they are accountable for the company debts and obligations in their own money.
- b. Shareholder partners: Their figure is not less than three each partner of them is accountable for the company debts and obligations in the amount of his share.

5- شركة التوصية بالسهم :-

تتألف شركة التوصية بالسهم من فئتين من الشركاء هما :-
أ- شركاء متضامنون :- لا يقل عددهم عن اثنين يسألون في أموالهم الخاصة عن ديون الشركة والالتزامات المترتبة عليها .
ب-شركاء مساهمون :- لا يقل عددهم عن ثلاثة ويسأل كل شريك منهم بمقدار مساهمته عن ديون الشركة والالتزاماتها .

6. Private Shareholding Company

The private shareholding company is composed of two or more persons. The Minister is permitted, based on justified recommendation by the Controller, to register a private shareholding company composed from one person or that its shareholders would become one person only.

The financial liability of the private shareholding company is considered as separate from the financial liability of each shareholder. It has the right to list and negotiate its securities in the market.

6- شركة المساهمة الخاصة :-

تتألف الشركة المساهمة الخاصة من شخصين او اكثر ويجوز للوزير بناء على تنسيب مبرر من المراقب الموافقة على تسجيل شركه مساهمه خاصة مؤلفه من شخص واحد لو ان يصبح عدد مساهميها شخصاً واحداً .

وتعتبر الذمة المالية للشركة المساهمة الخاصة مستقلة عن الذمة المالية لكل مساهم فيها ويحق لها إدراج أوراقها المالية في السوق وتداولها .

7. Public Shareholding Company

The public shareholding company is composed of a number of incorporators of not less than two persons where they subscribe in shares subject to listing in the securities markets for negotiation and transfer.

The Minister, upon recommendation of the Controller, could approve that the incorporator of the public shareholding company will be one persons or the company ownership would become one shareholder in the event of purchase all its shares.

7- شركة المساهمة الخاصة :-

تتألف الشركة المساهمة العامة من عدد من المؤسسين لا يقل عن اثنين يكتتبون فيها بأسهم قابله للإدراج في أسواق للأوراق المالية للتداول والتحويل ويجوز للوزير بناءً على تنسيب مبرر من المراقب الموافقة على ان يكون مؤسس الشركة المساهمة العامة المحدودة شخصاً واحداً او ان تؤول ملكيه الشركة إلى مساهم واحد في حال شرائه كامل أسهمها.

8. Holding Company

The holding company is a public shareholding company taking financial and administrative control on other company or companies called subsidiaries, through one of the following means:

1. Acquiring more than half of the company capital, and/or
2. Taking control of forming the board of its directors.

Objectives of the holding company:

- Management of the subsidiaries companies or sharing in management of the other company which it has shares in.
- Investing its money in shares, stocks and securities,
- Giving loans, guarantees and finance for subsidiaries companies.
- Acquiring patents, trademarks, franchise rights and other intangible rights as well as suing and renting the same of subsidiaries and other companies.

8- الشركة القابضة :-

هي شركة مساهمة عامه تقوم بالسيطرة الماليه والاداريه على شركة او شركات اخى

تدعى الشركات التابعه بواحدة من الطرق التاليه ب:-

1. ان تمتلك أكثر من نصف رأسمالها و/ او

2. ان يكون لها السيطرة على تأليف مجلس ادارتها .

وغاياتها :- * ادارة الشركات التابعه لها او المشاركه في إدارة الشركات الأخرى تساهم فيها.

*استثمار اموالها في الاسهم والسندات والأوراق المالية.

*تقديم القروض والكفالات والتمويل للشركات التابعه لها .

*تملك براءات الاختراع والعلامات التجارية وحقوق الامتياز وغيرها من الحقوق

المعنوية واستغلالها وتأجيرها للشركات التابعه لها او لغيرها .

9. Joint Investment Company

The joint investment company is registered as public shareholding company at the Companies Controller in a separate register and its objectives are limited to investing its money and others money in

financial securities of various types and regulates its businesses according to the financial Securities Law provisions.

9- شركة الاستثمار المشترك :-

شركة الاستثمار المشترك تسجل كشركة مساهمه عامه لدى مراقب الشركات في سجل منفصل وتقتصر غاياتها على استثمار أموالها وأموال الغير في الأوراق المالية على اختلاف أنواعها وتنظيم أعمالها وفق أحكام قانون الأوراق المالية.

10. Offshore Company

The offshore company is a public shareholding company, shareholding partnership company, limited liability company or private shareholding company and is registered in the Kingdom and conduct its businesses outside the country and "offshore" is added to its name.

10- الشركة المعفاة :-

هي شركة مساهمه عامه أو شركة توصيه بالأسهم أو شركة محدودة المسؤولية أو الشركات المساهمة الخاصة تسجل في المملكة وتزاول أعمالها خارجها ويضاف إلى اسمها (شركة معفاة) .

11. Foreign Company (Operating in the kingdom)

These companies are operating foreign companies where its head offices are located in any country other than Jordan. Its objectives are such companies to which tenders for executing business in the Kingdom within limited time period are awarded and its registration expires upon completing such business unless it gets new contracts; as well as companies working on permanent basis by license from the competent authorities.

11- الشركات الأجنبية:- (العاملة في المملكة) .

وهي شركات أجنبية عامله، الشركة او الهيئة المسجلة خارج المملكة ويقع مركزها الرئيسي في دولة أخرى جنسيتها غير أردنية وتكون غاياتها الشركات التي تحال عليها

إعطائات لتنفيذ أعمالها في المملكة لمدة محدودة، وتنتهي تسجيلها بانتهاء تلك الأعمال ما لم تحصل على عقود جديدة.
وشركات تعمل بصفه دائمة بترخيص الجهات الرسمية المختصة.

12. Foreign Company (Non-Operating in the kingdom)

The company or firm which takes the Kingdom as its location or office for representing the company which undertakes outside the Kingdom for the purpose of using such location or office to direct such businesses. The non-operating foreign company is prohibited to undertake any business or commercial activity within the Kingdom.

-12 الشركات الأجنبية :- (غير العاملة في المملكة).

الشركة أو الهيئة التي تتخذ من المملكة مقراً او مكتب تمثيل لأعمالها التي تقوم بها خارج المملكة وذلك بقصد استخدام مقرها او مكتبها لتوجيه أعمالها تلك، ويحظر على الشركة الأجنبية غير العاملة أن تزاول أي عمل او نشاط تجاري داخل المملكة.

Question on Part Five
(Commercial Law)

1) What are the Type of companies in Jordanian companies Law.

2) Translate these Legal passage to English.

3) Translate These English Legal Passage to Arabic.

Part Six

International Law

First Chapter

Types of the International Organization

The types of the international organizations vary based on the objectives it undertakes and its activities differ by its geographic location. The international organizations are divided into the following types:

1st. Types of the International Organizations in terms of objectives:

The international organizations vary according to its objectives. There are economic, political, military, technical, charity or humanitarian organizations:

المبحث الاول

انواع المنظمات الدولية

تتعدد انواع المنظمات الدولية بتعدد الأهداف التي تمارسها ويختلف حدودها باختلاف مواقعها الجغرافية والمنظمات الدولية تقسم الى الانواع الاتية :-

أولاً :- انواع المنظمات الدولية من حيث الأهداف :

تتعدد المنظمات الدولية باختلاف أهدافها فمنها ما هي اقتصادية او سياسية او عسكرية أو فنية او خيرية أو إنسانية :-

1. Economic Organizations:

Some of the international organizations are concerned with regulating the international economic aspects such as:

- 1) International Monetary Fund.
- 2) European Common Market,
- 3) World Trade organization (WTO).
- 4) Arab Common Market.
- 5) South East Asia Organization (Asian).

The economic organizations are considered at the present time the most spread and significant in the international relations.

1- منظمات اقتصادية :-

تختص بعض المنظمات الدولية بتنظيم الجوانب الاقتصادية الدولية مثل:

1. صندوق النقد الدولي.
2. السوق الأوروبية المشتركة.
3. منظمة التجارة العالمية.
4. السوق العربية المشتركة ومنظمة جنوب شرقي آسيا (آسيان) وتعد المنظمات الاقتصادية في الوقت الحاضر الأكثر انتشارا وأهمية في العلاقات الدولية.

2. Political Organizations:

Organizations aim at strengthening the political relations and unification positions among state members in the face of other countries. Examples

- 1- European Union
- 2- Latin America Organizations.
- 3- Arab States League.
- 4- Non-Aligned Movement.

The main target of this type of organizations is settling the political disputes. But, this does not mean that such organizations are not involved in other economic, military, financial and cultural issues since such issues are correlated to politics.

2- منظمات سياسية :-

وهي منظمات سياسية تهدف إلى تقوية الصلات السياسية وتوحيد المواقف بين الدول الأعضاء في مواجهة الدول الأخرى، ومن ذلك:

1. الاتحاد الأوروبي.
 2. منظمة أمريكا اللاتينية.
 3. جامعة الدول العربية.
 4. حركة عدم الانحياز .
- وهذا النوع من المنظمات يكون الهدف الرئيس منه هو تسوية المشاكل السياسية، ولكن ذلك لا يعني عدم تناول الموضوعات الأخرى الاقتصادية والعسكرية والمالية والثقافية، ذلك لأن هذه الموضوعات تتصل بالعمل السياسي.

3. Military Organizations:

The military organizations are those aiming at coordinating the joint military work of the member states and working to counter the international risks. These organizations are also called international alliances such as:

- 1- International alliances.
- 2- NATO, Warsaw
- 3- Pact and Joint Arab Defense Treaty. They are formed from strong military countries.

3- منظمات عسكرية :

تهدف هذه المنظمات إلى تنسيق العمل العسكري المشترك للدول الأعضاء والعمل على

مواجهة الأخطار الدولية ويطلق على هذه المنظمات أسم الأحلاف الدولية، مثل:

1. منظمة الحلف الأطلسي.
2. منظمة حلف واورسو.
3. معاهدة الدفاع العربي المشترك وتضم الدول القوية من الناحية العسكرية.

4. Technical Organizations:

The technical organizations are concerned with technical issues such as those organizations specialized in literature and art intellectual property protection, International Telecommunication Union, International Meteorological Organization, Civil Aviation Organization, Arab Organization for Standardization and Metrology and Arab Aviation Council.

4. منظمات فنية:

تختص المنظمات الفنية بقضايا فنية كالمنظمات المختصة:

- 1- بحماية الملكية الأدبية والفنية.
- 2- الاتحاد الدولي للمواصلات السلكية واللاسلكية.
- 3- المنظمة الدولية للأرصاد الجوية.
- 4- منظمة الطيران المدني.
- 5- المنظمة العربية للمواصفات والمقاييس.
- 6- مجلس الطيران العربي .

5. Social Organizations:

The social organizations are concerned with whatever is related to human in terms of scientific, cultural and practical aspects. Among such organizations are Education and Science Organization, Radio Stations Union and other organizations related to science, culture, education, scientific research, media, publication, World Work Organization and Arab Work Organization.

5. منظمات اجتماعية :-

تعنى المنظمات الاجتماعية بجميع ما يتعلق بالإنسان من الناحية العلمية والثقافية والعملية ، ومن هذه المنظمات:

- 1- منظمة التربية.
- 2- العلوم واتحاد الإذاعات.
- 3- المنظمات الأخرى
- 4- المتعلقة بالعلوم
- 5- الثقافه.
- 6- التربية.
- 7- التعليم.
- 8- البحث العلمي.
- 9- والإعلام والنشر .
- 10- منظمة العمل الدولية.
- 11- منظمة العمل العربية .

6. Humanitarian Organizations:

These organizations are specialized in humanitarian and charity activities and in making the human living easier. The governmental humanitarian organizations monitor the application of human rights principles in the member states. Such organizations include: Higher Commission of Human Rights, European Union Human Rights Organization and Islamic Committee for International Crescent of the Islamic Conference. However, the non-governmental humanitarian organizations are not international organizations governed by the international law rules. These organizations include Human Rights Watch, International Amnesty Organization and Doctors without Borders Organization.

6. منظمات إنسانية:-

هذه المنظمات تختص بأعمال إنسانية وخيرية والتخفيف عن الإنسان ، وتقوم المنظمات الإنسانية الحكومية بمراقبة تطبيق مبادئ حقوق الإنسان بين الدول الأعضاء ومن هذه:

- 1- المنظمات المفوضية العليا لحقوق الإنسان.
- 2- منظمة حقوق الإنسان التابعه للاتحاد الأوروبي.
- 3- اللجنة الإسلامية للهلال الدولي التابعة لمنظمة المؤتمر الإسلامي، أما المنظمات الإنسانية غير الحكومية فهي ليست منظمات دولية تخضع لقواعد القانون الدولي.
- 4- ومن هذه المنظمات منظمة هيومن رايتس ووتش.
- 5- منظمة العفو الدولية.
- 6- منظمة أطباء بلا حدود .

7. Financial Organizations:

The financial organizations facilitate the commercial and financial exchange among the member states including financing industrial, agricultural, industrial projects and funding other organizations which require money. The financial organizations include:

- 1- International Monetary Fund.
- 2- World Bank for Reconstruction International.
- 3- Federation of Islamic Banks – Cairo.
- 4- Islamic Chamber of Industry and Commerce.
- 5- Islamic Development Bank, Jeddah.

7. منظمات مالية :-

منظمات تسهل التبادل التجاري والمالي بين الدول الأعضاء بما به من تمويل مشاريع صناعية وزراعية وتجارية وغيرها من المؤسسات التي تتطلب راس اموال، ومن هذه المنظمات:

- 1- صندوق النقد الدولي.
- 2- البنك الدولي للإعمال.
- 3- الاتحاد الدولي للبنوك الإسلامية – القاهرة.
- 4- الغرفة الإسلامية للتجارة والصناعية
- 5- البنوك الإسلامية للتنمية – جدة .

8. Cultural Organizations:

These organizations are concerned with regulating and organizing the cultural relations among the member states and regulating the cultural and media exchange. These organizations include:

- 1- UNESCO.
- 2- Islamic Educational
- 3- Scientific and Cultural Organization (ISISCO).
- 4- Federation of Universities of the Islamic World – Jeddah.
- 5- Organization of Islamic capitals and cities – Mecca.
- 6- Arab Organization for Culture.
- 7- Education and Science and Joint Film Authority.

-8- منظمات ثقافية :-

منظمات تنظيم العلاقات الثقافية بين الدول الأعضاء وتنظيم التبادل الثقافي والإعلامي،
ومن هذه المنظمات:

1. اليونسكو
2. المنظمة الإسلامية للتربية والعلوم والثقافة (أيسيسكو).
3. اتحاد جامعات العالم الإسلامي – جدة.
4. منظمة العواصم والمدن الإسلامية – مكة.
5. المنظمة العربية للثقافة والتربية والعلوم.
6. الهيئة السينمائية المشتركة .

9. Judicial and Legal Organizations:

These organizations work on establishing courts to settle problems and disputes among member states such as:

- 1- International justice Court.
- 2- Islamic Court of Justice of the Islamic Conference Organization,
- 3- Arab Court of Justice.
- 4- Arab Organization for Social Defense against Crime.

9- منظمات قضائية وقانونية:

تقوم هذه المنظمات على إنشاء محاكم لتسوية المشاكل بين الدول الأعضاء مثل:

1. محكمة العدل الدولية.
2. محكمة العدل الإسلامية التابعة لمنظمة المؤتمر الإسلامي.
3. محكمة العدل العربية.
4. المنظمة العربية للدفاع الاجتماعي ضد الجريمة .

10. Multi-Purposes Organizations:

The international organizations aim at achieving several political, economic, military, humanitarian and charity objectives. These organizations include:

- 1- UN.
- 2- Arab States League
- 3- Islamic Conference Organizations.
- 4- South East Asia Organization. These organizations usually and frequently establish organizations specialized in political, economical and military affairs under its control.

10- المنظمات المتعددة الأغراض:

تهدف هذه المنظمات الدولية إلى تحقيق العديد من الأهداف السياسية والاقتصادية، والعسكرية، والإنسانية، والخيرية، ومن هذه المنظمات:

1. الأمم المتحدة.
2. جامعة الدول العربية.
3. المؤتمر الإسلامي.
4. منظمة جنوبي شرقي آسيا وغالباً ما تنشأ هذه المنظمات، منظمات مختصة في الشؤون السياسية والاقتصادية والعسكرية تابعه لها .

2nd. Types of the International Organizations in terms of Geography Location:

The international organizations differ by the variation of the geographic location to which it is subject to. So, there are regional and international organizations:

1. Regional Organizations:

The regional organizations are those organizations regulating the relations among states which are gathered by one region or area or common interests. These organizations are the oldest international organizations. The concept of regional organizations has been significantly developed where the "region" expression used to form the main factor in it. In the present time the geographical factor has not been basic in determination of the regional organizations where the concept of regional organizations has been developed to cover states do not fall within specific regional.

ثانياً :- أنواع المنظمات الدولية من حيث المواقع الجغرافي .

تختلف المنظمات الدولية باختلاف المنطقة الجغرافية التي تخضع لها عدة منظمات إقليمية وأخرى عالمية:

1- المنظمات الإقليمية :

المنظمات الإقليمية هي التي تنظم العلاقات بين الدول التي يجمعها إقليم او منطقة واحدة او مصالح مشتركة ، وهي أقدم أنواع المنظمات الدولية ، ولفظ المنظمات تطور كبيراً فقد كان تعبير الإقليمية يشكل العامل الجغرافي أساساً فيه ، وفي الوقت الحاضر لم يعد العامل الجغرافي أساساً في تحديد المنظمات الإقليمية إذ تطور مفهوم المنظمات الإقليمية لتشمل دولاً لا تقع في منطقة إقليمية واحدة.

a. Geographical Factor in the Regional Organizations:

The geographical factor is considered as basic in determination of the international organizations.

UN was forced to distribute its activities through establishing agencies or geographical regional offices or calling the member states which are located in a specific regional area to establish its own organizations. Therefore. UN established regional economic committee and also the:

- 1- World Health Organization established regional offices in many of the world countries.
- 2- International Meteorological Organization activity of which is performed on regional base.

Among the regional organizations which are based on geographical factor are:

- 1- Latin America States Organization.
- 2- Europe Union Organization.
- 3- African Union Organization.
- 4- Asian Organization.

أ- العامل الجغرافي في المنظمات الإقليمية :-

يعد العامل الجغرافي أساساً في تحديد المنظمات الدولية، الأمم المتحدة اضطرت إلى توزيع نشاطها بإنشاء وكالات أو مكاتب إقليمية جغرافية أو بدعوة الدول الأعضاء التي تقع في منطقة إقليمية معينة إلى إنشاء منظمات خاصة بها وعلى هذا أنشأت الأمم المتحدة:

- 1- لجانا اقتصادية إقليمية
- 2- منظمة الصحة العالمية بإنشاء مكاتب إقليمية في العديد من مناطق العالم
- 3- المنظمة الدولية للأرصاد الجوية التي يقوم نشاطها على أساس إقليمي. ومن المنظمات الإقليمية التي تقوم على العامل الجغرافي:
- 4- منظمة دول أمريكا اللاتينية.
- 5- منظمة الاتحاد الأوروبي.
- 6- منظمة الوحدة الأفريقية .
- 7- منظمة آسيان.

b. Political Factor in the Regional Organizations:

The solidarity factor might be established on several bases, so it might be gathered in the existing regime or ideology such

- 1- European Union, or are distinguished by the basic fortunate sources such as:
- 2- OPEC, gathered by the national factor such as
- 3- Arab Countries League or the religious factor such as
- 4- Islamic Conference Organization or security and stability factor such as
- 5- non-alignment movement
- 6- British Commonwealth
- 7- Russian Federations for Independent States
- 8- NATO.

The regional organizations might be open for all states include in it such Arab States League which is open for all Arab states and Islamic Conference Organization which is open to all Islamic

countries; and the regional organization might be closed as in the case of Arab Gulf States Cooperation Council.

ب-العامل السياسي في المنظمات الإقليمية :-

لم يعد مفهوم العامل الجغرافي أساساً في تحديد المنظمات الإقليمية بل توسع هذا المفهوم فأصبح بجمع دولاً لا تقع في منطقة جغرافية معينة، يجمعها في الغالب عامل التضامن في مواجهة الدول الأخرى، وقد يقوم عامل التضامن على أسس متعددة فقد يجمعها التشابه في النظام القائم أو الأيدولوجية مثل:

1. الاتحاد الأوروبي، أو أنها تتميز بمصادر الثروات الأساسية

2. مثل: منظمة الدول المصدرة للنفط (أوبك) أو يجمعها العامل القومي، مثل

3. جامعة الدول العربية، أو العامل الديني مثل:

4. منظمة المؤتمر الإسلامي أو عامل الأمن والاستقرار مثل:

5. حركة عدم الانحياز

6. الكومنولث البريطاني

7. الاتحاد الروسي للدول المستقلة

8. وحلف شمال الأطلسي .

والمنظمات الإقليمية قد تكون منظمات مفتوحة لجميع الدول التي تشملها مثل: جامعة الدول العربية وهي مفتوحة لجميع الدول العربية، ومنظمة المؤتمر الإسلامي المفتوحة لجميع الدول الإسلامية ، وقد تكون المنظمة الإقليمية مغلقة كما هو الحال بالنسبة لمجلس التعاون لدول الخليج العربية .

c. Regional organizations limited within the Regional Organizations Frame:

Regional organizations within the regional organization where some countries which are member states in a specific organization found that they share in specific issues which the other state members do not share in requiring gathering together to encounter the existing regional organization; and so they would establish their own regional organization separate from the main regional organizations through which such countries could face the member states in the existing organization or in other organizations. Examples of this are

- 1- Arab Gulf Cooperation Council,
- 2- Moroccan Council

3- Arab Cooperation Council where all members of these organizations are members in Arab States League.

ت- المنظمات الإقليمية المحدودة في إطار المنظمات الإقليمية:

إقليمية داخل المنظمات الإقليمية. إذ وجدت بعض الدول الأعضاء الأخرى مما يتطلب التواجد مع بعضها في مواجهة المنظمة الإقليمية القائمة فتعمد على إنشاء منظمة إقليمية خاصة بها منفصلة عن المنظمة الإقليمية الرئيسية، تستطيع من خلالها أن تواجه الدول الأعضاء في المنظمة القائمة أو المنظمات الأخرى، ومن ذلك:

1. إنشاء مجلس التعاون الدول الخليج العربية،
2. الاتحاد المغربي
3. مجلس التعاون العربي، وأعضاء هذه المنظمات جميعاً هم أعضاء في جامعة الدول العربية .

2. World Organizations:

These are the organization membership in which is for all world countries and every country has the chance to join it.

The world organizations are divided into the following types:

a. Open World Organizations:

Which are the organizations open to all the world countries automatically without applying any membership conditions where the states are accepted upon achieving the three state-factors.

1. The World Mail Union was among these organizations until 1947.

2- المنظمات العالمية :-

هي المنظمات التي تكون العضوية فيها لدول العالم جميعاً وتتاح الفرصة لكل دولة لأن تنضم إليها .

والمنظمات العالمية ليست على نوع معين إنما تقسم إلى الأنواع الآتية:

أ. منظمات عالمية مفتوحة :-

المنظمات المفتوحة لدول العالم جميعاً بصورة آلية دون أن تكون هناك أية شروط لانضمام الدول . إذ تقبل الدول عندما تكتمل فيها عناصر الدولة الثلاثية ، هذه المنظمات منظمة الاتحاد البريدي العالمي حتى سنة 1947 .

b. Conditional World Organizations:

These are the organizations which any of the world states might apply to, but membership is not accepted automatically but is subject to the acceptance conditions. Examples of such organizations are

- 1- UN, World Trade Organization,
- 2- World Work Organization.
- 3- World Meteorological Organization.

ب. منظمات عالمية مشروطة :

المنظمات التي يمكن أن تتقدم إليها أية دولة من دول العالم ، ويخضع لقواعد القبول المشروطة في المنظمة موافقة المنظمة ذاتها.

- 1- المنظمات الأمم المتحدة.
- 2- منظمة التجارة العالمية.
- 3- منظمة العمل الدولية .
- 4- منظمة الأرصاد العالمية .

Question on Part Six
(International Law)

1) What are the Economic Organizations:

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2) What are the political organizations:

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3) What are the Military Organization:

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4) What are the Technical organizations:

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5) What are the Social organization:

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6) What are the Humanitarian organizations?

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Part Seven

Selected Legal Terms

((Authorities and intellectual property))

1) Executive Authority:

Is that branch of government
Which is charged with the
Detail of carrying the laws
Into effect and securing their due observance

السلطة التنفيذية

هو ذلك الفرع من الحكومة المكلف بتنفيذ القوانين وضمان احترامها بصورة أصولية

2) Legislative authority:

Is that branch of government whose appropriate function is that
enactment Of laws as distinguished from the Judiciary power which
interprets And applies the law and the Executive power which carries
them Into execution and effect.

السلطة التشريعية

هي ذلك الفرع من الحكومة التي تختص بسن القوانين مختلفا عن السلطة القضائية التي تفسر
وتطبق القوانين وعن السلطة التنفيذية التي تضع القوانين موضع التنفيذ

3) Judicial Authority

Is that branch of government which entrusted with the task of applying
and interpretation the laws in litigation
It is the system of courts in the country
In Jordan the courts which represent the judiciary are:

- 1- The court of justice peace.
- 2- The court of first instance.

- 3- The court of appeal.
- 4- The court of cassation.
- 5- And the court of the higher Administrative.

السلطة القضائية

هو ذلك الفرع من الحكومة الموكل إليه أمر تطبيق وتفسير القوانين في المنازعات القانونية وكذلك تقام المحاكم في البلاد وتضم المحاكم التالية في الأردن

- 1- محكمة الصلح
- 2- محكمة البداية
- 3- محكمة الاستئناف
- 4- محكمة التمييز
- 5- محكمة العدل العليا

The subjects of intellectual property

1) Protection of copyright.	حماية حق المؤلف
2) Patent of invention.	براءة الاختراع
3) Geographical indication.	المؤشرات الجغرافية
4) Industrial design and models.	الرسوم (النماذج الصناعية)
5) Trade marks.	العلامات التجارية
6) Trade name.	الأسماء التجارية
7) Plant varieties.	الأصناف النباتية
8) Trade secret and unfair competition.	الأسرار التجارية والمنافسة غير المشروعة
9) Goods marks.	علامات البضائع
10) Integrated circuits and designs (layout – designs "topographies" integrated rated circuits).	حماية التصاميم للدوائر المتكاملة
11) Law of competition.	قانون المنافسة
12) Electronic transaction.	المعاملات الإلكترونية
13) Protection of national production.	حماية الإنتاج الوطني

(2) International trinities of Intellectual property

- 1- **WIPO:** World intellectual property organization. المنظمة العالمية للتحكيم الفكرية (الويبو)
- 2- **WTO:** World trade organization (WTO). منظمة التجارة العالمية.
- 3- **TRIPS:** Trade relates intercultural property. (Agreement on trade aspects of intellectual property right). اتفاقية الجوانب المتصلة بالتجارة من حقوق الملكية الفكرية

Copyright: حق المؤلف

Is a property right intended to protect the rights of those who create works of various kinds.

The protection is to prevent exploitation of their works by others.

It follows that copyright cannot exist by itself but only within the works which has been created for this reason we say "that copyright subsists rather than exist.

And copyright covered:

- 1- Anything that is printed.
- 2- Written.
- 3- Recorded.
- 4- Anything that can be made by a human being.

These are the following (copy right exist only of the following works):

- 1- Literacy works. الأعمال الأدبية
- 2- Dramatic works. الأعمال المسرحية
- 3- Musical works. الأعمال الموسيقية
- 4- Artistic works. الأعمال الفنية
- 5- Sound recording. التسجيلات الصوتية
- 6- Cinematographic films. الأشرطة السينمائية
- 7- Television broadcasting. البث التلفزيوني

8- Sound broadcasting. البث الإذاعي

9- Published editions of works. طبعاا الأعمال المنشورة

From the: UK legislation:

Copyright is a property right which subsist in accordance with this past in the following description of works:

1- Original literary, dramatic, musical, or artistic works.

2- Sound recording, films, broadcasts, or cable programs.

Typographical or arrangement of published editions.

2) Patent of invention: براءة الاختراع

A Patent may be granted for an invention in respect of which the following conditions are satisfied that is to say:

1- The invention is new.

2- It involves an inventive step.

3- It is capable of industrial application.

3) Geographical Indication: المؤشرات الجغرافية

Definition:

Is signs used on goods to specific geographical origin which has goods reputation or qualities that are due to that place of origin.

إشارة توضع على بضاعة بمنشأ جغرافي معين لها سمعة وخصائص تعود إلى ذلك المنشأ

4) Industrial Design and Models: الرسوم والنماذج الصناعية

Definition:

Means feature of shape configuration, pattern or naming applied to an article by any industrial process.

Being features which in the finished article appeal to and are judge by the eye but does not included:

- a) Method or principle of construction.
- b) Features of shape or configuration of an article.

5) Trade Marks: العلامات التجارية

Definition:

Any sign capable of being represented graphically which is capable of distinguish goods of services of one undertaking from those of other undertaking.

A trade mark may in particular consist of (works, designs, letters numerals, or the shape of goods or their packaging).

6) Trade Name: الأسماء التجارية

Definition:

The name which choose by a person to distinguish his place of business or trade from another.

And which consist of an invention name or creative name with adding his kind of trade activity which he exercise.

الاسم الذي يختاره الشخص لتمييز محله الجاري عن غيره من المحلات والذي يتكون من تسميته بفكرة. مع إضافة نوع تجارته أو نشاطه الذي يمارسه.

7) Plant Varieties: المصنفات النباتية

Grant of plant breeders rights (the plant breeders) condition for the grant of right the Varsity is a qualifying Varsity if it is:

- 1- Distinct.
- 2- Uniform.
- 3- Stable.
- 4- New.

8) Trade Secret and Unfair Competition: الأسرار التجارية والمنافسة غير

المشروعة

Trade Secret:

Means: Confidential information in trade which however be secret, or private, information which has come into existence as a result of the expenditure of labour or money.

It must not be merely trivial.

معلومات الثقة في التجارة والتي تكون سرية، وخاصة من المعلومات والنتيجة عن ممارسة عمل أو بذل جهد أو مال ويجب أن لا تكون تافهة.

Unfair competition. المنافسة غير المشروعة

Means: The work will be unfair competition every competition contradicts with fair competition in industrial and commercial activities, it is un-honest.

كل منافسة تتعارض مع ممارسات المنافسة في الشؤون التجاري والصناعية.

9) Goods Marks: علامات البضائع

Means: (الوصف التجاري الزائف)

Using an untrue trade description used for goods which this description is untrue.

Every goods has a trade description and these descriptions are essential for these goods, means goods marks.

Using untrue trade description for these goods and it is essential untrue goods marks

10) Integrated Secure designs: حماية التصاميم للدوائر المتكاملة

Means:

Many or group of interconnected an element which is intended to perform an electric function.

عناصر متصلة مع بعضها البعض المعدة للقيام بعمل الكتروني

11) Fair Competition: قانون المنافسة

Means:

Free price for goods according to the prices of the market and fair competition except of these the essential goods like brid, and oil. .ect.

12) Electronic Transaction: المعاملات الإلكترونية

Means:

Many of procedures by two parties or more to create obligation for each others relating in commercial work or civil work or by government. إنشاء التزام

13) Protection of National Production: حماية الإنتاج الوطني

Means:

Import kinds of goods and products to the state with law prices, which caused damage to the local producer.

Questions on Part Seven

(Selected Legal Terms

1) What is the Executive authority?

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-

2) What are the system courts in Jordan?

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-

3) Define Copyright.

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4) What are the works which copyright exist?

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5) There are three essential elements and condition for Patent of invention what are they?

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-

6) Define Trade Mark.

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-
-

7) What means Good Marks?

-
-
-
-
-

Brief Dictionary In Legal Terminology

القاموس الوجيز في المصطلحات القانونية

Contents:

- 1- Legal Terminology
- 2- Definition of public and private law
- 3- Sources of law
- 4- The means of proof of the right
- 5- Classification of courts
- 6- Classification of rights
- 7- Liability
- 8- Action

English	عربي
(X) & (Y) Exchanging Invective	يتبادلان القدح والذم
A Bilateral Agreement	اتفاقية ثنائية
A Binding Decision	قرار ملزم
A Breach of Discipline	الإخلال بالنظام
A Convention of Reciprocal Obligation	اتفاق ملزم للطرفين
A Draft of Convention	مشروع اتفاقية
A Fair and Lasting Solution of the Problem	حل دائم وعادل للمشكلة
A Gentlemen Agreement	اتفاق شريف
A Peaceful Solution of the Crisis	حل سلمي للأزمة
Abolish	يلغي
Abolition	إلغاء
Absolution	الاستبدادية المطلقة
Abstention	امتناع – استنكاف
Accountability	مساءلة
Accounting for Lawyer	المحاسبة للمحامين
Accrued	مستحق
Accuse	يتهم
Acquiescence	إذعان – موافقة
Act	يسن – تصرف – عمل
Action	دعوى
Adjective Law	قانون إجرائي
Adjudge	يحكم – يقضي – يقر – يفصل
Adjustment	تعديلات
Administration	إدارة
Administrative	المحاكمات الإدارية – إداري
Administrative Law	القانون الإداري
Adopted	إقرار
Affair	شؤون
Affect	أثر
Affreightment	عقد شحن بضائع بالبحر
Agency	التوكيل
Aggravate	يشدد
Aid To Developing Countries	تقديم المساعدات للدول النامية

English	عربي
Alimony	نفقة زوجية
Amnesty	العفو العام
An Act of Aggression	عمل عدواني
An Act of Rebellion	عمل انقلابي
An Act of War	عمل حربي
An Economic Blockade	حصار اقتصادي
An Election Address	خطبة انتخابية
Analysis	تحليل
Anarchism	الفوضوية
Ancestor	سلف
Ancient	قديم
Appeal	يستأنف الدعوى - استئناف الدعوى
Appellate Court	محكمة استئنافية
Apprenticeship	التدريب على مهنة - تلمذة
Arbitrary	تحكمي - تعسفي
Arbitration	التحكيم
Aristocracy	الارستقراطية
Article	مادة (قانونية)
Assembly	مجلس
Assets	موجودات
Association	جمعية - شركة - رابطة
At Motion	في حال الحركة
At Rest	ساكن
Authentic	رسمي - صحيح - أصلي
Authoritarianism	التحكمية
Authoritative	موثوق - جدير بالاعتماد والقبول-الزامي
Authority	سلطة
Authorized Sources	المصادر المسؤولة
Ballot	اقتراع
Banking	مهنة الصيرفية
Bankruptcy	إفلاس
Bankruptcy, Debtors & Creditors	الإفلاس مدين ودائن
Bar Association	نقابة المحامين

English	عربي
Basis	مبدأ أساسي – أساس – قاعدة
Behavior	سلوك – تصرف
Bill of Exchange	سفتجة – كمبيالة
Bind	يربط – يلزم
Binding	ملزم
Blockade	حصار
Bond	سند أو وثيقة بدين- التزام- تعهد
Branch	فرع
Breach	خرق القانون – نقض العهد
Bridle	لام
Bring About	يحدث – يسبب
Business	عمل – مهنة
Business Organization	تنظيم العمل
Cabinet	مجلس الوزراء
Canon Law	القانون الكنسي
Capital	رأس مال
Capital Punishment	عقوبة الإعدام
Capitalism	رأسمالية
Capitalist	رأسمالي
Capture	يقبض على
Case	قضية- دعوى- قضية- نزاع
Case Law	قانون الدعوى
Cause	سبب
Codification	تقنين
Circumstances	ظروف
Citizen	مواطن
Citizenship	مواطنة
Civic	مدني- بلدي
Civil	مدني
Civil-Code	قانون مدني
Civil Courts	محاكم مدنية
Civil Law	قانون مدني
Civil Liability	مسؤولية مدنية
Civilization	حضارة – مدنية
Civilized	متحضر – متمدن

English	عربي
Claim	دعوى
Claimant	المدعي
Clan	عشيرة
Clarification	تفسير – توضيح
Class	طبقة اجتماعية- صنف – نوع
Clique	زمرة – عصابة
Code	مدونة جوستنيان
Command	أمر – قيادة
Commercial	القانون التجاري
Commercial Arbitration	التحكيم التجاري
Commercial Conflict of Law	المنازعات التجارية في القانون
Commercial Law	القانون التجاري
Commercial Pledge	الرهن الحيازي التجاري
Commission	عمولة – ارتكاب
Commit	يقترف – يرتكب
Common Law	القانون العام
Commune	العامّة
Company	شركة
Company Law	قانون الشركات
Comparative Law	القانون المقارن
Compensation And The Law	قانون التعويض
Competition	منافسة
Compilation	مجموعة
Compulsion	إلزام – إكراه
Concentrate	ركز
Conception	مفهوم
Conditional Acceptance	قبول مشروط
Conduct	سلوك – تصرف
Conflict	نزاع
Conflict of Judicial Jurisdiction	التنازع على الولاية القضائية
Conflict of Laws	تنازع القوانين
Conservation	المحافظة
Constitution	دستور
Constitutional Law	القانون الدستوري
Constitutional Law	القانون الدستوري

English	عربي
Constitutionalism	الدستورية – الحكم الدستوري
Contract	عقد
Contract of Carriage	عقد نقل
Contract Theory	النظرية العقدية
Contracts	العقود
Convention	اتفاقية
Conventional	اتفاقي
Cooperation	تعاون
Copyright	حق التأليف والنشر
Corollary	نتيجة طبيعية
Cooperate Insolvency	إعسار الشخص المعنوي
Correct	صحيح يتفق مع الأعراف والتقاليد
Court	محكمة – بلاط
Court of Administrative Adjudication	محكمة القضاء الإداري
Court of Appeal	محكمة الاستئناف
Court of Causation	محكمة النقض
Court of First Instance	محكمة البداية
Creditor	دائن
Creed	مذهب – عقيدة
Criminal	مجرم – جنائي
Criminal Code	القانون الجنائي
Criminal Courts	المحاكم الجنائية
Criminal Law	القانون الجنائي
Criminal Liability	المسؤولية الجنائية
Criminal Procedures	الإجراءات الجنائية
Criminal Process	دعوى جنائية
Criminality	الصفة الجرمية
Criminology & Criminal Justice	علم الإجرام
Criterion	معيار
Crucial Resolutions	قرارات حاسمة
Culture	ثقافة
Custom	عرف
Damages	أضرار – تعويضات- تعويض
	عطل وضرر
Dealings	تعامل

English	عربي
Debt	دين
Decision	قرار
Decree	مرسوم
Default	تقصير - إهمال
Defeatism	روح الانهزامية
Defendant	المدعى عليه
Delict	عمل غير مشروع
Delivery	تسليم
Demand	طلب
Democracy	الديمقراطية
Democratic Socialism	الاشتراكية الديمقراطية
Derogate	يخالف
Destroy	يبديد - يدمر - يخرب - يقضي على
Detection	كشف - اكتشاف
Development Law	قانون التطوير
Dictum	فتوى - رأي
Digest	مختارات جوستينيان القانونية
Diplomacy	الدبلوماسية
Diplomatic	دبلوماسي
Direct Democracy	الديمقراطية المباشرة
Disobedience	عدم إطاعة - عصيان
Disposition	تصرف
Dispute	خصومة - نزاع جدل
Distribution	توزيع
Divine	إلهي - مقدس - ديني
Divine Right	حق إلهي
Divinity	ألوهية - إله
Divorce	طلاق
Doctrine	مبدأ - مذهب - عقيدة
Dogma	مذهب - مبدأ نظري
Domicile	موطن
Droits Patrimonial	الحقوق المالية
Due	حق مشروع
Duty	واجب
Economics	علم الاقتصاد

English	عربي
Economic	اقتصادي
Economic Law	القانون الاقتصادي
Economy	اقتصاد – نظام اقتصادي
Election	انتخاب
Electorate	جمهور الناخبين
Elucidation	شرح – بيان – إيضاح
Emergency Laws	قوانين الطوارئ/ قوانين استثنائية
Emperor	إمبراطور
Employment	استخدام
Employee	أجير – مستخدم
Employer	صاحب العمل – المستخدم
Enact	يسن - يشرع
Enactment	تشريع – سن القوانين
Enforcement	تنفيذ
Engagements	ارتباطات
Enjoyment	التمتع (بالملكية)
Environment	بيئة – محيط
Equality	مساواة
Equity	عدالة طبيعية – إنصاف
Estate	تركة – عقار – ملك
Ethical	أخلاقي
Ethics	أخلاق – علم الأخلاق
Evidence	الإثبات
Evidence And Proof	البيانات والإثبات
Evil	شر – إثم – عاقبة وخيمة
Execute	تنفيذ
Execution	تنفيذ حكم الإعدام
Executive	تنفيذي – رئيس السلطة التنفيذية
Export	يصدر – تصدير
Expounders of Law	شراح القانون – مفسرو القانون
External	خارجي
Façade	واجهة
Face	يواجه
Fascism	الفاشية -عنصرية – التمييز العنصري

English	عربي
Fact	حقيقة – واقعة
Factor	عامل ، عنصر
Factors	عوامل
Factory	مصنع
Facultative	اختياري
Failure	فشل ، إحباط
Family	عائلة
Family Law	قانون العائلة
Family Law	قانون الأحوال الشخصية
Fault	خطأ – غلط - عيب
Faultless	لا عيب فيه – كامل
Favor	معروف – فضل – خدمة – منه
Feature	يميز
Federal System	نظام اتحادي
Feudalism	الإقطاعية – النظام الإقطاعي
Finance	علم المالية – يمول
Financing	تمويل
Figurehead	رئيس صوري
Force	قوة
Forebear	يمسك أو يمتنع عن
Foreign Policy	السياسة الخارجية
Formal	شكلي
Forum	منبر – محكمة
Franchising Law	قانون الحقوق الاستثمارية
Fraternity	أخوة – إخاء – أخوية
Freedom	حرية
Form Experience	بالتجربة
Generic	عام – شامل
Geography	علم الجغرافية
Gifts, Will & Trusts	الهدايا، الوصايا والأمانة
Goal	هدف – غاية
Goods	سلع – بضائع
Government	حكومة – حكم
Grant	تحويل – ترخيص – منحة
Guild	تحويل – ترخيص – منحة

English	عربي
He Deferred Consideration of The Matter	أجل النظر في الأمر
He gave Him The Benefit of The Doubt	رأت لعدم توافر الأدلة الكافية لإدانتته
He Would Be Well Advise To	من الحكمة أن ...
Heading	عنوان – مطلب
Hearing	سماعة (الدعوى) - رؤيتها- نظرها
Heir	وريث – يرث
Hindu Law	القانون الهندوسي أو الهندوكي
Holder	مالك – حامل
House of Lords	مجلس اللوردات (البريطاني)
House of Representatives	مجلس النواب
Human	إنسان – إنساني
Hypothetical	تأمين عقاري
I Beg To Differ	اسمح لي أن أخالفك
Ideology	عقيدة – أيديولوجية
Illegal	غير قانوني
Illegitimacy	عدم شرعية الأبوة – فساد النسب
Illegitimate	غير شرعي – ابن حرام
Illiteracy	الأمية
Immutable	ثابت – غير قابل للتغيير
Impeachment	اتهام
Imperative	أمر – إلزامي
Imperfect	غير تام – ناقص
Implementation	تنفيذ
Import	يستورد – استيراد
Impose	يفرض
In A Convincing Manner	بأسلوب مقنع
In According With Existing Rules	وفقاً للقواعد المعمول بها
In An Advisory Capacity	بصفة استشارية
In Defiance of The Resolution	تحدياً للقرار
In The Circumstances	في هذه الظروف
Income	دخل
Independence	استقلال
Independence	استقلال

English	عربي
Individual	فرد
Individualism	المذهب الفردي
Induce	يغوي - يستميل - يسبب
Industrial & Intellectual Property	الملكية الصناعية الأدبية
Industry	صناعة
Inflict Upon	ينزل بـ (عقوبة)
Infringement	النظام
Inheritance	ارث - ميراث
Inimical	ضارب - غير ملائم
Initiate	يبادر
Injury	إصابة - إيذاء - خسارة - ضرر
Institutes	مجموعة قوانين
Institution	مؤسسة اجتماعية - منشأة - معهد
Insurance	التأمين
Interest	فائدة - مصلحة
Interference	تدخل
Internal	داخلي
Internal Law	القانون الداخلي
International	دولي
International Business Law	قانون العمل الدولي
International Cooperation	التعاون الدولي
International Law	القانون الدولي
International Organizations	المنظمات الدولية
Investigation	تحقيق
Irresponsibility	استهتار بالمسؤولية
Islam	إسلام
Islamic Law	الشريعة الإسلامية
It Is Currently Reported that	يتناقل الناس الآن أن ...
It Is Customary To	يقضي العرف بأن ...
It is Usual	من المعتاد
It Stands To Reason That	يستنتج من ذلك
Judge	قاضي
Judging By	مستنداً بالحكم إلى
Judgment	حكم - قرار محكمة
Judicial	قضائي

English	عربي
Jural	قانوني – شرعي – حقوقي
Jurisdiction	ولاية
Jurisprudence	اجتهاد – فقه
Jurisprudence And Legal Theory	التشريع ونظرية القانون
Jurist	فقيه – حقوقي
Juristic	قانوني
Juristic Civil	قانون مدني داخلي
Juristic Gentium	قانون الشعوب والأمم
Justice	عدالة
Juvenile Court	محكمة أحداث
King	ملك
La Doctrine	الفقه
Labor Law	قانون العمل
Labor	عمل
Laissez-Faire(F)	دعه يعمل
Landlord	مالك الأرض
Landowner	مالك الأرض
Lapse Of Time	مرور الأرض
Law	قانون
Law Of Charities And Voluntary Organization	قانون تنظيم الصدقات والتطوع
Law Of Credit & Security	قانون الإقراض والائتمان
Law Of Landlord And Tenant	قانون المالكين والمستأجرين
Law Of Management And Labor Relation	قانون الإدارة والعلاقات العمالية
Law of Nations	قانون الأمم
Law Of Restitution	قانون التعويض
Law Of Social Theory	القانون والنظرية الاجتماعية
Law Of Succession	قانون الإرث
Law Report	تقرير قانوني
Law, Language & Ethics	قانون اللغة والنحو
Law-Maker	الشارع – المشرع
Law-Making	تشريع القانون
Law of Property	قانون الملكية
Lawyer	محام

English	عربي
Liabilities	مطالب
Leader	قائد
Leadership	قيادة
Lease	يؤجر – يستأجر
Liberalism	التحررية الليبرالية الاقتصادية والسياسية
Leftist	يساري
Legal	قانوني
Legal Capacity	الأهلية القانونية
Legal Research & Writing	البحث القانوني والكتابة
Legal Responsibilities Of Banks	المسؤولية القانونية للبنوك
Legal Theory & History	النظرية القانونية والتاريخ
Legislation	تشريع
Legislative	تشريعي
Lender	مقرض – معير
Lessor	مؤجر
Law	القانون
Liberal	تحرري – ليبرالي
Life	الحياة
Litigation	مقاضاة
Loan	قرض – دين
Loggerhead	مخاصمة
Loyalty	ولاء
Maintenance	المحافظة على ، صيانة
Multi-Lateral Convention	اتفاقية متعددة الأطراف
Marine Insurance	التأمين البحري
Marine Insurance	التأمين البحري
Marine Law	القانون البحري
Marine Law	قانون بحري
Marketing	تسويق
Marriage	زواج
Masses	الجمهير
Means	وسيلة – موارد مائية
Military Service	الخدمة العسكرية
Minister	وزير

English	عربي
Minor	قاصر
Minority	حادثة سن - قصر
Misfortune	سوء حظ - محنة - بلية
Mitigate	يخفف
Modify	يعدل - يلطف
Molest	يزعج - يضايق - يطدر
Monarch	عامل
Monarchy	الملكية
Moral	أدبي - أخلاقي
Morality	أخلاق - أدب
Morals	السلوك الأخلاقي
Motive	باعث - حافز
Multi-National Enterprises	المشاريع الدولية متعددة الجنسيات
Municipal	بلدي
Murder	جريمة القتل العمد
Muslim	مسلم
Nation	أمة
Nationalism	القومية
Nationality	جنسية
Natural Law	القانون الطبيعي
Negative	سلبي
Norm	نموذج - قاعدة
Novels	القوانين الأساسية المستحدثة
Null	لاغ- باطل- غير ذي قوة شرعية ملزمة
Null And Void	باطل وكأنه لم يكن
Nullity	يلغي - يبطل
Obedience	طاعة
Obligee	الملتزم به
Object	موضوع
Obligation	التزام
Obligatory	ملزم - إجباري
Oblige	يلزم - يربط
Obligor	الملتزم
Offense	جريمة

English	عربي
Offender	مجرم
Oligarchy	حكم القلة
On Behalf of	في سبيل
On The Statue Book	منصوص عليه في كتب القانون
One Word In Condition	كلمة أخيرة
Opportunity	فرصة
Order	نظام
Organization	منظمة – تنظيم
Origin	منشأ أصل
Owner	مالك
Ownership	ملكية
Parents	والدان (أب وأم)
Parliament	برلمان – مجلس الأمة
Partie Civile (F)	مدع بالحق المدني
Parties	خصوم – أطراف
Partner	شريك
Partnership	شركة – مشاركة
Party	حزب – طرف في دعوى
Patrimonies	ذمة مالية
Payment	دفع – دفعة
Peace	سلم
Peace Court	محكمة الصلح
Penal Law	قانون العقوبات
Penalize	يعاقب
Penalty	عقوبة
People	الشعب
Perfect	تام
Permanent	دائم
Person	شخص
Person Of Inherence	الشخص الذي يتلقى الحق
Personal	شخصي
Personal Law	قانون أحوال شخصية
Personal Rights	حقوق شخصية
Personality Cult	عبادة الشخصية
Persuasive	مقنع

English	عربي
Philosopher	فيلسوف
Philosophy	فلسفة
Plaintiff	المدعي – جهة الادعاء
Pledge	رهن حيازي
Political	سياسي
Political Science	علم السياسة
Politics	السياسة
Pollution of The Environment	تلوث البيئة
Popular Referendum	استفتاء شعبي
Positive Law	القانون الوضعي
Possession	حيازة – وضع يد
Postulate	يطالب ب - يسلم بـ
Potentate	عامل
Poverty	فقر
Power	سلطة
Precedent	سابقة قضائية
Premier	رئيس الوزراء
President	رئيس الجمهورية
Presidential System	النظام الرئاسي
Prime Minister	رئيس الوزراء
Principal	أصلي
Principle	مبدأ
Priority	حق امتياز
Private International Law	القانون الدولي الخاص
Private Law	القانون الخاص
Procedural Law	قانون الإجراءات
Procedure	مرافعات
Proceedings	إجراءات
Process	سير الدعوى
Proclaim	إعلان
Production	إنتاج
Profession	مهنة – حرفة
Professional Responsibility	مسؤولية الاحتراف
Profit	منفعة
Program	برنامج

English	عربي
Prohibit	يحظر – يمنح – يحرم
Property	أملاك
Property	ملكية
Property Law	قانون الملكية
Propound	يقدم – يعرض
Proprietary	مالك – ذو علاقة بالملكية
Proprietary Rights	حقوق المالك
Prosecution	إقامة الدعوى – ادعاء
Protect	يحمي
Protection	حماية
Prototype	نموذج أصلي
Provision	نص قانوني
Public Law	القانون العام
Public Office	دائرة حكومية – وظيفة عامة
Public Policy	سياسة عامة
Publicist	متخصص في القانون العام
Punish	يعاقب
Punishable	عرضة أو مستحق العقاب
Punishment	عقوبة
Punitive	عقابي
Purpose	هدف – غرض – غاية
Pursuance	متابعة
Quantum	مقدار
Queen	ملكة
Race	عرق
Radical	متطرف – راديكالي
Reactionary	رجعي
Real	عيني
Real Estate Transactions	معاملات الأموال العقارية
Recognition	اعتراف
Recognize	يعترف بـ
Recourse	يرجع أو يلجأ إلى
Recover	يسترجع – يسترد
Rectify	يعدل – ينقح – يصحح
Redress	ينصف

English	عربي
Refrain Form	يمسك أو يحجم عن
Royal	ملكي
Regulate	ينظم
Regulation & Law	التشريع والقانون
Relations	أقارب
Religion	دين
Religious	ديني
Renewal By Tacit Agreement	التجديد بالاتفاق الضمني
Repayment	وفاء – تسدي
Repeal	يلغي – (قانونا)
Representative	ممثل – نائب – تمثيلي
Republic	جمهورية
Reputation	سمعة
Reservation	تحفظات
Resign	يستقيل
Resolution	قرار
Restate	يصرح
Retroactive	أثر رجعي
Reward	مكافأة – يكافئ
Right	حق
Right In Personae	حق يتعلق بالشخصية
Right In Ream	حق يتعلق بشيء
Rightist	يميني
Right of Passage	حق المرور
Role of The Lawyer	قانون المحامين
Roman Empire	الإمبراطورية الرومانية
Roman Law	القانون الروماني
Rule	قاعدة – حكم
Rule of Law	حكم القانون
Rules Of Procedure	قواعد الإجراءات أو الأصول
Sale	بيع
Sanction	جزاء
Satisfaction	ترضية – أداء
School	مدرسة
Science	علم

English	عربي
Security	ضمان – أمن
Sell	يبيع
Servitude	حق الاتفاق
Signification	معنى مغزي
Slave	عبد – رقيق
Slavery	عبودية – استرقاق
Social	اجتماعي
Social Defense	الدفاع الاجتماعي
Social Sciences	علوم اجتماعية
Socialism	الاشتراكية
Society	مجتمع – معايشة
Sociologist	المتخصص بعلم الاجتماع
Sociology	علم الاجتماع
Sovereignty	سيادة
Sovereign	عاهل
State	دولة – ولاية
Statue	قانون مكتوب
Strike	إضراب
Subjects	رعايا
Subordination	إخضاع
Subsist	يوجد – يبقى
Subsistence	وجود – بقاء
Subset	فرعي
Subversive Activities	أعمال تخريبية
Succeed	يخلف
Suit	دعوى
Summit Conference	مؤتمر قمة
Superhuman	فوق البشر – إلهي
Supernatural	فوق الطبيعة
Suppress	يقمع – يحظر
Supreme Being	الكائن الأسمى – الله
Supreme Court	المحكمة العليا
Suspected	مشبوه
System	نظام
Target	هدف

English	عربي
Tariff	تعرفة
Tax	الضريبة
Tenant	مستأجر الأرض
Territorial	إقليمي
Territory	إقليم
Testament	وصية
Testator	موصي
The Administrative Court	المحكمة الإدارية
The Admission Or Debarring of A Member	قبول عضو أو رفضه
The Advantages Of Peace	منافع السلام
The Age of Majority	سن الرشد
The Compromise Clause	شرط التحكيم
The Crisis Has Burst	لقد انفجرت الأزمة
The Demands of Good Faith	مقتضيات حسن النية
The End Justifies The Means	الغاية تبرر الوسيلة
The Higher Administrative Court	المحكمة الإدارية العليا
The Issue Raised By Mr. X	المسألة التي أثارها السيد /
The Law of Civil Procedure	قانون المرافعات المدنية
The Law of Obligation	قانون الالتزامات
The Legal Status Of Aliens	المركز القانوني للأجانب
The Middle Ages	القرون الوسطى
The Negotiations	المفاوضات
The Point At Issue	نقطة البحث
The Principle of Civil Litigation	مبادئ التشريعات المدنية
The Public	الجمهور
The Renewal of A Treaty	تجديد المعاهدة
The Repeal of A Law Laying Down That	إلغاء قانون ينص على أن
The Right of Option	حق الخيار
The Sources Of Law	مصادر القانون
The Speaker Digressed from the Subject	خرج المتكلم عن الموضوع
The State of Power	طعم السلطة
The surprise Effect	الأثر المفاجئ

English	عربي
The Validation of Sovereignty	الاعتداء على السيادة
Theory	نظرية
Threat	تهديد
Threaten	يهدد
Tie	رابطة
Title	حق - سند
To Commit An Infringement	يخل بالنظام
To Abide By Decision	يلزم بقرار
To Abide By The Agreement	يلتزم بالاتفاق
To Abrogate The Agreement	يفسخ الاتفاق
To Abrogate The Treaty	يفسخ المعاهدة
To Abrogate The Treaty	فسخ المعاهدة
To Accept Office	يقبل التوكيل
To Accept Proposal	يقبل الاقتراح
To Achieve Cooperation	يحقق التعاون
To Adhere To The Rules of Procedure	يتمسك بأصول الإجراءات
To Adhere To The Rules of Procedures (Custom, Tradition)	يتمسك بأصول الإجراءات (بالعرف، بالتقاليد)
To Adjure (Dissolve) The Meeting	يرفع الجلسة
To Admit That	يسلم بـ
To Adopt Appoint View	يتبنى وجهة نظر
To Appeal To The Conscience Of The World	يناشد الضمير العالمي
To Apply The Rules of Procedure	يطبق النظام (قواعد الإجراءات)
To Argue The Point	يناقش المسألة
To Assume	يتخذ
To Assume A Political Agreement	يتخذ مظهر سياسي
To Cancel The Treaty	إلغاء المعاهدة
To Challenge The Competence	يدفع بعدم الاختصاص
To Close The Debate	ينهي المناقشة
To Constitute The Basis of A Solution	يضع الأساس للحل
To Contest The Defense of Force Maseru	يفند حجة القوة القاهرة
To Debate A Subject	يناقش موضوعاً

English	عربي
To Declare Martial Law	إعلان الأحكام العرفية
To Discharge His Obligations	يفي بالتزاماته
To Dispute The Legality Of	ينازع في مشروعية
To Draw Up A Treaty	صياغة نص المعاهدة
To Elicit Sharp Criticism	يثير نقداً لاذعاً
To Endorse The Opinion of The Exports	يؤيد رأي الخبراء
To Fill This Void	يسد هذا النقص
To Fulfill One's World-Wide Obligations	يفي بالتزاماته العالمية
To Introduce A Bill	يقدم مشروع قانون
To Invoke The Defect Of Incapacity	يتمسك (في البطلان) يعيب عدم الأهلية
To Play it Cool	يتظاهر بعدم الاكتراث
To Resume The Debate	يستأنف المناقشة
To Send An Ultimatum	يوجه إنذار
To Settle A Dispute	يفض نزاعاً
To Settle By Arbitration	يسوي عن طريق التحكيم
To Yield in Favor Of	
Tort	إساءة – فعل ضار مدني
Torts	الضرر
Trade	تجارة
Transaction	صفقة
Transfer	نقل
Transportation	نقل
Unbridle	ينزع اللجام – يطلق العنان
Uniform	منتظم
Uniformity	انتظام
Universal	شامل
Unless There Be Stipulation To The Country	ما لم يشترط غير ذلك
Unite	يحل
Usage	عادة
Unsufractuary	منتفع
Unsufruct	الانتفاع (حق الانتفاع)
Unity	وحدة

English	عربي
Valid	ساري المفعول – قانوني شرعي
Valid And Binding	صحيح وملزم
Validity	شرعية
Value	قيمة
Victory	نصر
View	رأي – رؤية – مرآة
Violation	مخالف
Voluntary	طوعي
Wages (Pl.)	أجرة – أجر
Welfare Law	قانون الرفاه
Welfare State	دولة الرفاهية
Will	وصية
Wing	جناح
Within Experience	بناء على خبرتي
Workman	عامل- شغيل- صانع- حرفي
Workshop	مشغل – معمل
Worship	عبادة
Written Law	القانون المكتوب
Wrong	خطأ

2- Definition of Branches Public and Private Law:

- 1) **Definition of law:** (تعريف القانون) The term “law” means a body of general rules that govern the behavior of individuals in society and which persons must obey, even by force, if need be.
- 2) **The public international law:** (القانون الدولي العام) Is the body of rules that organize the relationships among states and determine the rights and duties of each at times of peace or war.
- 3) **Custom:** (العرف) Means a body of legal rules which arise from usage’s which been followed for a long time.
- 4) **Constitutional law:** (القانون الدستوري) Is a body of rules that regime of the state, its public authorities, the competence each the relationships among these authorities, the relations between these authorities and individuals, and individuals political right and their guarantees.
- 5) **Administrative law:** (القانون الإداري) Is the body of rules that indicate law and executive authority functions, it deals with.
- 6) **Penal law:** (القانون الجزائي) is a group of rules that determine crimes and types of punishment assigned to them as well as the procedures followed in pursuing the accused one, committing him to trial and inflicting punishment on him.
- 7) **Criminal Law:** (قانون العقوبات) is a group of rules that determine crimes and types of punishment.
- 8) **The law of penal procedure:** (قانون أصول المحاكمات الجزائية) It is a group of rules that indicate the procedures that must be taken form the time of the commitment of a crime till the time of inflicting punishment on the wrong doer.
- 9) **Private law:** (القانون الخاص) Is a body of rules that govern the relationships among individuals in general on between individuals on the other hand and the state as an ordinary person doing ordinary acts.
- 10) **Civil Law:** (القانون المدني) Civil law is a body of rules that organize the relationships among individuals except the relationships organized by another branch of private law.
- 11) **Commercial law:** (القانون التجاري) Is a body of rules that organize the relationships arising from commercial acts.

- 12) **Maritime law:** (القانون البحري) Is a body of rules that organize the special relationships which arise from sea navigation.
- 13) **Labor law:** (قانون العمل) Is a body of rules that organize the relationships which arise between laborers and employers.
- 14) **Law-of civil procedure:** (قانون أصول المحاكمات المدنية) Is a body of rules which determine the procedure that must be taken in civil courts to protect citizens right if they are subject to disputes.
- 15) **Private International law:** (القانون الدولي الخاص) Is a branch of law which organizes the relationships among individuals bearing a foreign element.

3- Sources of Law:

- | | |
|-----------------------------|-------------------|
| 1) Legislation | التشريع |
| 2) Islamic law | الشريعة الإسلامية |
| 3) Custom | العرف |
| 4) Equity (Rules of Equity) | قواعد العدالة |
| 5) Judicial precedent | السوابق القضائية |
| 6) Jurisprudence | الفقه |

4- The means of proof the right:

- | | |
|-----------------------------|------------------|
| 1) Writing | الكتابة |
| 2) Testimony | الشهادة |
| 3) Presumption | القرائن |
| 4) Inspection and expertise | المعاينة والخبرة |
| 5) Declaration | الإقرار |
| 6) Oath | اليمين |

5- Kinds of courts:

- | | |
|---------------------------------------------|--------------------|
| 1) Court of first instance | محكمة البداية |
| 2) Court of Appeal | محكمة الاستئناف |
| 3) Court of cassation | محكمة التمييز |
| 4) High court of Justice
(Supreme court) | محكمة العدل العليا |
| 5) Magistrate court | محكمة الصلح |

6- Classification of right (تقسيمات الحق):

- | | |
|----------------------|-----------------|
| 1) Political rights | الحقوق السياسية |
| 2) Civil rights | الحقوق المدنية |
| 3) Foreigners rights | حقوق الأجانب |
| 4) Public rights | الحقوق العامة |
| 5) Right of life | الحق في الحياة |
| 6) Right of work | الحق في العمل |

7) Right of expression	الحق في التعبير
8) Family right	حقوق العائلة
9) Debater	مدين
10) Creditor	دائن
11) Intellectual rights	الحقوق الفكرية

7- Liability:

Liability - responsibility	مسؤولية
Joint liability	مسؤولية تضامنية
Separate liability	مسؤولية منفصلة
Civil liability	مسؤولية مدنية
Criminal responsibility	مسؤولية جنائية
Contractual liability	مسؤولية عقدية
Political liability	مسؤولية سياسية
Limited liability	مسؤولية محدودة
Employer liability	مسؤولية صاحب العمل
On my own responsibility	على مسؤولية الشخصية

8- Action:

Action	قضية
Civil action	دعوى مدنية
Criminal action	دعوى جنائية
Personal action	دعوى شخصية
Real action	دعوى عينية
Mixed action	دعوى مختلطة
Administrative action	دعوى إدارية
Acting	يمارس السلطة

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- 2- القانون المدني الأردني.
- 3- قانون العقوبات الأردني.
- 4- قانون الشركات الأردني.
- 5- قانون البيئات الأردني.

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