

Detention and alternatives at The primary investigation stage(comparative study)

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ABSTRACT

The present study aimed to explore the meaning and nature of detention during the primary investigation stage. It's considered a precautionary and important measure. The researcher adopted a descriptive analytical approach. She also adopted a comparative approach to conduct a comparison between the Jordanian and Egyptian legislations. This comparison aims to identify the differences between the Jordanian and Egyptian legislations.

Several results were reached and several recommendations were suggested. For instance, it was found that most laws didn't define detention as required. Thus, jurists define detention as: the deprivation of the defendant or the accused from freedom by an authorized judicial body that has the relevant jurisdiction. Such deprivation is enforced for a specific period of time. It is enforced for a specific goal while making the investigations. The enforcement of detention must be in accordance with the restrictions stipulated in the law. The researcher recommends offering alternatives for detention by the Jordanian and Egyptian legislators. She recommends doing that by all the Arab legislators who either offered few alternatives to detention or didn't offer any alternative to detention. She recommends doing that because this issue must be taken seriously. She recommends offering alternatives for detention that restrict the movement of the accused without

depriving him/her from his/her freedom. She believes that depriving an innocent person from his/her freedom is the harshest thing to do.

Keywords: The definition and nature of detention, legal characterization of detention, the provisions regulating the alternatives for detention, the forms of the alternatives for detention,