

Abstract

The Role of Public Prosecution in Evaluating the Proof

Prepared by: Musab Abdullah Al-Sarheed

Supervisor: Dr. Ali Awad Al-Jabra

This study investigated the role of public prosecution in evaluating and favoring the proof. Public prosecution, out of its integrity over the criminal case, has the power to act after finalizing the investigation, as it issues its decision of referral or dropping or keeping the investigation documents or preventing the trial. The researcher found that the power to evaluate the proof by the public prosecution includes all decisions issued by the public prosecution, but differs from its other decisions.

The study argues that the power of the public prosecution is represented in the decision to prevent the trial based on the amendments the Jordanian Legislature brought on the decision to prevent the trial issued from the public prosecution through adding a new case, which is the lack of evidence. The study focuses on this amendment, its value, the extent of the authenticity of the decisions of the public prosecution, and the oversight over its decisions. The researcher explored in details the power of the public prosecution in light of evaluating the proof and monitoring its decisions.

Therefore, the problem of this study was to explore the position of the public prosecution after this amendment, its applications as intended by the legislature, and the enforcement of law as based on the position of the Jordanian Court of Cassation. It is important to identify the position of the court in light of this latest amendment and its consequences, such as directions and analysis.

The study tackled the evaluation of the proof for the public prosecution, the decisions to deal with the criminal case based on the evaluation of proof, and the concept of adequacy of proof as intended by the legislature and its value and importance to the

Jordanian Legislature, the judiciary and the jurisprudence. The researcher also tackled identifying the extent of oversight over the decision to prevent the trial in light of this amendment, which expanded the power of the public prosecution.

The results of the study showed the importance and value of the latest amendment in the firm position of the Jordanian Court of Cassation to prevent the evaluation of proof by the public prosecution and the difference in its decisions, such as limitation or expansion for the public prosecution when there is lack of proof. The study recommended monitoring the decisions of the public prosecution, which the researcher noticed to be insufficient as an oversight tool as required by the Jordanian Law.