

The condition of interest in the constitutional case

(A comparative analytical study)

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Al-Zaytoonah University of Jordan, 2022

Abstract

The study aims to identify the nature and nature of the condition of interest in the constitutional case in general and to determine the nature of the roles played by the concerned authorities in constitutional oversight, what contributes to carrying out its tasks according to a clear legislative perspective. In addition, focusing on the most important factors affecting the achievement of the interest with an indication of the required procedures required to be completed the process of filing a lawsuit against laws that do not achieve the interest. The study reached a number of results, the most important of which are: The condition of interest is the motive for filing the lawsuit and its intended purpose, and the interest, which is considered a basis for accepting the lawsuit, is required to be legal, personal and permanent. The constitutionality of the court is that the significance of this condition in the systems that adopt sub-push, rebuttal and referral is of a special nature. And that the Constitutional Court is unique in two advantages, the first is that it is independent, that is, it is a separate or independent lawsuit and it is not a casual legal lawsuit and it is the basis of constitutional litigation, or it is not subsidiary but rather a lawsuit Separate and independent of the subject suit.

The study came out with a number of recommendations, the most important are: First, the need for the Jordanian constitutional judiciary to adopt the necessity of having the interest at the time of filing the constitutional lawsuit and not requiring its continuity until the constitutional lawsuit is decided. Second, the need to highlight the importance of unifying the constitutional jurisprudence regarding the reasons for the absence of interest in the constitutional lawsuit due to the importance of those reasons and the dangers arising from the effects the ruling that there is no interest. Third, the need to benefit from the constitutional experiences in countries with accumulated experiences in the field of constitutional judiciary to keep pace with development and modernity at the global level. Fourth, gain useful experiences for the Jordanian constitutional judiciary, as it is new to this field especially with regard to the conditions of the interest and its various attachments.

Keywords: the constitutional case, the condition of interest, capacity and capability, payment and assignment