

Interest Clause in the Constitutional Lawsuit in Accordance to the Constitutional Court in Jordan

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Abstract

This study aimed to shed light on one of the most important conditions of interest for lifting the constitutional validity of the case before the constitutional court. Through this statement, the concept of interest as a condition for accepting the constitutional lawsuit, as well as the right protected by the constitutional lawsuit is a right guaranteed by the Constitution. Also, the assault which is basically the work of public authorities may take the form of the Act of Parliament, regulations, or an administrative decision issued by the executive authority. This is together with various characteristics that must be met for the interest clause in the constitutional case. The existence of a link between the interest on the constitutional lawsuit; the interests of the substantive suit; legal, personal and direct interest; the interest of the list established by law; and the interest clause in the lawsuit should be made available throughout the stages of the proceedings. This should be made available when required at the time filed. Also, it should continue to exist based on the verdict. This occurs especially if the interest is still available before the court reaches a verdict for any reason consequent upon expiration of the constitutional case.

Keywords: Constitutional lawsuit, Interest condition, adjective

Introduction

One of the basic principles in the field of stable interest is the aspect of litigation which is based on the focus of the lawsuit. The lawsuit does not suit without interest and it is one of the most important conditions to be met before it can be accepted. The lawsuit will be unacceptable if the interest clause is not available. Accordingly, the exception of unconstitutionality, with

all its peculiarities, represents the most spread and efficient means of indirect access of individuals to a constitutional court. For states with such mechanism in place, including Jordan, the exception of unconstitutionality is a legal means which enables stakeholders to defer the consideration of the original litigation or discontinued it until after the separation of the subject of exception. Therefore, it cannot in any way be exciting to imagine the possibility of exception unconstitutionality unless there is a perspective of a dispute before the theme court. There is a correlation between interest in the constitutional lawsuit and interest in the subjective case unforeseen by the trial court. However, this is as a result of the consent of the trial court after the confirmation of the seriousness of paying them off. Building it to the real facts is one of the fundamental conditions which are of public order. This is in a bid to achieve the overall interest of the need to comply with the constitutional rules in letter and spirit. Otherwise, the interest clause in the constitutional lawsuit is negated in the case of a concession holder of the right claimed by the substantive suit, and the case of expiration of the status of some parties to the substantive suit.

Consequently, this research is divided into two parts. **The first topic** will deal with the concept of constitutional cases proceeding, while **the second topic** will address the expiration of the interest of the constitutional lawsuit.

Problem and Study Questions

The research problem revolves round the interest clause as a basis for the admissibility of the case before the Constitutional Court of Jordan. However, the statement of the problem of this research seeks to answer the following questions:

1. What is the interest of **the Constitutional lawsuit**, the most important conditions, and their characteristic?
2. What cases expiration is the interest of **the Constitutional lawsuit**?

Importance of the Study

This research plays a significant role through the condition of interest as a basis for the admissibility of the case in front of the ordinary courts in general and the constitutional courts in particular. This is done such that it does not accept any request or pay the owner. In addition, it does not have any personal/direct interest and a list approved by the law. Otherwise, there is no use in bringing a claim on the plaintiff's interest.

Purpose of the Study

The objectives of this research are as follows:

1. Statement of the concept of interest in **the Constitutional lawsuit** and its characteristics.

2. To determine the expiration interest in **the Constitutional lawsuit.**
Methodology of the Study

This research depends on both descriptive and analytical approach. Thus, this is done through the description and analysis of the case of interest clause in **the Constitutional lawsuit**. Revenue with some of the provisions of the Egyptian Supreme Constitutional Court for a judicial is guided by precedents in comparative judiciary.

The Concept of Interest as a Condition for Accepting the Constitutional Proceeding Cases

Generally, of all the principles recognized in establishing litigation and acceptance by the competent court, there will be an interest on the plaintiff when you take them. If the right to direct proceeding is one of the rights that appeals to the members of the provisions of the Constitution directly, it must be noted that not all individuals have the right to bring this lawsuit without any limitation. Thus, interest is to be given to the plaintiff in repealing the law. There is no requirement on this interest because the law as a litigant has really touched a right of plaintiff or its interest. However, the required law would be abolished if it really affect or have an interest on him. In this case, the person concerned can raise his case and without any need for the application of the law (Attar, 2003, p 261; Abdel Aal, 2004, p. 155).

The interest is not a condition for the admissibility of the case only, but is a condition to accept the fact that all original applications were casual. This, however, is also a condition for the acceptance of all the defenses. These defenses are substantive or formal defenses, or non-acceptance, because it is the requirement to accept any challenge (Zoubi, 2006).

Accordingly, this topic will be divided into three demands. **The first demand** will address the definition of the researcher interest in the constitutional proceeding; **the second demand** will show the interest and the terms of their characteristics; and **the third demand** will devote expiration interest.

Definition of Interest in Constitutional Proceeding

The use of the word “interest” in the world of law refers to "the right material or moral interest protected by law." At other times, it refers to a "beneficial interest or practical that is accrued to the prosecutor of the judgment which is based on his demands. The interest is the motive for the suit and the purpose that it was intended for. Basically, the interest mainly is to accept the lawsuit to be legal both personally and directly (Abdel Basset, 2002, p. 629).

It is not enough here to accept that the lawsuit is generally considered to be anyone who really claims to not only have a legal interest. Thus, the

interest must be realistic, and involve a list of time filed (Althioa, 2003, p. 114). This is done so that the purpose of the lawsuit will be to protect this right or the legal status of his report. If the conflict occurs due to aggression, he needs to pay compensation on what damage he has suffered because of him (Ramzi, 1974, p. 146). It does not accept any request or pay the owner. It does not enjoy the benefit of a list established by law. This, however, serves as a potential interest if the purpose of the request serves as a precaution to avoid imminent damage or to document a right fear of the demise of his guide in times of conflict (Tabtabai, 2000, p. 17).

Consequently, others were known as the "beneficial owners realized by the judicial claim appealed to eliminate." (Fuda, 1997, p. 48)

Basically, constitutional lawsuit is distinct from other cases in the area of interest condition. This right protected by the constitutional lawsuit is a right guaranteed by the Constitution. Also, the reality of such an assault is the work of public authorities. It, however, takes the form of the Act of Parliament in the form of regulations or administrative decision issued by the executive authority (Salman, 1995, p. 252).

Properties of Interest in Constitutional Lawsuit

Interest in the constitutional lawsuit is based on availability should the terms of interest materialize in any proceedings. Thus, it has to be a legal interest (rather than economic). However, if there is an interest (but not probable), it has to be hung on the condition of the position. Also, it should be the interest of the case (not future) as if they were hanging on the future. However, there should be enough potential interest if it were intended to document a right fear of the demise of his guide in times of conflict. On the other hand, it creates a reserve for imminent damage, and is also enough to be a deductible literary interest behind filing the suit (Kamel, 1989, p. 97). However, this is the case based on the characteristics that was contained in the general-interest requirement. It is to be met by the interest clause in the constitutional suit. Furthermore, there is a correlation between the interest in the constitutional claim and among the interest in the subjective case characteristics, such as legal, personal and direct interest, and the interest of the list established by law.

The First Characteristic: Interest Link in Constitutional Lawsuit and Interest in the Subjective Case

The correlation between interest in the constitutional lawsuit and the interests of the substantive lawsuit is to be like the referee in the constitutional lawsuit. However, this affects the applications made in the subjective case in two ways:

Firstly, if the verdict was not against the impugned text unconstitutional, it would not influence the judgment of the substantive suit. As such, the trial court may rule on the dispute without depending on the separation of the extent of the impugned text unconstitutional. In this case, the appeal of unconstitutionality is a product of the end of the interest in terms of objectivity and constitutional litigation link.

Secondly, you must take your objectivity lawsuit requests judgment which is declared unconstitutional by certain legal provisions. It is an exception if the case is, in fact, a constitutional complaint filed directly without the road charted by law (Ibrahim, 1996, p. 66).

Also, the condition to accept the appeal of unconstitutionality as a contested legislation which is applied to the appellant is inconsistent with the Constitution. The interest in the constitutional lawsuit shows that the self-interest direct is available not only in the lawsuit pending before the Constitutional Court, but also in a suit topic that was raised before the defence unconstitutional law or order. However, it referred the lawsuit to the constitutional Court. In this regard, it is imperative that there should be a link between the interest in the constitutional lawsuit and the existing interest in the subjective case. In addition, the judgment is performed in the constitutional issue as an influential expressed request that is based on the subject of the lawsuit.

Jordan decided this by the Constitutional Court, saying "direct personal interest is a condition for accepting the appeal of the unconstitutionality of the law or any text in it, and that the focus of this interest is that there should be a link between it and the existing interest of the substantive suit before the courts." Based on the facts of the appeals filed by the appellant himself before the court of appeal, Amman is revocating an arbitral award in accordance with Article 50 of the Arbitration Act. Based on his claim of the unconstitutionality of Article 54 of the Arbitration Act, a researcher with assets request the implementation of the arbitration award, and the order of execution after exhausting the remedies did not bring any interest to him. This is, however, the appellate proceedings referred to, and is based on not accepting the appeal of the unconstitutionality of Article 54 of the Arbitration Act (appeal No. (3) for the year 2013, Journal of the Bar Association, the sixty-third year, 2015).

Decision in the district of this court shows that the personal interest direct is a condition for the acceptance of the constitutional suit. Also, the focus should be that there is a link between them and the interest of the substantive suit. The verdict of the Constitutional issue is required to separate the substantive applications associated with them, and before the trial court.

Accordingly, the Constitutional Court alone has the right to investigate the availability of the interest clause in the case before it. This is to ensure the

availability of usability condition. Thus, not any party that it disputes about, and there is no correlation between the assignment of the trial court to the Constitutional Court, and the availability of interest clause. The former does not mean the second. If not for the adjudication of constitutional texts referred to the substantive impact on the conflict in the constitutional case, it will be unacceptable (Tabtabai, 2005, p. 35).

The Second Characteristic: Legal, Personal, and Direct Interest

The performer of legal interest shows that the texts may be guaranteed, covered with legal protection, and granted legitimacy (Zoubi, 2006, P. 447). Furthermore, the necessity of the legal interest may be based on the lawsuit to protect the legal centers. The interest that a legal rule approves which does not apply merely to be a realistic center is not protected by the lawsuit (Khalil, 2015, p. 179).

The Supreme Constitutional Court had settled that it is not permissible to accept a constitutional lawsuit, but the availability of the necessary contact with the conditions and in accordance with the conditions is set forth in the law. Thus, it falls below the terms of interest. This is set by the Supreme Constitutional Court, as a direct personal interest. In addition, it was shown that this court has been based on the concept of direct personal interest. It is a condition for accepting the constitutional case. Thus, it is determined by the light of two elements together as well as their content. First, is to evaluate the plaintiff within the limits of Adjective, which sued them, and the legislative text contested by evidence that the damage actually - economically or otherwise - has the right to do so. This, however, should be a direct damage, independent of its elements, possible perceptible, and face judicial satisfaction. It does not damage imagining, theory, or unknown.

The Constitutional Court Decision No. (2) for the year 2015 states that the consecration of the constitutional principles shows the nature of the constitutional proceedings and the independence of control proceedings before courts of law. The constitutional proceedings in its judgment No. (3) for the year 2013 as the suit-kind is focused on the legal texts given. Also, opponent in the constitutional lawsuit is not part of the parties to the proceedings, but it is a legal text as long as it is applicable in any part of the subjective case (The Substantive Dispute). Thus, this is even if it was attached to the side of a procedural from the lawsuit. In the case lie an inadmissibility of the judgment of the Court of appeal judge implementation of the arbitration award in accordance with Article (54 / a) of the Arbitration No. 31 of the 2001 Act. This is so that the objective of the conflict in this particular case, which has been challenged unconstitutionality through it, would be able to accept the appeal discriminatory decision up to the implementation of the arbitration award. This results in the promptings which is challenged with challenge

discrimination. Also, it stands up for the Court of Cassation in order to consider the appeal of discrimination. The assignment of its unconstitutionality appeal to the constitutional Court for decision is considered to be a discrimination and acceptance form. Therefore, the subject depends on the decision of the constitutional Court in the appeal filed unconstitutionality (Journal of the Bar Association, the sixty-third year, 2015).

Learned from the Constitutional Court Law No. (15) for the year 2012, they are exclusive jurisdiction without the other to separate appeals relating to the constitutionality of laws and regulations. Thus, the provisions in this regard shall be published in the Official Gazette. The constitutional lawsuit is a lawsuit in kind in the sense that they are focused on specific texts of what is built upon that which separates the court. Nevertheless, it has Authentic face omnes representative constitutional lawsuit or is not represented by the state across all its organization. Thus, this authentic face prevented argument concerning this issue again. As the Constitutional Court has decided to challenge the No. (2) for the year 2013, the unconstitutionality of Article 51 of the Arbitration Act was the publication of the judgment in the Official Gazette. This provision would have been authoritative (Journal of the Bar Association, the sixty-third year, 2015).

It stipulated in Article 11 of the Jordanian Constitutional Court Act concerning one who defend the unconstitutionality of the text of the law or regulation that the text is applicable to objectivity case and that the appellant has a personal and direct interest in the non-application of this text on the lawsuit. As the challenge posed ensures Defence unconstitutionality of paragraph (b), in particular, Article (5) of the Landlords and Tenants Law No. (11) for the year 1994 in general, and that the appeal is in fact focused on paragraph (b) of Article (5), a researcher at the automatic renewal leases the contract. As the above-mentioned article dealt with the fact that different legal situations are not subject to the application of the subjective case, there is no interest for the appellant to pay the unconstitutionality of Article (5) full paragraphs. Nevertheless, it is limited to stab him in paragraph (b) thereof, and the Defence has declared unconstitutionally that the remaining paragraphs are in an unacceptable form (Resolution No. (5) for the year 2014 issued by the Constitutional Court, the Bar Association Journal, the sixty-third year, 2015).

Third Characteristic: The Interest List is not Possible

Based on the general rule, it is required to accept the lawsuit that the interest should be in the list. Also, it is intended to be a right of plaintiff or the legal status of which aims to protect the lifting of the lawsuit which has already signed an assault. This implies that to be of interest in the constitutional list during its consideration of the case, there is no justification for the court. Furthermore, it is dissipated through the address of the conflict which is real

and which exists. It is defined specifically enough, thus leading to the expiry of its contacts dispute which is still in the formative stage (TabtabaI, 2005, p. 46).

The possible interest is that if there is a right or a protected legal status under the legal texts, however, abuse or influence of it would not happen yet, i.e. the assault was not obtained during the prosecution but is unlikely to occur later. In spite of this, the legislator gave the possible assault on the right or the legal status which is enough to stay on the proceedings and the acceptance form (Shawarby, 2014, p. 52).

While in under-interest case, the prejudice to the right has produced harmful results immediately. This was such that the campus of the owner of the interest, which was obtained from the right, but in the light of future interest or deferred, shall be assaulted on the right. Thus, the denial of benefits has not happened yet. This is because that assault, while hindsight damage did not happen, may be the interest generated but the defence is yet to come. In addition, the light of the potential interest of the assault on the right has not happened yet, but that may happen at any moment as a result of the reasons for current list (Khalil, 2005, p. 180).

Accordingly, the nature of potential interest is different from the nature of the interest of the case. This is observed if the basic principle shows that the case is only a means that is aimed at reforming what actually occurred from an assault on the right (Alaboody, p. 192). The lawsuit which is filed on the basis of potential interest are characterized by being a protective suit that is intended to be moved before the court to prevent the occurrence of assault (Khalil, 2014, p. 181). If the nature of potential interest is described, it is an exception to the general positive which is originally a prosecution on the interest case. However, the purpose of this exception is intended to prevent imminent danger or accelerate the already upright position that is been proven (Khalifa, 2007, p. 350).

Subsequently, the view of some of the provisions of the Egyptian Supreme Constitutional Court is very crucial. A potential interest is not enough to accept a constitutional case. Here, the court explicitly states that an interest in the constitutional suit is also available if the owner of the interests of the list established by law the potential interest which is not enough to accept it.

Adjective and Interest

Adjective in a language is considered as a sweetening thing. It is a source description and a description of the thing. This situation is regarded as “not knowing” and “knowledge” (Althioa, 2010, p. 80). The Adjective, in general litigation, exercises authority under which a particular person’s case before the court, or the bond, which authorizes a particular person, will be

required to eliminate a basis so as to decide the dispute (Othman, 2007, p. 140).

The Adjective in the constitutional dispute are restricted by law specified in the sense that it is not all right with his adjective in front of the constitutional court. As a result, he fosters the constitutional judiciary comparative adjective owners to resort to the constitutional court. Additionally, anyone else may have recourse to him even if he/she has an interest in it (Salman, 1995, p. 365).

Consequently, we have ensured the stability of this condition in many of the rulings issued by the Egyptian Supreme Constitutional Court. This, therefore, has ruled the fact which is based on its availability to accept the lawsuit. As a result, it has a lack of adjective defenses that can be adhered to. This is done so as to respond to the lawsuit. In this context, the court says in one of its provisions: The law assigned to the rector described the prosecution about all its links with other bodies and within the pan-judicial bodies. Also, the fork for the prosecution of a civil litigation, with respect to those links that includes contracting for the purchase of equipment for the faculties of the university, might give rise to conflicts of jurisdiction. This is a case which requires opponent's prosecutor in his Adjective as the substantive suit. The consequent stirring defence unconstitutionality in-residence prosecutor of the case are filed; after then, the plea filed was unfounded (Ibrahim O, 2000, p. 174). In addition, the court tried to emphasize the need to adhere to the constitutional lawsuit by the procedures Defence. Thus, the court only received his case or paid unconstitutionality of non-formal and adjective actions.

The Egyptian regime has the right to go to court to challenge the unconstitutionality of laws on specific actors. Thus, others who could exercise this right are limited. This right was restricted to individuals. Assuming someone paid before the trial court, the latter found that the defense would delay the substantive proceedings and authorized him to raise the dispute before the Constitutional Court. Hence, it is not permissible for non-adversaries of the substantive proceedings and in particular, opponent of Defence unconstitutionality, to inform him to lift the constitutional court proceedings. This will, thus, increase the lawsuit if the lawsuit was filed. This is because it is the way they are unacceptable.

In addition, individuals make use of adjective to raise the constitutional proceedings of the courts of various kinds and degrees. They include both the ordinary or administrative court, as well as the jurisdiction of the bodies. If you consider the fact that any of these bodies during the hearing of one of the suits lack the constitutional text in the law or regulation, they transmit this text to the Supreme Constitutional Court. This is as stated in the adjective as well as in proving the Supreme Constitutional Court itself. It is performed on the

occasion of the exercise of its terms of reference because the law gave it the right to respond to any text as shown in the Constitution (Kilani 2012, p. 106).

Subsequently, the Jordanian Constitution of 1952, and the law of the Constitutional Court Jordanian No. (15) for the year 2012 in the article (60) of subsection (1) has been awarded the following parties limited to the right to appeal directly to the Constitutional Court on the constitutionality of laws and regulations: Council of Ministers, the Council of House, and the Senate. As a result, the appeal of one of these bodies permitted the decision of the Council to submit an application signed by the head of the body. Thus, this includes contesting the name of the law or impugned, the number or any material or more than the face of the regimes, and violating the Constitution. Furthermore, a copy of the appeal submitted to the other two sides was sent. Either of them is expected to submit his reply to the court within ten days from the date of its receipt. In the same article, item (2) provides that in the case pending before the courts, any of the parties of the lawsuit may raise the unconstitutionality of defence. Also, the court is satisfied when payment is allocated to them. This, however, determines the law for the purposes of deciding to transmit it to the Constitutional Court order. This is done provided such law or system is applied on the merits of the case. This is because its application was achieved without interest and there is no longer an applied interest.

Anyway, this is not the main problem of the Jordanian system of having access to the Constitutional Court. The most critical issue deals with the mechanism provided for by Article 11 of the 2012 law. It states that the judge, also when deemed, justified the challenge of constitutionality raised during a judicial proceeding by the parties. It cannot refer directly the question to the Constitutional Court, but she or he must refer the case to the Court of Cassation which is the only judicial body entrusted with the exclusive power to raise the question of constitutionality. Moreover, it seems that Article 11 does not provide the fact that the judge can refer *ex officio* on the question of constitutionality to the Court of Cassation. Nevertheless, she or he must be requested beforehand by the parties (CONFERENCE CONSTITUTIONAL COURTS AND THE JUDICIARY: PROTECTING HUMAN RIGHTS TOGETHER; Amman, Jordan, 24 April 2014, p 5).

The Second Topic: Expiration of Interest in the Constitutional Lawsuit

It is well known that the interest clause in the lawsuit should be available throughout the stages of the proceedings. Thus, it is required to be present at the time filed. Also, it continues to exist based on the verdict. This occurs especially if the interest is still there before the court reaches a verdict for any reason consequent upon expiration of the constitutional lawsuit (Tabtabai,2005, p. 55).

Accordingly, the interest clause in the constitutional lawsuit is negated in the case: if the concession holder has the right claimed by the substantive suit, the case of the absence of the status of some parties to the substantive suit, the state to take advantage of the contested text after its constitutionality, and the negation of the contested text in which the focus of its application to the appellant is not constitutional. Additionally, it also includes the case of the constitutional issue that had already been resolved by virtue of the Earned Authentic.

Waiver of the Alleged Right of the Substantive Suit

The verdict in this case will not have any impact on the claimed right of the substantive suit because it has been waived. Thus, this follows the negation of the defendant in the constitutional lawsuit.

If the appellant waived his right to personal defendant in the lawsuit, the objective interest in the constitutional case is negated to not unnecessarily adjudicated after production waive impact.

If this waiver will not affect the continuation of the view of the objective case, it would result to the absence of interest in the constitutional suit. Nevertheless, this will later expiry (Tabtabai, 2005, p. 416).

This was confirmed by the Egyptian Supreme Constitutional Court, saying: If the target of the constitutional proceedings that lie is the constitutionality of the articles..., the plaintiff may request a waiver of the objective, which had been shown before the trial court in person by endorsing this. If it gets off on the right Profile defendant legally in accordance with the will of the individual and the resulting impact to veto, it follows waiver Prosecutor expiry of his interest in adjudicating the constitutionality of the contested articles. If this is no longer necessary to separate the substantive suit, more needs to be with the referee might not be accepted (Issue No. 30 of 11 s Hearing July 28, 1990).

Expiration of the Status of Some Parties in the Subjective Case

The correlation interest in the constitutional right to the lawsuit is alleged in the lawsuit which is judged objectivity in the constitutional lawsuit. Therefore, it is necessary and indispensable to judge the substantive suit. This leads to the expiration of the status of some of the parties which necessarily follows the expiration of the interest in the constitutional lawsuit. An application of this Jordanian Constitutional Court ruled in a ruling stated that there is no substantive lawsuit not to ask for Defence. After the Constitutional lawsuit, other private agency, in this regard file states that this appeal (Defence) unconstitutionality provider does not have a sponsor. As a result, it is therefore unacceptable and it requires a rebuttal formality. Therefore, the

basis of the foregoing appreciates the rebuttal formality of the appeal (Jordan's Constitutional Court, Rule No. (2) for the Year 2014).

An adjective in the constitutional lawsuit prove to the deduction of the substantive lawsuit. Accordingly, it was not a party in the litigation objectivity, and is irrelevant in the constitutional lawsuit. In addition, the Constitutional Court has to spend their own not to accept lawsuit if lifted from the irrelevant (Abu Ethem, 2016, 402-403).

Accordingly, the adjective in the constitutional lawsuit which was proved (deductible) in the subjective case, whether an original or a deduction intervener, was not a party in the litigation objectivity. Thus, this is irrelevant in the constitutional lawsuit.

Another provision of the Constitutional Court states: "In terms of direct personal interest which is a condition to accept the recourse, the constitutionality of the law or any text in it, and in terms of the focus of this interest shows that there is a link between it and the existing interest of the substantive lawsuit before the courts. Also, in terms of what was learned from the facts of the case, the appellate No. (164/2012) was filed by the appellant himself. This was done in front of the resumption of Amman Court to override the arbitration decision in accordance with Article (5) of the Arbitration Act. Based on his claim of the unconstitutionality of Article 54 of the Arbitration Act, a researcher with assets request the implementation of the arbitration award, and the order of the execution after exhausting the remedies do not bring any interest to him. This is the appellate proceedings referred to and is based on not accepting the appeal of this party and therefore his response (Jordan Constitutional Court ruling No. (2) for the year 2013).

Benefit from the Contested Text Unconstitutional

Jordanian Constitutional Court is binding under the law and separation of appeal either directly or with reference to it. This is done by the Court of Cassation or Supreme Administration within a period not exceeding one hundred and twenty days from the date of receipt of the assignment decision to them. Based on the text of Article (15), Item (c) of the Constitutional Court Law, the judgment of the Court shall take effect by a direct impact unless another date for entry into force is specified. This happens if he spent the unconstitutionality of the law or order. The selection rule based on another date for the entry into force is a law, regulation, and is void of the date specified in the judgment. If the court rule is unconstitutional, more than a text which imposes punishment would suspend the implementation of the verdicts. However, this ruled on the basis of that text, and its ends raised by the criminal. If the court rule is unconstitutional, more than the text of the law or the rules of court may differentiate the effective date of its ruling between the text as a result of its sole discretion.

Jordanian Constitutional Court had arranged outright nullification of any provision of the law to be unconstitutional from the date of the judgment. Therefore, it is required by law or the contested system to be unconstitutional and to be effective. If not in force, they do not accept the appeal. Thus, the legislation did not take effect for any reason. The court will rule with the end of the adversarial and the response form.

The end of adversarial is often determined when their interest expires. In this case, the process of the law or system is valid for whatever reason. However, they decided not to accept defence (appeal against) for two reasons: The first reason was that the law or the system is no longer in force as required by the law and the Constitution. The second reason is that there is no interest to challenge him because he has become the duty of the application on the merits of the case, as requested by the Constitutional Court Act (Khatib, 2017, p. 315).

Impugned Text is not Available: The Focus of the Appellant Applied to the Unconstitutionality

It is not possible to talk about raising the rule of unconstitutionality of the damage to the appellant of the text. This is because it does not replace, nor originally, the field to apply it. Interest is terminated in the file of non-acceptance as a whole if the impugned provisions which is unconstitutional intermittent is entirely related to the legal status of the appellant to be changed and also to the constitutional lawsuit. This is dependent on the lack of application, inter alia, upon expiration of any connection between all of them and the substantive dispute between the requests. The effect of the non-acceptance of the end of interest incision was based on the case only. If some of the contested texts which is the long application and the appellant has been linked to his demands, then the substantive case is confined within this range only (Abdul Basit, 2002, p. 112).

When it occurs as a result of the Court's jurisdiction in constitutional cases, it is conveniently connected to a connection in conformity with the conditions prescribed in the law. Thus, it shall not depart from it as essential controls imposed by the legislator due to general interest to attend constitutional issues and according to the rules set by it. It follows that all that can challenge the constitutionality of a legislative text or legal text is allowed through a challenge with the validity. This is performed on behalf of the members of the House of Representatives to a direct challenge not owned by individuals. However, it is owned by a limited Council of Ministers, Senate and House of the Parliament under articles 60/1 and 9/A of the Constitution and the law of the Constitutional Court. Though this did not materialize, it resulted in non-entry challenge of the constitutionality of the electoral law which is wholly or partly in the hands of the Constitutional Court. This was

done, therefore, according to the roads and conditions prescribed in the law court. As it follows from the above, it is not the mandate of the Constitutional Court or the jurisdiction to consider the issue at hand as an inadmissibility search of any other formalities of any kind of adjective or personal interest directly. Accordingly, any objective can challenge the unconstitutionality of any legal text. This has raised voter appellant in the stabbing, and must be responded to by the appellant form (Violation of Jordan's Decision on the Constitutional Court's Ruling No. (1) for the Year 2014 of the Electoral Law).

Since it requires the availability of direct personal interest in the constitutional case to be judged in the constitutional issue to be required, settling the whole or sub-issue revolves round the adversarial of the substantive suit. This includes the effect of the expiration of interest if they do not prejudice the rights of the alleged return directly to the contested text, or if there is no longer a link between the alleged injury and the text of the contested. Thus, the defendant is addressed with that text based on the unavailability of the terms of its applicability (Supreme Constitutional Court Ruling - in Case No. 158 of 27 Judicial "Constitutional" 4/12/2011 Official Gazette Number 50 Hearing in 18/12/2011 - Journal of the State Litigation Authority, Fourth Edition, 2012).

The Constitutional Matter has already been resolved by Virtue of Winning the Authentic

This involves authoritative judgment of the Constitutional Court ruling in the enjoyment of authentic thing, which is *res judicata* on the one hand, and the strength of this authentic thing on the other hand. This means that the judgment of unconstitutionality appeal strongly to *judicata*. It is enjoyed like any other judgments deterministic and it also have an argument with them. This argument is binding and committed (Khatib, 2017, p. 537).

Consequently, the cases filed for the same text that preceded the Constitutional Court ruled the unconstitutionality regarding whether it was accepted or rejected. These claims were not accepted just because of the absolute authentic, but also because of the expiration of interest (Abu Ethem, 2016, p. 411).

Furthermore, the interest in constitutional proceedings was terminated if he had been convicted by a judgment of the Constitutional Court based on the unconstitutionality impugned by the text. If the lawsuit was filed on the text of the court and then it is discovered that her former eliminate the unconstitutionality of this text, they would not accept the case of the expiration of the interest. This is done based on the nature of the kind of constitutional litigation. By virtue of the fact that adversarial is directed directly to the contested unconstitutional text, it has been added to the judgments of the Authentic absolute respect for all individuals, authorities, and bodies. Also, it

has no relatively limited effects on opponents, but can only be resolved by constitutional adversarial decisive final obstacle to revisit it again.

Conclusion

After the completion of the preparation of this research, the following results and recommendation was drawn by the researcher: -

Results

1. The right protected by the constitutional lawsuit is a right guaranteed by the Constitution and the assault actually is the work of public authorities.

2. The presence of characteristics that must be met in the interest clause in the constitutional case. This includes the existence of a link between the interest in the constitutional proceedings, the interests of the substantive suit, and the legal, personal and direct interest. In addition, the interest list is not possible by law.

3. The interest condition in lawsuit should be made available throughout the stages of the proceedings as required to be present at the time filed. Also, it also continues to exist based on the verdict. This occurs especially if the interest is still there before the court reaches a verdict for any reason consequent upon expiration of the constitutional case.

Recommendations

1. The study recommends that the requirement of the availability of interest through all the stages of the proceedings is enough to have interest clause available in a time of suit.

2. The study recommends that the Jordanian Constitutional Court on the text in the law should give itself the right to challenge the unconstitutionality of the law or the violator of the rules of the Constitution.

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