

Research Article

The Extent of Compliance with Judicial Powers Granted to Judicial Police Officers - A Comparative Study

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Abstract: This study investigates the degree to which judicial police officers adhere to the legal powers vested in them. A comparative analysis is employed to assess the judicial authority conferred upon these officers within Jordanian legal frameworks and to evaluate their level of compliance. Furthermore, the research explores the legal consequences associated with jurisdictional violations, including the potential for legal redress through appeals and the associated responsibilities of the individuals involved. The study extends its scope by comparing these findings with the practices in selected regional and international jurisdictions that delegate similar judicial powers to police officers. In addition, it examines relevant rulings issued by the Jordanian Court of Cassation, which nullify actions deemed unlawful. The discussion also encompasses the range of penalties applicable for overstepping legal authority, such as criminal, disciplinary, and civil liabilities. The findings indicate a notable lack of adherence by judicial police officers to procedural safeguards, particularly concerning the detention duration outlined in Article 100 of the Jordanian Code of Criminal Procedure. Evidence also points to unauthorised home entries conducted without a warrant endorsed by the Public Prosecutor and a disregard for procedural requirements, such as the necessity for the homeowner's presence during searches, the inclusion of female officers, and the attendance of either the neighbourhood headman or two local residents. These breaches undermine individual liberties, especially during minor infractions such as traffic violations, where arrest or detention is unwarranted. Consequently, legal proceedings undertaken in such contexts should fall within the jurisdiction of the Public Prosecutor rather than that of public security officers.

Keywords: Police Officers, Judicial Powers, Comparative Study.

1. Introduction

Under the Jordanian Code of Criminal Procedure, the judicial jurisdiction assigned to Public Security personnel encompasses both preliminary and conclusive investigative functions. These responsibilities primarily involve the detection and reporting of criminal activity upon occurrence, receiving and documenting relevant information, preserving and examining evidence at the scene post-seizure, preventing unauthorised interference by bystanders, apprehending suspects, and drafting official records and seizure reports [1]. Collectively, these responsibilities constitute the judicial function assigned to Public Security personnel. This study addresses the legal consequences associated with breaches of the judicial jurisdiction granted to such personnel. The research is confined to an analysis of legislative texts within Jordanian law that delineate these judicial responsibilities, their application in practice, incidents of jurisdictional overreach, and the associated liabilities and sanctions for such transgressions.

The issue of judicial authority granted to members of the judicial police has received considerable attention at national, regional, and international levels, owing to its significance in legal scholarship and its influence on the rights and freedoms of individuals. The operations undertaken by the judicial police, such as arrest, search, and investigation, directly impact fundamental human rights [2]. Through a review of legal literature, academic theses, and peer-reviewed studies produced within the Hashemite Kingdom of Jordan, it becomes evident that existing research

addresses aspects of this subject. Nevertheless, further investigation is warranted to clarify the legality of procedures conducted by Public Security personnel, the personal liability of individuals who act beyond their authorised jurisdiction, and the state's obligation to provide compensation for harm caused by such excesses, whether through error, abuse, or unlawful exercise of authority. These considerations are evaluated in light of decisions issued by the Jordanian Court of Cassation and are compared with practices in jurisdictions recognised for their advanced legal frameworks regarding the judicial authority of police personnel.

The central issue addressed by this study is the level of compliance with the judicial powers delegated to judicial police officers. It aims to evaluate the extent to which these powers are observed, and the legal ramifications of any breaches, including the right to challenge unlawful procedures, the liability of those responsible, and the degree of conformity among regional and international jurisdictions with similar legal provisions. Accordingly, the study is concerned with examining the observance of judicial powers among judicial police officers, alongside an analysis of the penalties applicable for violations and the state's responsibility to redress harm caused by the unlawful extension of authority. To systematically address this issue, the study formulates the following research questions: (a) What are the legal consequences arising from breaches of the judicial powers entrusted to Public Security personnel? (b) What specific judicial powers are defined under Jordanian legislation for these personnel? (c) To what extent are Public Security officers accountable for exceeding their legally granted authority? and (d) What obligations does the state bear in compensating for damages resulting from such excesses? In pursuit of

these questions, the study will clarify the scope of judicial authority conferred upon Public Security personnel under Jordanian law, assess the legal implications of any violations of these powers, and examine the penalties applicable to such transgressions.

2. Literature Review

The legitimacy of procedures executed by Public Security personnel, regardless of their outcomes—whether beneficial or detrimental—is contingent upon adherence to the judicial jurisdiction provisions defined by legislation. Conversely, any act carried out by individuals lacking proper legal authority, including unauthorised Public Security personnel, is inherently flawed due to the absence of jurisdiction and is, therefore, subject to invalidation (Al-Tamawi, 1967). The general framework of judicial jurisdiction encompasses a series of actions performed by judicial police officers following the commission of a criminal offence. These actions aim to establish the occurrence of the crime, identify its perpetrators, gather and secure evidence, conduct relevant seizures, and ultimately refer the matter to the appropriate judicial authorities. Within this process, reporting plays a fundamental role.

Reporting may take an official form when it complies with the provisions outlined in Article (25) of the Jordanian Code of Criminal Procedure, which stipulates that: "Any official body or public servant who, during the execution of their duties, becomes aware of a felony or misdemeanour is obliged to inform the competent Public Prosecutor immediately and submit all relevant information, documentation, and reports pertaining to the crime" [3]. Failure by the administrative governor to follow the established legal procedures under the Crime Prevention Law introduces a significant margin for procedural error [4]. In particular, detaining individuals without prior consultation with the administrative governor—based solely on recommendations issued by security authorities—raises concerns. The practice of imposing house arrest based solely on such recommendations represents an overly expansive application of authority and stands in conflict with international human rights norms.

3. Study Methodology

This study adopts both descriptive and analytical methodologies to explore the research objectives.

1. **Descriptive Approach:** The research problem is articulated through an examination of the degree to which judicial police officers comply with the powers legally conferred upon them. This involves a review of the relevant legislative and regulatory frameworks, an assessment of their implementation in practice by Public Security personnel, and the identification of instances where these powers have been misused.

2. **Analytical Approach:** The analysis involves a thorough examination of all legislative and regulatory provisions that confer judicial authority upon Public Security personnel in the execution of their duties, with a focus on assessing instances where these powers are exceeded or applied in contravention of Jordanian law.

Accordingly, this study employs a legal research methodology to investigate the level of compliance with the judicial powers assigned to members of the judicial police. To achieve this, data were collected from both primary sources, including legislative texts and legal frameworks, and secondary sources such as scholarly articles, academic literature, books, and related references. The gathered materials were subjected to content analysis to interpret the legal penalties imposed on individuals who exceed their authority and to examine the state's obligation to compensate for any harm resulting from such overreach.

4. Results and Discussions

4.1 Section One: Legal Powers of Judicial Police Officers

The legal powers granted to judicial police officers under Jordanian legislation encompass investigative functions, the conduct of inquiries, the preparation of reports, and the seizure of items connected to criminal offences (Nammour, 2005). Public Security personnel are legally obligated to operate within the bounds of authority defined by law; otherwise, any actions that exceed such powers are considered void due to a lack of legal jurisdiction. Practices that contravene legal standards include unauthorised eavesdropping, surveillance, the use of prohibited investigative methods (Al-Jabour, 1986), deceitful or fraudulent tactics, as well as conducting searches or entering homes under conditions not sanctioned by legislation

(Tharwat, 1997). A ruling by the Jordanian Court of Cassation, Decision No. (746/97), published on page 1027 of the 1998 record, established that a confession lacking factual consistency, contradicting the testimony of the complainant, or conflicting with the investigative report concerning the theft scene, is invalid. Any confession obtained through coercion or undue influence is considered unlawful and inadmissible as evidence. Judicial control has two concepts

Objective, which refers to the specific tasks and responsibilities performed by judicial police officers.

Organic, which refers to the category of individuals legally authorised to carry out judicial control duties, whose role begins once the responsibilities of administrative control personnel have concluded (Jokhdar, 1993).

The scope of police authority in relation to criminal investigations and prosecutions has long been a subject of international debate. This issue was addressed during the International Conference on Criminal Procedure held in Rabat in 1960, with participation from the Hashemite Kingdom of Jordan [5]. The discussions centred around the extent to which police officers should be empowered to detain, imprison, and interrogate suspects. Two contrasting perspectives emerged:

First Opinion: There is a recognised necessity to impose restrictions on police authority in order to enhance the protection of individual freedoms, which are frequently at odds with the police's mandate to uphold public order and pursue criminal offenders.

Second Opinion: An opposing view advocates for expanding police powers related to detention and imprisonment, on the basis that such authority equips law enforcement with the necessary tools to effectively discharge their duties in preserving security and safeguarding the community (Al-Jabour, 1986).

The researcher adopts the first position, which emphasises the importance of restricting police authority in order to reinforce the protection of individual liberties.

4.1.1 First Requirement: Investigating Crimes and Collecting Evidence

Article (8), paragraph one, of the Jordanian Code of Criminal Procedure states: "Judicial police officers are charged with investigating crimes, collecting evidence, arresting perpetrators, and referring them to the courts entrusted with punishing them." Accordingly, one of the primary responsibilities of Public Security personnel acting in their capacity as judicial police is to conduct investigations and gather evidence (Alraggad, 2024). This obligation requires taking all necessary actions to identify the offender whenever a crime is discovered, whether through a formal complaint, a report, or during routine duties. These measures include uncovering the nature of the crime, determining how it was committed, and identifying those responsible, including any accomplices (Al-Abdallah, 1988). Upon receiving information regarding the occurrence of a crime, Public Security personnel are required to undertake the following actions:

- Ascertain whether the crime occurred or disprove its occurrence.
- Collect relevant evidence and indicators that implicate the accused, while safeguarding any seized materials.
- Establish the manner in which the crime took place.
- Identify the condition and identity of the victim.
- Promptly forward a report to the Public Prosecutor regarding the reported crime, as the law does not permit them to conduct direct investigations in such cases.
- Proceed with efforts to clarify the circumstances of the crime and continue gathering supporting evidence.

The responsibilities of judicial police are not limited to responding when a crime is formally reported. Their investigative obligations also extend to crimes committed in their presence or learned of indirectly, even in the absence of formal notification. They must remain proactive, as there may be instances where no individual comes forward to file a complaint or where the victim refrains from reporting due to a desire for personal retaliation or fear of reprisal.

Regarding the admissibility of confessions, it has been asserted that a confession made by the defendant before the Public Prosecutor at a police station is not rendered invalid solely based on its location [6]. A police station, or any other location designated by law, may serve as an appropriate venue for recording such confessions. Allegations of coercion, in this context, are not sufficient grounds for invalidation. However, the Public Prosecutor is obliged to ensure that the conditions under which the confession is given are free from external pressure or influence by police personnel. Ideally, the confession should be obtained in the office of the Public Prosecutor, thereby ensuring appropriate legal safeguards and protecting individual rights. Furthermore, the Jordanian Court of Cassation, in Decision No. (369/98), published on page 3234 of the 1999 judicial record, held that a confession attributed to the accused is inadmissible as

evidence under Article (63) of the Jordanian Code of Criminal Procedure if it is not properly documented. Specifically, if the statement was not signed by the individual or if the clerk failed to note whether the individual signed or refused to sign, the confession is considered invalid (Al Amawi & Al Asouli, 2023).

4.1.2 Second Requirement: Receiving Reports and Complaints

Reporting constitutes a procedural act whereby an individual not directly harmed by a crime informs Public Security personnel, acting in their capacity as judicial police, of the crime's occurrence. This reporting may be classified as either ordinary or official. It is considered ordinary when undertaken in accordance with Article (26) of the Jordanian Code of Criminal Procedure, which provides that:

- Any person who witnesses an offence against public security, or an attack on the life or property of another, is required to notify the competent Public Prosecutor.
- In other instances, any person who becomes aware of a crime is also obligated to inform the Public Prosecutor.

Both types of reporting, ordinary and official, are mandatory, as clearly stated in Articles (206) and (207) of the Jordanian Penal Code. These articles establish that failure to report crimes involving conspiracy, or neglecting to inform the relevant authorities upon becoming aware of a felony or misdemeanour, constitutes a criminal offence subject to legal penalties [7].

The Jordanian Court of Cassation has reinforced this principle, ruling that a confession made by an accused individual in the absence of the Public Prosecutor may be accepted as evidence, provided the prosecution proves the circumstances in which it was made and the court is convinced that it was given voluntarily and without coercion. In this regard, the State Security Court based its conviction on the confession made by the accused to an investigator from the Anti-Narcotics and Counterfeiting Department, in addition to the confiscated items, including distinctive counterfeit currency. Since the prosecution established the context in which the confession occurred and the court was satisfied it was made freely, it was considered admissible under Article (159) of the Code of Criminal Procedure. Furthermore, the seizure of counterfeit dollars from the accused was deemed lawful, as it was conducted by judicial police officers authorised to investigate crimes and collect evidence, including apprehending those involved.

Article (97) of the Code of Criminal Procedure authorises judicial police officers, during investigations, to search the premises where an individual is located if there is reasonable suspicion that they are concealing items related to the investigation [8]. In accordance with this provision, the search of the second suspect—who became a person of interest after counterfeit currency was discovered in the possession of the first accused—was deemed lawful. The suspicion that the second individual was hiding additional counterfeit materials justified both the search and the arrest, which were carried out in compliance with legal requirements.

4.1.3 Third Requirement: Organizing Reports and Records

When Public Security personnel, acting in their capacity as judicial police, conduct criminal investigations, they are required to prepare an official record detailing the actions undertaken and the evidence observed. This record serves as a formal document in which the authorised officers document events, statements made in their presence, and any observations or auditory information gathered during the investigation (Al-Jabour, 1986). In accordance with the Jordanian Code of Criminal Procedure, the preparation of such reports is a compulsory and binding duty for qualified Public Security personnel. These reports serve as an essential means of documenting all investigative actions carried out, the evidence collected, and the statements recorded. Officers are expected to prepare detailed accounts of all assigned infractions, misdemeanours, and felonies, along with any noteworthy incidents connected to public events.

Article (95) of the Jordanian Code of Criminal Procedure mandates that any individual conducting an investigation, regardless of whether it is conducted under a warrant, must compile a comprehensive list of all items seized and specify their respective locations. This document must be signed by the individuals present during the investigation or fingerprinted in cases where the individual is unable to sign. The Jordanian Court of Cassation, in Criminal Case No. (963/2002) dated 10 July 2002, confirmed the validity of a defendant's statement that was recorded within sixteen and a half hours of arrest. This timeframe falls within the legal limit established under Article 100 of the Code of Criminal Procedure, thereby affirming the admissibility of the confession. Furthermore, a confession given by a defendant in the absence of the Public Prosecutor may be accepted as

evidence under two conditions:

- A. When the prosecution provides credible evidence regarding the circumstances in which the confession was obtained.
- B. When the court is satisfied that the statement was made voluntarily and without coercion.

This principle is supported by Case No. (369/1989), dated 25 October 1999, published on page 3234 of the Bar Association Magazine of that year. The case details an oral interrogation that lasted four hours, during which the accused's statement was not immediately documented in writing but was recorded later at 2:30 a.m. following the conclusion of the questioning. The investigating officer merely discussed the accused's statements rather than recording them directly, which constitutes a procedural violation. According to Article (48) of the Jordanian Code of Criminal Procedure, such an interrogation falls under the exclusive jurisdiction of the Public Prosecutor and must not be undertaken by members of the judicial police. As this breach affects fundamental defence rights, the resulting confession is considered procedurally invalid and cannot be relied upon in judicial rulings.

4.2 Section Two: Adherence to Legal Legislation by Judicial Police Officers

Different legal systems adopt varying approaches in addressing procedural violations committed by judicial police officers. In some jurisdictions, actions undertaken in contravention of procedural rules are deemed invalid, whereas other systems have, under certain circumstances, acknowledged the legitimacy of such actions despite their inconsistency with the law (Al-Jabour, 1986). In the Jordanian context, the legal framework outlines the conditions under which procedural invalidity may arise, as provided in Articles 227 and 228 of the Jordanian Code of Criminal Procedure. These provisions cover both legal invalidity and intrinsic invalidity resulting from procedural breaches by judicial police officers during criminal investigations. The Jordanian Court of Cassation has, in its jurisprudence, adopted the principle of legal invalidity. However, in certain decisions, the Court has also acknowledged intrinsic invalidity alongside the legal standard.

Article (227) of the Code stipulates that: "If the accused, the witnesses, or any of them does not speak Arabic fluently, the presiding judge shall appoint an interpreter who is at least eighteen years of age and shall require the interpreter to take an oath to interpret between them and the court truthfully and honestly." Failure to comply with the provisions of this article results in the nullification of the proceedings. Similarly, Article (228) provides that: "The accused and the Public Prosecutor may request the dismissal of the appointed interpreter, provided that reasons are stated, and the court shall decide the matter."

Based on these provisions, the study proceeds to examine whether actions and procedural measures undertaken by Public Security personnel are legally recognised or deemed void when they fail to comply with the established legal standards.

4.2.1 First Requirement: Cases of Public Security Personnel Exceeding Their Legal Powers in Jordan

The legal authority conferred upon Public Security personnel through legislation necessitates strict compliance and prohibits any overreach. Nevertheless, in practice, such authority is frequently exceeded on an individual basis. A notable example includes the Public Security Department's implementation of security restrictions as a preliminary step to administrative detention, purportedly aimed at safeguarding society from individuals perceived as threats due to prior unlawful conduct. These security restrictions often persist on an individual's record for extended periods, functioning as a cumulative database that is seldom cleared. Based on these restrictions, the Public Security Department retains the authority to summon individuals with criminal records or existing restrictions for interrogation whenever a crime involving personal rights is reported within their residential locality.

According to the Penal Code, repeat offences such as fraud, breach of trust, and theft attract stringent penalties. The suspect's record, including any restrictions, is presented to the judiciary or Public Prosecutor to inform their decision regarding the accused's criminal background. Thus, security restrictions play a critical role in shaping judicial perspectives. Under the Crime Prevention Law of 1954, administrative governors are granted extensive judicial powers, including the authority to detain individuals and limit their freedoms. This framework significantly encroaches upon individual liberty and personal security, especially in light of the broad discretionary powers exercised by administrative governors in administrative control. These powers often lack sufficient legal justification

or safeguards that would ordinarily be required to uphold public order or meet the legal threshold of necessity, as prescribed by the same Crime Prevention Law.

Such practices constitute clear violations of both international legal standards and the internal legal provisions outlined in the Crime Prevention Law. This calls for the urgent establishment of precise legal standards and oversight mechanisms governing administrative decisions made by governors. The researcher contends that the current application of the Crime Prevention Law is arbitrary in the majority of cases and suffers from an absence of effective judicial supervision over administrative decisions. In view of this, the researcher advocates for either the repeal of the Crime Prevention Law or the transfer of administrative governors' powers under this law to the judiciary, as the judicial system is better equipped and more committed to safeguarding individual freedoms. This position aligns with the consensus among human rights organisations.

Moreover, administrative governors continue to relocate detainees to remote detention centres, far from their families, despite the presence of numerous reform and rehabilitation facilities across various governorates. Such relocations impose substantial emotional and financial burdens on families, particularly when conducted without prior notice, whether between different detention facilities or reform centres. The researcher further asserts that the detention and deprivation of liberty by Public Security personnel represent clear violations of both the Jordanian Code of Criminal Procedure and international standards protecting individual freedom and security. Key violations identified include:

- Non-compliance with the legal constraints on detention duration, as stipulated under Article 100 of the Jordanian Code of Criminal Procedure.
- Re-arrest and detention of individuals by security services following their release and referral to administrative judges.
- Unlawful entry into private residences without warrants issued and signed by the Public Prosecutor, and disregard for legally mandated procedural safeguards such as the presence of the homeowner during searches, the participation of female officers, and the presence of the local mukhtar or two neighbourhood witnesses.
- Undue restriction of citizens' mobility in cases of minor infractions, such as traffic violations, which do not justify arrest or detention.
- Breaches of citizens' privacy through the monitoring of personal correspondence and communications, contravening constitutional and statutory protections for the right to privacy.

Second Requirement: The extent of compliance with legal legislation by judicial police officers in Britain, France, and the United States

4.2.2 First: The Invalidity of Police Actions under British Law

English law is regarded as one of the prominent legal systems that permits the admissibility of evidence obtained by judicial police officers through methods that may not conform with legal norms, without necessarily resulting in procedural invalidity. A notable precedent is the *Leathan* case of 1861, in which the court held: "It's not a problem how you obtained it (i.e., the evidence), even if you stole it, it would be admissible as evidence" [9]. This ruling illustrates the English judiciary's permissive approach towards the method of evidence collection, focusing instead on the relevance of the evidence rather than its source. A further example occurred in 1970, when English police employed a deceptive tactic by placing an officer in a detention cell adjacent to two suspects in order to surreptitiously listen to their conversation. The court admitted the contents of that conversation as evidence, based on the officer's testimony, and subsequently convicted the accused, giving no consideration to the illegality of the method used to obtain that evidence (Al-Jabour, 1986, p. 527). In contrast, other legal systems—particularly those of France and the United States—take a more restrictive view. These systems tend to regard evidence obtained through unlawful actions by police officers as inadmissible, treating such procedures as legally invalid (Surur, 1984).

4.2.3 Second: The Invalidity of Police Personnel's Actions in French Law

The French Code of Criminal Procedure sets forth detailed provisions concerning the invalidity of procedural actions that infringe upon the rights of defence. Such invalidity is recognised both explicitly and within the broader context of general legal theory when a fundamental legal norm has been breached. Several articles within the French Code, including Articles 56, 57, 59, 95, and 96, explicitly declare the invalidity of unlawful searches of individuals and premises, as well as the seizure of items. Furthermore, the Code outlines the invalidity of procedural violations affecting the rights of defence during the interrogation phase. This includes the failure to notify legal counsel prior to any questioning and the obligation to provide the lawyer with access to the investigation file, as stipulated in Articles 114, 118, and 170. Article 172 provides the general legal foundation for the

intrinsic invalidity of actions that contravene a fundamental legal rule. French judicial decisions have consistently affirmed that the mere existence of a breach of a fundamental legal principle is sufficient to warrant the annulment of the procedure. Such fundamental rules may pertain either to the protection of individual parties or to the maintenance of public order. The penalty of invalidity applies to the procedure itself, solely on the basis of its unlawfulness, regardless of whether the action was initiated by the Public Prosecution or the Judicial Police (Al-Jabour, 1986).

4.2.4 Third: The Invalidity of Police Actions in US Law

The American judiciary initially adhered to the principles of English common law concerning the consequences of unlawful actions. However, a significant shift occurred in 1914, when a landmark federal case established that any evidence obtained through unlawful search or seizure must be excluded from legal proceedings. This ruling marked the beginning of the exclusionary rule in federal courts. In 1949, the United States Supreme Court extended the applicability of this rule to state courts, asserting that searches or seizures carried out unlawfully constitute a violation of the Fourth Amendment, irrespective of their conformity with state law. The decision affirmed the constitutional protection of individuals' private lives against unwarranted interference and abuses by law enforcement authorities. Moreover, the exclusionary principle in American law is not confined to searches conducted by the police; it applies broadly to all forms of unlawfully obtained evidence in criminal trials. If an arrest is deemed illegal, any evidence stemming from that arrest, such as confessions or subsequent searches, is rendered inadmissible. The American courts have also ruled that testimony from witnesses discovered as a result of an invalid search is subject to exclusion. The judicial rationale behind this is that reliance on evidence originating from a violation of constitutional protections is impermissible, thereby ensuring adherence to the fundamental rights enshrined in the Constitution (Surur, 1984).

4.3 Section Three: Legal Liability Resulting from Violation of Legislation

When Public Security personnel act beyond the scope of the legal authority granted to them and breach the legislative provisions and procedural guidelines they are obliged to follow in the execution of their duties—such as during preliminary and primary investigations, which involve the collection of evidence and the transfer of evidence, seizures, and suspects to the Public Prosecutor—they become liable to legal accountability. This accountability may be criminal, civil, or disciplinary in nature, depending on the nature and extent of the violation.

4.3.1 First Requirement: Disciplinary Penalty

A disciplinary penalty is a sanction imposed by an administrative authority on a public employee as a consequence of a violation committed during or in connection with the performance of official duties. It may also be understood as an individualised administrative action intended to address and deter misconduct that adversely affects the employee's job-related responsibilities. This form of penalty is typically applied in response to breaches of professional obligations and is reserved for individuals found guilty of committing disciplinary infractions (Radhi, 2007). According to Article (35) of the Public Security Law, personnel are required to demonstrate politeness and respectful conduct towards their superiors and the general public, and to uphold the dignity and reputation of the service. Article (37) of the same legislation enumerates the types of infractions that may be committed by public security personnel, stipulating that any individual who contravenes the force's regulations or any of its orders—whether verbally or in writing—shall be subject to precautionary measures designed to prevent the violation of legal and regulatory provisions, and to avert risks or disturbances that may compromise public order. Disciplinary measures applicable to members of the Public Security service encompass various penalties imposed by an individual's immediate superior, based on the nature and severity of the misconduct. These may include verbal or written warnings, reassignment from duties that exceed their lawful authority, or redirection to alternate tasks. In certain cases, transferring the offending officer to a different post is considered a constructive administrative response, benefiting both institutional interests and the individual by removing the opportunity for continued misconduct.

4.3.2 Second Requirement: Criminal Liability

Public Security personnel may be held criminally liable when they engage in unlawful conduct, rendering them subject to punishment under

the law. This liability arises in instances such as subjecting an accused person to torture in order to extract a confession, employing excessive force, unlawfully arresting or detaining individuals, and entering private residences without legal authorisation (Al-Affifi, 1976). When an officer exceeds the scope of their legal authority, they are governed by the provisions of the Penal Code, provided that the elements constituting a criminal offence are established. Such liability is frequently evident in cases involving embezzlement, forgery, and theft, which warrant the imposition of criminal penalties upon the offending employee (Radhi, 2007). It is therefore evident that criminal responsibility applies to Public Security personnel who act beyond the bounds of legality, as such conduct constitutes a breach of the human rights and fundamental freedoms protected under both constitutional and statutory provisions. Consequently, strict adherence to the legal framework is imperative, and all actions taken must be in pursuit of truth through lawful means only. The use of illegitimate methods exposes personnel to criminal prosecution and undermines the protection of individual rights.

French legislation, under Article (114) of the French Penal Code, provides for the exemption of an employee from criminal liability if the act was carried out pursuant to an order from a superior to whom obedience is required, or if the employee reasonably believed that obedience to the order was a duty (Radhi, 2007). A similar provision is found in Article (63) of the Egyptian Penal Code (Reza, 2011), while Article (61) of the Jordanian Penal Code stipulates that obedience to a superior's order may relieve an individual of criminal liability, provided the conditions governing lawful obedience are fulfilled (AL-Dabbas, 2000). Under Jordanian legislation, criminal liability for Public Security personnel who violate their legal jurisdiction is adjudicated through the military judiciary. Public prosecutors, assigned to various military units across the Kingdom, are responsible for conducting initial investigations into violations committed by personnel and initiating appropriate legal proceedings. Once preliminary inquiries are concluded, the case is forwarded to the Police Court, which is the designated judicial body for adjudicating such matters. Upon issuance of a verdict, the convicted individual retains the right to appeal the decision before the Court of Appeal and subsequently the Court of Cassation, in cases where the law permits further appeal.

The structure of the police judiciary ensures multiple stages of litigation and provides the accused with all procedural safeguards necessary to uphold justice. Notably, the judicial panels of the Police Court consist of three members, one of whom is drawn from the civilian judiciary, thereby reinforcing impartiality and ensuring transparency in the adjudication process. This composition not only strengthens the credibility of judicial decisions but also promotes public confidence in the fairness and objectivity of police court proceedings. Furthermore, the inclusion of a civilian judge serves as a critical check against potential institutional bias, ensuring that the rights of the accused are protected in accordance with legal and constitutional principles.

4.3.3 Third Requirement: Civil Liability

Public Security personnel are empowered by legislation to exercise specific legal authorities in the course of their duties. However, any overreach or misuse of these powers constitutes a violation of the rights and freedoms guaranteed to others. Such transgressions result in illegitimate consequences, manifesting as infringements upon legally protected rights, including the right to life, liberty, and property. These violations give rise to the state's authority to impose penalties on those who encroach upon these fundamental rights (Radhi, 2007). In conjunction with the state's punitive authority is the associated right to initiate legal proceedings against the offender (Al-Jabour, 1986). This process is commonly referred to as a public lawsuit or public right lawsuit, which is initiated and pursued by the Public Prosecution within the Public Security apparatus. Article (30) of the Jordanian Public Security Law expressly states that the Public Prosecution shall be carried out by the Director of Police Justice, serving in the role of judicial advisor, along with designated assistants, public prosecutors, and investigatory bodies (AL-Dabbas, 2000).

5. Conclusion

This study explored the extent to which judicial police officers comply with their legally mandated powers, particularly in maintaining security, order, and public tranquillity. The findings indicate that Public Security personnel in the Hashemite Kingdom of Jordan generally perform their duties with integrity and in alignment with national interests and human rights. By examining the full sequence of judicial procedures—from the occurrence of a crime to the submission of reports and evidence to the

Public Prosecutor—the research highlights significant adherence to the legal requirements stipulated in Jordanian legislation. Public Security personnel appear committed to justice, equality, and respectful treatment of all individuals, without bias. Jordanian legislation offers a comprehensive definition of judicial jurisdiction, clearly delineating the responsibilities of Public Security personnel. This clarity promotes legal compliance and serves as a safeguard against violations. Any overreach or procedural breach may lead to legal invalidation of actions and render those responsible subject to legal accountability. The state, in turn, bears liability for any harm resulting from such unlawful procedures.

6. Recommendations

Based on the assessment of judicial police officers' adherence to their legal powers, the study proposes the following recommendations:

Incidents involving misuse of authority by Public Security personnel should be disclosed publicly. Penalties imposed on offenders must be enforced transparently by relevant bodies (e.g., police, judiciary, preventive security) to serve as a general deterrent.

The legal implications of procedural violations should be clearly communicated, particularly the penalties applicable to offenders.

Qualified and well-trained personnel, including legal professionals and experienced investigators, should be designated to handle investigations and follow-up activities, with specific criteria established for their selection.

Public Security officers should undergo specialised training to differentiate the responsibilities of judicial police from those of the Public Prosecutor, understand the consequences of breaching legal norms, and recognise the limits of their jurisdiction.

7. Research Implications

This research has made a significant contribution to the existing body of knowledge by examining the extent of adherence to judicial powers conferred upon Judicial Police Officers within the Jordanian legal framework. It has also offered a comprehensive analysis of the legal consequences faced by individuals who exceed these powers, along with the state's obligation to provide compensation for resulting harm. This dual focus enhances the novelty and practical relevance of the study. Furthermore, the study's findings underscore the importance of strengthening legal enforcement mechanisms within the judicial domain. They offer a valuable foundation for encouraging the Jordanian government to implement structured training programmes for Public Security personnel, aimed at reinforcing their capacity to uphold the law and address procedural violations appropriately.

8. Limitations and Future Research

This study examines the degree to which Judicial Police Officers, specifically Public Security personnel, comply with the legal powers conferred upon them. It focuses on clarifying the legislative provisions that establish these powers, assessing the level of adherence, and analysing the legal implications of procedural breaches. The scope of the research is deliberately confined to Public Security personnel, excluding other components of the judicial police. The study also incorporates a comparative review of the practical application of jurisdictional powers in the Hashemite Kingdom of Jordan, the United Kingdom, France, and the United States. For future research, a more detailed comparative analysis between Jordanian and British criminal law could yield deeper insights into the enforcement of judicial powers. Additionally, expanding the focus to include other elements of the judicial police, such as broader law enforcement functions and institutional compliance mechanisms, would enhance the comprehensiveness of subsequent investigations.

Reference

- [1] Abuaneh A. The rationale for detention in the Jordanian Code of criminal procedure: A comparative study with French law. *Heliyon*. 2022;8(10) <https://doi.org/10.1016/j.heliyon.2022.e11164>
- [2] Abuirmilah B, Al Zubaidi K, & El-Manaseer SA. Perspectives for Developing the Jurisdictions and Procedures of the Jordanian Administrative Judiciary: A Critical & Comparative Study. *Journal of Ecohumanism*. 2024;3(3):1856-1866 <https://www.ceool.com/search/article-detail?id=1277682>
- [3] Mesleh F. the Code of Criminal Procedure/a replacement

- alternatives to the criminal case in the broadest sense. DIRASAT: SHARI'A AND LAW SCIENCES. 2016;43(3)
<https://archives.ju.edu.jo/index.php/law/article/view/9260>
- [4] Krent HJ. Executive Control over Criminal Law Enforcement: Some Lessons from History. Am. UL Rev. 1988;38:275
<https://heinonline.org/HOL/LandingPage?handle=hein.journals/aulr38&div=16&id=&page=>
- [5] Al Majali AZ, Qaddoura O, & Network E-MHR. The Independence and Impartiality of the Judiciary: Jordan. 2008
<https://www.majalat.org/sites/default/files/2019-12/JORDAN-The-Independence-and-Impartiality-of-the-Judiciary-EN%20%281%29.pdf>
- [6] Al Adailah SHA, & Al-Batoush AMAA. The Extent of Legal Responsibility Imposed on Employees of the Executive Authority Case of Exceeding the Powers Granted to A Person in Jordan: A Comparative Study. Contemp. Readings L. & Soc. Just. 2024;16:364
<https://heinonline.org/HOL/LandingPage?handle=hein.journals/conreadslj16&div=30&id=&page=>
- [7] Arnold KC. Are the perpetrators of honor killings getting away with murder? Article 340 of the Jordanian Penal Code analyzed under the convention on the elimination of all forms of discrimination against women. Am. U. Int'l L. Rev. 2000;16:1343
<https://heinonline.org/HOL/LandingPage?handle=hein.journals/amuilr16&div=32&id=&page=>
- [8] Al-Zoubi MY. The Amendments of the Jordanian Penal Code: An Analytical and Critical Perspective. Dirasat: Shari'a and Law Sciences. 2020;47(2):268-283
<https://dsr.ju.edu.jo/djournals/index.php/Law/article/view/3014>
- [9] Lowry H. Some landmarks in surgical technique. The Ulster medical journal. 1947;16(2):102
<https://pmc.ncbi.nlm.nih.gov/articles/PMC2479244/>