



### *Module Syllabus*

|   |                                      |                   |               |  |
|---|--------------------------------------|-------------------|---------------|--|
| Module Title:                               | Evidence and Procedural Law          | Module No: 410492 |               |  |
| Pre-requisite:                              | Law of Civil Procedures              | Co-requisite:     |               |  |
| Module level: Fourth year                   | Module Type: Department prerequisite |                   |               |  |
| Credit Hours: 3 Credit Hours                | Lecture Time                         | Daytime Study     | Evening Study |  |
| Programme of Study: Daytime & Evening Study |                                      |                   |               |  |

|                        |                      |                     |                      |               |
|------------------------|----------------------|---------------------|----------------------|---------------|
| <b>Instructor Name</b> | <b>Academic rank</b> | <b>Office Phone</b> | <b>Office Number</b> | <b>E-mail</b> |
|                        |                      |                     |                      |               |

|                           |                            |                     |                      |  |
|---------------------------|----------------------------|---------------------|----------------------|--|
| <b>Module coordinator</b> | <b>Academic rank</b>       | <b>Office Phone</b> | <b>Office Number</b> | <b>E-mail</b>  |
| <b>Dr. Eyad Bataineh</b>  | <b>Assistant Professor</b> |                     |                      | <a href="mailto:E-bataineh@philadelphia.edu.jo">E-bataineh@philadelphia.edu.jo</a> |

|                     |                                     |                          |                 |
|---------------------|-------------------------------------|--------------------------|-----------------|
| <b>Office Hours</b> | <b>Special Educational Guidance</b> | <b>Tutorial Guidance</b> | <b>Research</b> |
|                     |                                     |                          |                 |

#### **Module Description:**

This course includes a theoretical and analytical study of the principles of proof through an introduction to the Jordanian law of evidence, a study of the various schools of jurisprudence, and the philosophy of the objective and procedural rules of evidence through dealing with written evidence, its types and the conditions for its being a proof, including the outputs of computerized information systems, electronic writing and electronic signature, in addition to a study of testimonies (personal evidence), their conditions and the scope of proof in accordance with them, in addition to the rules of swearing an oath, its types, confession, its types, cases and being a proof, in addition to the legal and judicial evidence and experience. The course also deals with the execution procedures through defining the execution law, the execution quarters, their tasks, those responsible, and the procedures followed before them, the executive case, and the methods of forced execution regarding the moneys of the debtor and his person, and the method of distributing the outcome of the execution.

procedures , persons and instruments as well as means of obligatory enforcement against debtors ' property and persons . The study is illustrated with judicial applications in light of the Jordanian Cassation Court .

**Module Aims:** This module aims to:

1. provide students with the basic as well as advanced knowledge in topics related to evidence and execution along with procedures and terms
2. enhance students cognitive as well as practical skills in evidence and execution related areas
3. enhance students practical skills in dealing with evidence and execution related topics, in addition to training to apply theoretical knowledge to actual cases
4. prepare and qualify students to receive legal technical training in methods of evidence and basis for execution in order to enable them to perform the job and legal services in compliance with the demand of the job market
5. enable students to develop their written as well as written skills in general and writing and formulating articles, reports and research papers in particular
6. effectively communicate with others showing a team spirit with the highest level of responsibility

**Learning Outcomes** (*Knowledge & understanding, intellectual skills, practical skills & transferable skills*)

**At the end of this module, a student will be able to:**

- A/1 display an advanced knowledge in topics of evidence and in the Jordan Law System as well as methods of proof, terms and rules or basis
- A/3 understand Jordan's judicial system, its constitutions and procedures related to execution
- A/5 become abreast with the basic system of institutions and departments related to execution and evidence in addition to formation and specialties
- B/1 apply theoretical knowledge in the field of execution and evidence to actual practical as well as presumed cases
- B/3 analyze, interpret and assess legislative texts, decisions and judicial interpretation in evidence and execution related topics
- B/4 search within the laws of Execution as well as evidences in order to deduce information to bolster knowledge as well as practical skills performance
- B/5 develop legal argumentation and deal in an ideal manner with various logical assumptions related to execution and evidence
- C/1 establish and find appropriate solutions to real and/or presumed problems related to execution and evidence
- C/2 utilize paper and electronic libraries as well as the other learning sources of which to benefit
- C/3 compose and formulate reports and research papers in compliance with a legal scheme and scientific methodology
- C/6 perform the role in legal activity and in compliance with the ethics of the profession, the judicial activity and procedures both orally and written, and in a well studied manner
- D/2 effectively communicate with others in an independent as well as a collective manner, not to mention displaying a team spirit
- D/3 use Arabic in clarifying legal terms
- D/6 prepare in advance to undertake tasks, manage time with precision and a high level of responsibility, as well as assess personal capabilities in addition to benefit from feedback

**Practical Training (Depends on module Practice**

|   |
|---|
| <b>General discussions of evidence and execution related topics</b> |
| <b>An outside lecturer</b>  |
| <b>Field visit</b>  |
| <b>Research paper</b>   |
| <b>(workshop in the multipurpose room)</b>                          |

**Teaching Methods**

| <b>Methods</b>  | <b>Number of Lectures</b> | <b>Scores' distribution</b> |
|---|---------------------------|-----------------------------|
| Lectures  | 29                        | 80%                         |
| Multipurpose room and field visits                                  | 5                         | ----                        |
| Student's involvement in seminars, tutorials, and group discussions | 10                        | 5%                          |
| Quizzes and Assignments   | 4                         | 10%                         |
| Paper research & Essays (maximum of 3000words)                      | ---                       | 5%                          |
| <b>Total</b>  | <b>48</b>                 | <b>100%</b>                 |

**Modes of Assessment**

| <b>Modes</b>   |                       | <b>Score</b> | <b>Date</b> |
|--|-----------------------|--------------|-------------|
| <b>Exams</b>   | First exam (written)  | <b>15%</b>   |             |
|  | Second exam (written) | <b>15%</b>   |             |
|  | Final exam (written)  | <b>50%</b>   |             |
| Multipurpose room and field visits                           |                       | ---          |             |
| Student's involvement in seminars, tutorials and discussions |                       | <b>5%</b>    |             |
| Quizzes and assignments                                      |                       | <b>10%</b>   |             |
| Paper research essays  |                       | <b>5%</b>    |             |
| <b>Total</b>   |                       | <b>100%</b>  |             |

## Module Outline

This module consists of (48) hours allocated into (16) weeks, (3) hours a week, divided as follows:

| Week             | Subject   | Notes |
|------------------|---|-------|
| 1 <sup>st</sup>  | Distinguishing between civil evidence and other types of evidence and its regulations in comparative legislations |       |
| 2 <sup>nd</sup>  | Proof premises- onus of proof   |       |
| 3 <sup>rd</sup>  | Procedures of proof- proof specified general principles   |       |
| 4 <sup>th</sup>  | Features of the General theories of proof- official evidences   |       |
| 5 <sup>th</sup>  | Regular evidences- unsigned papers- proof of written proof validity   |       |
| 6 <sup>th</sup>  | Testimony, terms, dimensions, procedures and determinative effect in proof  |       |
| 7 <sup>th</sup>  | Presumptions of law- confession and interrogation of adversary  |       |
| 8 <sup>th</sup>  | Oath and types of oath- view and expertise  |       |
| 9 <sup>th</sup>  | Methods of universal progress and electronic evidence   |       |
| 10 <sup>th</sup> | Modern rules in the new execution law- authority concerned with mandatory execution                               |       |
| 11 <sup>th</sup> | Writ of Execution   |       |
| 12 <sup>th</sup> | Mandatory execution premises- punitive basis for mandatory execution  |       |
| 13 <sup>th</sup> | Executive detention   |       |
| 14 <sup>th</sup> | Imprisonment of debtor and travel prohibition- in addition to what's left of executive detention                  |       |
| 15 <sup>th</sup> | Execution problems, appeal against executive president- distribution of executive proceeds                        |       |
| 16 <sup>th</sup> | <i>Final Exam</i>   |       |

## Reading List

### A- Recommended Text Book

| Book Title                                       | Author           | Edition | Publisher             | Publishing Year |
|--|------------------|---------|-----------------------|-----------------|
| Elucidation to the rules of the new Evidence Law | Dr. Abbas Aboudi | First   | Althaqafah publishers | 2004            |

### B -Additional Reference *(Student will be expected to give the same attention to these references as given to the textbook)*

| Book Title   | Author            | Edition | Publisher             | Publishing Year |
|--|-------------------|---------|-----------------------|-----------------|
| Elucidation to the Jordanian Evidence and procedures Law | Dr. Adam Alnadawi |         | Althaqafah Publishers | 1999            |
| Rules for Execution Law                                  | Dr. Said Mubarak  | First   |                       | Baghdad, 1989   |

### C -Legal Journals & Magazines

|  |
|--|
| Journal of Law Society (Jordan) Monthly publications |
| Law Journal, Kuwait University                       |

### D -Useful Websites

|  |
|--|
|  |
|--|

## Attendance Policy (See Article 8 of the University regulation Guideline)

Attendance will be taken by the instructor at the beginning of each class. **On-time** and **regular** attendance is necessary for you to successfully achieve a good mark. Habitual tardiness is considered to be rude and disruptive behavior. An absence is recorded for any reason the student fails to attend class. However, an accumulation of 15% absentia of the total module's hours result in that student will be withdrawn from the module by the module's instructor.

## Module policy requests

The instructor of the Module is the last person to enter and the first to leave the classroom. Therefore, students will not be permitted into the classroom once the lecture has started.

Cell phones or beepers must be either turned off or silent. If any student should receive a call during the lecture, he/she must leave the classroom immediately out of courtesy for fellow students. However, students need to bear in mind that they will not be allowed back into the classroom.

**Expected Workload**

On average, the student is expected to spend at least ( 3 ) hours per week self-studying for this module. The student will be expected to spend 1 hour in reading the lecture's topic before the lecture's due time and half an hour for revision of the lecture.

From time to time, I will give you a quiz to examine your preparation for the lecture. This quiz will be counted towards the total average of the module.

*My role is to help you understand the module's material, so please ask if you are unclear about anything.*

**Important Dates & Holidays**

| DATE     | SUBJECT   | NOTE  |
|----------|---|---|
| Oct 4    | The start of Ramadan                              | Ramadan is holiday for Evening Study students |
| Nov 3-5  | Festival of Eid al-Fitr                           | Public Holiday                                |
| Nov 14   | Commemoration of the late King Hussein's birthday | Public Holiday                                |
| Dec 25   | Christmas Holiday                                 | Public Holiday                                |
| Jan 1    | New Year  | Public Holiday                                |
| Jan 9-12 | Festival of Eid Al-Adha                           | Public Holiday                                |
| Jan 30   | Birthday of HM King Abdullah II                   | Public Holiday                                |
| Jan 31   | Islamic New Year (Hijra New year)                 | Public Holiday                                |

***Good Luck!!***