



COMPARING DROPPING ADMINISTRATIVE AND CIVIL LAWSUITS ACCORDING TO PROVISIONS OF THE JORDANIAN LEGISLATION

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Abstract: *The present study tackles the issue of dropping the administrative and civil cases. The two researchers aim to highlight common points of the cases of dropping in the Administrative Judiciary Law and the Code of Civil Procedure. The two researchers singled out the specificity of each of those cases according to the judicial rulings and the jurisprudential opinions. The most prominent cases of dropping the administrative lawsuit are the absence of one or both of the parties of the lawsuit, the withdrawal of the administrative decision, or its cancellation by the administration during the consideration of the administrative lawsuit. As for the civil lawsuit, the most prominent cases of dropping it are the non-attendance of the plaintiff or his/her guardian to the trial session or the failure to follow up on the lawsuit, as well as the cases in which both parties of the lawsuit agree to drop it, and many other cases dealt with by the two researchers in the present study.*

Keywords: *Dropping, administrative lawsuit, civil lawsuit.*

INTRODUCTION

The procedural legal rule is considered a binding rule because it contains procedural penalties. The procedural penalty represents the legal effect resulting from the procedural violation of the legal model determined by the procedural rule. If any of the conditions are not met, the act is considered to be in violation of the provisions of the law and goes outside the framework of the correct procedural actions to fall under the defective procedural actions, which imposes one of the procedural penalties, including dropping the case. Through the present study, cases of dropping each of the administrative and civil lawsuits are tackled in accordance with the Jordanian legislation.

Study Questions

1. What are the cases of dropping the administrative case?
2. What are the cases of dropping a civil lawsuit?
3. Is there a similarity in the cases of dropping the administrative lawsuit compared to the civil lawsuit in the Jordanian law?

All these questions and others will be answered through the present study in accordance with the provisions of the Jordanian law.

Significance of the Study

The significance of the present study stems from examining the cases of dropping the administrative lawsuit, such as cancellation compared to the civil lawsuit, which the legislator referred to within the provisions of the Administrative Judiciary Law No. 27 of 2014 and the Civil Procedure Law No. 24 of 1988 and its amendments, which specified the cases of dropping the administrative and civil lawsuits. The significance of the present study is also due to explaining these cases and the difference between the authority of the administrative judge to drop the case before him compared to the authority of the civil judge. Through the present study, the attempt is to study cases of dropping administrative and civil lawsuits by analysing the legal texts governing this issue.



Problem Statement

The problem of the present study stems from the insufficiency of the legal references that regulate cases of dropping administrative and civil lawsuits compared to each other, and the lack of any specialized study to explain cases of dropping administrative lawsuit. This study also is an attempt to distinguish between cases of dropping the administrative lawsuit (claim of cancellation) compared to the civil lawsuit in detail. This study also aims to answer lingering questions in the minds of jurists and researchers about the subject of cases of dropping the administrative lawsuit compared to the civil lawsuit through raising a question of whether cases of dropping that are mentioned in the Code of Civil Procedure are the same as the cases of dropping mentioned in the Administrative Judiciary Law and the legal position if the administrative judge does not find a case of dropping the case in the administrative case before him, so does he refer to the provisions of the Code of Civil Procedure, or are the cases mentioned in the Administrative Judiciary Law are exclusive?

All these problems and others will be discussed to be the focus of the present study.

Scope of the Present Study

The scope of the present study is limited to examining cases of dropping the administrative case compared to cases of dropping the civil case by studying these two laws carefully to come up with a study that explains these cases in accordance with the provisions of the Jordanian law, which includes legal texts that show these cases in some detail.

METHODOLOGY

The present study adopts the applied analytical approach by analysing legal texts in each of the Administrative Judiciary Law No. 27 of 2014 and the Civil Procedure Law No. 24 of 1988 and its amendments, how to apply these texts and the powers of the judge to rule dropping the case under the two mentioned laws.

Previous Studies

There are no studies so far related to cases of dropping administrative and civil lawsuits under the provisions of the Jordanian legislation in comparison. The present study is a first step and the attempt is to be a reference for researchers in this field.

Section One

The nature of dropping the case

It is required for a lawsuit to be instituted from the outset that there is capacity for litigation, which is regulated by the provisions of the Jordanian Civil Code (Al-Jubouri, 2011; Al-Fatlawi, 2014). The Jordanian legislator has specified cases of dropping the administrative lawsuit represented by the claim of annulment as specified Cases of dropping the civil lawsuit through the texts of the articles that regulate these cases. In this section, a distinction between the administrative lawsuit (the annulment lawsuit) and the civil lawsuit is made as follows:

First: Dropping the administrative case

The order to drop the annulment lawsuit is considered one of the penalties decided by the Administrative Court according to a text in the law as a result of negligence and failure to follow up on the lawsuit filed before the Administrative Court. This leads to considering the case as if it did not exist. In this case, the court issues its decision as a form of punishment against the plaintiff who was not serious in his case, and provides an opportunity for those who pursue their case seriously.

It must be pointed out that dropping the case does not entail the dropping of the claim for the right subject of the case (Radhi, 2021). The dropping is represented by the decision issued by the court in the event that one of the cases stipulated by the Jordanian legislator is available through the provisions of the Administrative Judiciary Law No. 27 of 2014, according to which, the administrative judge issues a decision to drop the lawsuit, provided that this does not prevent its renewal (Administrative Court Judgment No. 430/2022).

As a general principle, the administrative judge considers the case before him if the plaintiff is present therein until he issues his final decision, which holds the authority of the ruling, except that the plaintiff may



apply for its renewal in accordance with the provisions of the law (Article 17, Jordanian Administrative Judiciary Law, 2014).

It should be noted here that the judge's decision to drop the case does not lead to the judgment acquiring the authority of the ruling (Al-Rawashdeh, 2020). The lawsuit is considered a penalty decided by the law as a kind of punishment for the plaintiff in the cases decided by the law, but that penalty does not prevent the renewal of the lawsuit and thus the possibility of hearing the lawsuit before the same judge who issued his decision to drop from the point the lawsuit reached before dropping (Al-Qubailat, 2022).

Second: Dropping the civil lawsuit

There are many cases of dropping the civil lawsuit. Some of these cases are decided by the judge based on the request of the plaintiff. In this case, dropping is not considered a punishment for the negligence or failure to follow up the lawsuit in the event that the plaintiff requested it. This means that dropping the case is in agreement with the defendant, and the request to drop the case by the defendant may be as a result of the availability of one of the cases stipulated in the Code of Civil Procedure, which is a kind of penalty and punishment for the plaintiff who neglected to follow up his case seriously or from what was included in the cases decided by the Jordanian Civil Procedure Code (Al-Zoubi, 2010).

In this regard, a distinction must be made between the two types of revocation according to the following:

First: Objective revocation

It is that revocation falling on the objective right, which leads to the revocation of the right to claim it and the definitive fall of the lawsuit related to it, which results in the inability to renew it, in addition to the inability to file a lawsuit with the same subject, reason, and parties, whether a revocation occurs during the examination of the case or before (Al-Rawashdeh, 2020).

Objective revocation is an example of what was stipulated in Article 444 of the Jordanian Civil Code, which states that if the creditor discharges his debtor choosing from his right over him, the right forfeits and the obligation lapses (Article 444, Jordanian Civil Law No. 43 of 1976).

Moreover, the creditor's discharge of his debtor must be based on an existing right, not a future right, which is stipulated in Article 446 of the Jordanian Civil Code, which states that a discharge is only valid for an existing debt, and it is not permissible for a future debt (Article 446 of the Jordanian Civil Code No. 43 of 1976).

It is clear from the aforementioned texts that the plaintiff may request the competent court to drop the lawsuit as a result of dropping his right from the defendant or because of his unwillingness to claim the defendant and pursue the lawsuit against him, which is the matter upon which the court may drop the lawsuit permanently.

Second: Procedural Revocation

Procedural revocation is defined as the revocation that focuses on the set of procedural actions that make up the judicial litigations without affecting the objective right itself or the right to claim it" (Al-Rawashdeh, 2020). However, it does not prevent the plaintiff whose lawsuit was dropped from renewing the lawsuit and claiming the same right, as the judge, according to his decision to drop the lawsuit, does not make his jurisdiction over the same lawsuit exhausted, but rather he may consider the same lawsuit that he dropped.

Dropping the lawsuit is also divided into a temporary drop, which is the case in which the plaintiff has the right to renew the lawsuit. As for the final drop, it is not permissible to renew the lawsuit, but that does not prevent the plaintiff from filing a new lawsuit with the same subject and the same parties at times. The final drop cannot be considered procedural. In this case, such as the settled case, if a decision is issued by the competent court to drop the case permanently and that dropping is procedural, in the event that the plaintiff files a new lawsuit to claim the same right and the defendant submits a request to dismiss the lawsuit on the grounds of the closed case, then the judge issues his decision to reject the request. The revocation, even if it is final, related to the procedures and not to the right itself, which is the subject of the case, cannot be considered as a settled case (Al-Qudhat, 2020).



Section Two

Cases of revocation

The issuing judgements of the lawsuit can only be according to a text in the law, so the judge may not use his authority to drop the lawsuit without the presence of a legal text permitting it. Cases in which the Jordanian legislator allowed the judge to drop the lawsuit differ between administrative lawsuits than in civil lawsuits. Each lawsuit has its own specificity that distinguishes it. Therefore, the Jordanian legislator decided, according to that specificity, to make the cases in which the lawsuit is dropped in the administrative lawsuit differ from those that lead to the dropping of the civil lawsuit, due to the different nature of each lawsuit from the other, although these cases may be similar at times. These cases will be tackled as follows:

First: Cases of dropping the administrative lawsuit

First of all, it must be noted that what regulates cases of dropping the administrative case is the Jordanian Administrative Judiciary Law No. 27 of 2014. Those cases are mentioned according to the nature of the administrative case. By extrapolating these cases, it is found that the Administrative Judiciary Law mentioned these cases and sometimes referred them to the Procedure Code in accordance with the nature of the administrative judiciary (Al-Ajarma, 2022). This is stipulated in Article (41) of the Administrative Judiciary Law, which states that in cases other than those stipulated in this law, the provisions of the Civil Procedure Code shall apply in a manner that is consistent with the nature of the administrative judiciary.

Referring to cases of dropping the administrative lawsuit, it happens in any of the following cases:

First: Failure of the plaintiff's representative to attend the date specified for hearing the case, or his failure to attend any of the trial sessions. The first case of dropping the case is in the event that the plaintiff's representative does not attend the date specified by the court, or in the event that the plaintiff's representative does not attend any of the trial sessions. In these two cases, the Jordanian legislator permitted the judge to decide to drop the case, in accordance with the text of the paragraph A From Article 17 of the Administrative Judiciary Law No. 17 of 2014, which states that if the plaintiff's attorney does not appear on the date specified for the consideration of the case or fails to attend any of the trial sessions, the Administrative Court may decide to drop the case. In this case, it is permissible to renew The lawsuit within a period not exceeding thirty days for one time starting from the day following the date of dropping the lawsuit and after paying the legal fees in full.

In this case, if one of the two cases mentioned in Paragraph A of Article 17 is fulfilled, the administrative judge may decide to drop the lawsuit, and if the judge drops the lawsuit, this does not prevent the attorney of the plaintive party from renewing it after paying the legal fees in full, within a period not exceeding thirty days starting from the day following the date of dropping the lawsuit, provided that this renewal is for one time only. The lawsuit may not be renewed in the event that it is dropped twice for the two reasons mentioned in Article 17/a of the Administrative Judiciary Law.

As for the penalty resulting from the failure of the representative of the defendant to attend any of the trial sessions, this means that the trial of the defendant may be conducted as if in presence, but if he attends any of the trial sessions, this means that the trial of the defendant may be conducted in legal presence (Administrative Court Judgment No. 262/2018). The defendant or his representative is not entitled to attend the session if it is set for adjudication in the event that he was absent from attending the previous sessions of the verdict pronouncement session, according to the text of Article 17 / b of the Administrative Judiciary Law, which states that if the plaintiff's representative does not attend Any trial session, the Administrative Court may decide to conduct the trial in the presence of a legal person if he has attended any of the trial sessions and to issue its ruling in the case. His presence shall not be accepted later if the case is prepared for issuing judgements.

The ruling differs according to the party that was absent from attending the trial sessions. In the event that the person who was absent from attendance is the attorney of the plaintiff, this allows the administrative court to drop the case, but if the person who is absent from attendance is the representative of the defendant, this leads to the possibility of being tried in presence or in legal presence, as the case may be.



Second: Non-attendance of the two parties of the case

In the first case, which was mentioned within the cases of dropping the administrative case, it deals with the party in which the plaintiff's attorney is absent and the representative of the defendant is present, or in the case of the presence of the defendant's attorney and the plaintiff's attorney is not present. As for the second case of dropping the case, it is represented in the event that the two parties of the case do not appear together. In this case, the administrative court has a choice between postponing the case and setting another date for its consideration. It may also decide to drop the case in accordance with the provisions of Article 17/c of the Jordanian Administrative Judiciary Law, which stipulates that if none of the parties to the case appears, the Administrative Court may postpone the case or drop it.

It is clear from the previous text that in the event that the administrative case attorneys fail to appear, the administrative judge has the choice between postponing the case to another date in order to allow the case attorneys an opportunity to appear before the court in the next session, or the court decides to drop the case.

Third: Dropping the case for failure to follow-up

Failure to follow-up means that the plaintiff's attorney does not follow up the case by not asking about it and knowing the date of its consideration (Judgment of the Jordanian Supreme Administrative Court No. 220/2016). The principle is that whoever files a claim or appeal must file by constantly questioning as a kind of seriousness. Otherwise, Article 17/d of the Administrative Judiciary Law arranged the penalty for not doing so, as it stipulates that if the plaintiff or his representative could not be notified and he did not appear to the Administrative Court within sixty days from the date of submitting the appeal, the Administrative Court may decide to drop the lawsuit and related requests.

It is concluded from the previous text that if the plaintiff or his representative could not be notified and he did not appear in court within sixty days from the date of submitting the appeal, the court may decide to drop the lawsuit as well as the applications related to it. It is clear from the previous text that the law allows the judge to drop the plaintiff's case as a penalty for not following up on his case and to ensure that each party pursues his case seriously and that the courts are not filled with lawsuits and appeals without follow-up, which leads to the accumulation of lawsuits before the courts, which leads as a result to the accumulation of a momentum of lawsuits before the courts without issuing judgements.

Fourth: Non-payment of fees by the applicant or his representative, failure to pay them in full or in violation of the law, or non-payment of the fee difference based on the assignment of the court

In the event that the plaintiff or his attorney does not pay the lawsuit fees, if he does not pay the fees in full, or if he pays them in violation of the law, and also in the event that the plaintiff's attorney or the plaintiff does not comply with the court's order to pay the fee difference, then in this case, the court may decide to drop the lawsuit as a penalty against the plaintiff, as stipulated in Article (38/e) of the Administrative Judiciary Law, which indicates that the court decides to drop the lawsuit if the legal fees have not been paid in full or if they have been paid in a manner that is contrary to the law and charge the defendant to pay the fee difference within a period it specified and he failed to do so (Article 38 / e of the Administrative Judiciary Law).

Fifth: If the statement does not include a cause of action

The two researchers believe that this situation applies to administrative lawsuits, although it was mentioned in Article 124/a of the Jordanian Civil Procedure Code, which stipulates that the court may decide to drop the lawsuit in the following cases:

1. If the regulation does not include a reason." However, in light of the fact that the legislator in the Administrative Judiciary Law referred the cases of dropping the administrative lawsuit to the Code of Civil Procedure in accordance with the text of Article 41 of the aforementioned Administrative Judicial Law, this case may be applied as one of the reasons for dropping the administrative lawsuit.

It should be noted that the above-mentioned four cases are related to the procedural revocation. As for the cases of objective revocation, they are represented in three cases, which will be mentioned as follows:



First: In the event that the administration withdraws the judicially challenged decision; It should be noted first that what is meant by withdrawing the administrative decision is the administration's right to retroactively destroy the effects of its administrative decision from the date of its issuance (Al-Aqoun, 2022; Bushnaq, 2018). Withdrawing the administrative decision as a penalty for illegality leads to getting rid of the defective decision (Al-Nuwayji, 2021). The decisions that the administration may withdraw are the invalid administrative decisions, which were considered as one of the defects in the administrative decision, such as a defect of cause, purpose, form, or procedure (Al-Majali, 2020; Abu Aqeel, 2022). If the principle is that the administration must correct situations that violate the law, then the reasons for stability also require respect for the acquired rights of individuals and respect for the judicial appeal date (Al-Majali, 2020).

Second; In the event that the administration cancels the contested decision administratively; The administration's cancellation of the administrative decision by the administration means demolishing the effects of the administrative decision in relation to the present and the future. This is in contrast to withdrawing the administrative decision, the effect of which extends to the past in cases of fraud being used by employees or individuals. The judicial and legislative authorities agree on the competence of the executive authority (Rashid, 2021).

Based on the foregoing, it becomes clear that if the administration withdraws its decision or cancels it during the consideration of the administrative case, this will inevitably lead to the objective revocation of the administrative case, as the administrative judiciary requires the availability of interest from the filing of the case until the matter is decided. This opinion applies to individual administrative decisions that generate rights for individuals and organizational administrative decisions that contain general and abstract rules (Al-Jadaa, 2019; Fendi, 2017).

Third; In the event that the petitioner acquiesces to the judicially challenged decision during the hearing of the case; It is established in jurisprudence and administrative judiciary that compliance with the final administrative decision is the acceptance of the stakeholder of the subject matter of the administrative decision. The administrative jurisprudence has a set of controls and conditions to consider it as such (Administrative Court Judgment No. 43/2021). These conditions are:

- A. The appellant utters a voluntary statement or deed that clearly indicates his acceptance of the decision.
- B. This acceptance must be issued by the person affected by the decision and not by anyone else.
- C. The acceptance should not be conditional or associated with any restrictions.
- D. The contested decision should be an individual decision, not an organizational one.
- E. The lawsuit filed is a lawsuit for annulment, which refers to the exclusion of other lawsuits that are within the competence of the administrative judiciary.

Second: Cases of dropping the civil lawsuit

Cases of dropping the civil lawsuit are mentioned in more than one place in the Jordanian Civil Procedure Code No. 24 of 1988 and its amendments, which included more than one case of dropping the plaintiff's lawsuit. They are listed according to the sequence contained in the Civil Procedure Code as follows:

First: If the defendant appears and the plaintiff fails to appear

The Jordanian Civil Procedure Code stipulates that if the plaintiff does not appear at the scheduled session date, this allows the judge to drop the case. The Jordanian legislator differentiates between two cases:

- A. If the defendant does not have a counter-claim, the court may decide to drop the lawsuit or pass a ruling on it based on the defendant's request, in accordance with the provisions of Article 67/4/a of the Code of Civil Procedure, which stipulates that the court may, if the defendant does not have a counterclaim, decide, based on his request, to drop the lawsuit or issue a ruling thereon.
- B. If the defendant in the lawsuit has a counterclaim, the defendant has the option to request dropping the original and counterclaims, drop the original lawsuit, proceed with the counterclaim, or pass judgment on both claims together. Article 67/4/b stipulates this case by stating that if the defendant in the lawsuit has a counterclaim, he has the option to request dropping the two lawsuits, dropping the original lawsuit, proceeding with the counterclaim, or ruling both.



The Jordanian legislator has given the defendant many options, all of which are in his favour, as if the Jordanian legislator stresses the need for the plaintiff to attend all trial sessions under pain of imposing a penalty against him, which varies according to the case in which the case is (Al-Zoubi, 2010).

Second: In the event that the two parties of the case did not attend the trial session

This is the second case of dropping the civil case, which is the case in which the two parties of the case do not attend the session set by the court (Jordanian Court of Cassation Judgment No. 4039/2022). In this case, the law allows the court to decide to postpone the case to another date or to drop it. This is in support of the text of Article 67/5 of the Code of Civil Procedure, which stipulates that if none of the parties appears, the court may postpone the case or drop it (Al-Akhras, 2012).

It is clear from the previous text that in the event that the two parties of the case do not appear at the specified session date, the court may decide to postpone the case or decide to drop it. If there is a legal notification in accordance with the provisions of the law and in accordance with the principles, the text of the aforementioned article cannot be applied.

Third: Dismissing the case for failure to follow-up

It means that the plaintiff did not follow up on his claim by asking about it and following it up seriously. Although he was not notified for any reason whatsoever, the court may, according to failure to follow up on the case within a period of three months from the date of registering the case, drop the case and related requests unless the defendant expresses the desire to pursue the case despite the plaintiff not following up on it. In this case, the defendant is obligated to pay the costs of notifying the plaintiff, which is in support of the text of Article 67/6 of the Code of Civil Procedure, which stipulates that if the plaintiff could not be notified for any reason and did not appear in court within three months from the date of filing the lawsuit, the court may decide to dismiss The lawsuit and related requests unless the defendant expresses a desire to pursue it. In this case, the defendant is obligated to pay the costs of notifying the plaintiff.

It is clear from the previous text that the court may decide to drop the lawsuit according to the case mentioned in the text of the aforementioned article, but the permissibility of the court to drop the lawsuit is restricted. If the conditions of the previous article are met, then if the defendant expresses his desire to continue the lawsuit, the court may drop the case and the option remains for it to postpone the case to another date until the plaintiff is notified and he attends the sessions, provided that the costs of notifying the plaintiff are borne by the defendant.

In addition, one of the cases that lead to dismissing the case for failure to follow up is what was mentioned within the provisions of Article 107 of the Code of Civil Procedure. In the event that any of the parties of the case fails to comply with the judge's decision that he must respond to the presentation of a document or allow access to it, and that party is the plaintiff, and with this action or deed, his case is to be dropped by the court on the basis of a lack of following-up.

If the conditions contained in the previous article are met, the Jordanian legislator differentiates between the action of the plaintiff and the reason for dropping the lawsuit.

Fourth: If a decision is issued to suspend the case for a certain period and none of the parties of the case submitted a request to renew it within the eight days following the end of the deadline

Article 123/2 of the Code of Civil Procedure stipulates that if none of the litigants submits a request to proceed with the case within the eight days following the end of the deadline - whatever the length of time - the case is forfeited. If there is a decision to stop the lawsuit for a certain period, then that deadline expired and the eight days following the end of the deadline lapsed, then the lawsuit in this case is forfeited.

Fifth: If the statement of claim does not include a cause of action

In the event that the statement of claim does not include the cause of the case, in that it is not clear to the court the reason for the claim in the case before it, then in this case, the court may decide to drop the case (Al-Qudhat, 2020). This is included in the text of Article 124/1 of The Code of Civil Procedure, which stipulates that the court may decide to drop the case in the following cases:

1. If the statement does not include a cause of action.



Sixth; In the event that the plaintiff fails to implement the court's decision instructing him to correct the value of the lawsuit within the period specified by the court, with the obligation to pay the difference in the fee, as it is estimated to be less than its value, the court may decide to drop the lawsuit

If the lawsuit is estimated at less than its actual value, the court assigns the plaintiff to correct the value within a certain period and assigns him to pay the fee difference. If the plaintiff or his representative fails to implement the court's decision within the period specified by it, this is one of the reasons for the court's permissibility to drop the lawsuit. This is decided by Article 124/2 of the Code of Civil Procedure, which states that the court may decide to drop the lawsuit in the following cases:

2. If the requested rights are valued at less than their value, then the court instructs the plaintiff to correct the value within a period it specifies with Paying the fee difference.

Seventh; In the event that the plaintiff fails to pay the fee difference based on the court's assignment as a result of paying incomplete fees despite the fact that the required rights are reasonably estimated

In the event that the court assigns the plaintiff to pay the required fees within a period specified by it, and the plaintiff does not implement the court's decision within the period specified by the court, and despite the fact that the required rights are an acceptable estimate, but if this is not done, his case will be dropped as a result of non-implementation of the court's decision, according to the text of Article 124/ 3 of the Code of Civil Procedure, which stipulates that the court may decide to drop the lawsuit in the following cases:

3. If the required rights are estimated as required, but the fees paid are incomplete, then the court instructs the plaintiff to pay the required fee within a specified period.

CONCLUSION

The Jordanian legislator differentiates between administrative cases and civil cases in terms of the possibility of the judge dropping them despite the great convergence between them in some cases. The legislator, by referring cases of dropping the administrative case to the Code of Civil Procedure, has expanded the powers of the judge to rule dropping the administrative case, with the possibility of applying the cases of dropping the civil case mentioned in the Code of Civil Procedure in accordance with the nature of the administrative case. The Code of Civil Procedure is broader than it is in administrative cases, due to the nature of each of the two cases and the different nature of each of them from the other. This is on the one hand. On the other hand, the administrative lawsuit, by its nature, differs from the civil lawsuit in that the administrative lawsuit is based on appealing against a decision issued by an administrative authority, while the civil lawsuit is a preliminary lawsuit to claim civil rights, which deals with claims of all kinds that are filed before the court based on specific facts.

Dropping the lawsuit results in the cessation of its effect, although this does not prevent its renewal in most cases. In this case, the court considers the lawsuit from the point it reached before dropping and continues with the lawsuit until the issuance of the ruling by the competent judge (Jordanian Court of Cassation No. 4781/2022).

RESULTS

1. The of the lawsuit means the cessation of its effect, but it does not preclude its renewal in many cases

2. The administrative lawsuit differs from the civil lawsuit in terms of its nature, but there are many similarities with regard to the cases of dropping the lawsuit between them. Indeed, the Jordanian legislator has referred the administrative judge to the Code of Civil Procedure in some cases to apply the cases of dropping mentioned in the Law of principles of civil trials, in accordance with the nature of administrative claims, in support of the text of Article 41 of the Jordanian Administrative Judiciary Law.

3. Dropping the lawsuit is a penalty for the plaintiff who is negligent in his lawsuit and did not fulfil the duties imposed on him by the law.

RECOMMENDATIONS

1. The Jordanian legislator is hoped to amend the relevant texts to provide for a specific number of the possibility for the plaintiff to renew his lawsuit in each case of dropping the lawsuit, in both the Administrative Judiciary Law and the Civil Procedure Code.



2. The Jordanian legislator should establish the basis upon which the judge drops the lawsuit, since in most texts, the expression of (the judge may) is mentioned. The Jordanian legislator did not establish a basis for the judge's powers in this field.
3. Adding a legal text to the Administrative Judiciary Law represented by adding a new case of dropping the administrative case, which is a case where there is no reason for cancellation.

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