

Impediments to Criminal Liability (Comparative Study)

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Summary

The study examined the impediments to criminal liability in accordance with the Jordanian Penal Code as compared with the Egyptian Penal Code. The study discussed penal liability and identified its grounds, conditions and elements. It then examined the obstacles to this liability and described its concepts, characteristics and types. The study used the comparative analytical descriptive approach that dealt with the substantive and procedural provisions of these barriers. The study reached several conclusions. The Egyptian legislator followed the Jordanian legislature's approach in providing for "impediments to liability" under the title "impediments to punishment", whereby lawmakers should have used the term "impediments to liability" to differ between the two terms. The study further found that the Jordanian legislature omitted to mention material coercion in the text of article 88 of the Penal Code, contrary to the comparative Arab legislation, which stipulates coercion of its material and moral quality. The study concluded with several recommendations, the most important of which are: Jordanian legislators should take into account the title and content when dividing and tabulating legislation. in which the term "impediments" should have been replaced by the term "impediments". Or separate the impediments to punishment in a special section on the impediments to liability The study also recommended

that the Jordanian legislature reformulate the prohibitions of criminal liability where they are not limited, Because there are cases where one of the conditions of criminal liability is lost, but it is not regarded as an impediment to liability, which has arisen out of the law's jurisprudence, such as optional drunkenness.