

# Suspension of the Penalty's Execution and its Impact on the Administrative (Disciplinary) Penalty imposed against the Public Employee.

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- **Abstract:** Some jurists of administrative law believe that the criminal legislator has expanded the meaning of the public employee to a level that almost deviates from its traditional and customary meaning. That is, the criminal judiciary has expanded the meaning of the term by interpreting the word public employee so that it includes every employee assigned to a public service by the government, or one of the institutions that derives its powers from the government. Thus, the Jordanian legislator considers all workers in public utilities to be public employees, regardless of the permanence or non-permanence of the job that the person occupies. Therefore, there is no need to dedicate a topic to that, because what is meant by the public employee is clear and obvious. Islamic law has the precedence in applying the suspended punishment system, so it defines the punishment of cutting off the hand of a thief or stopping its implementation in a time of drought. In this respect, the Jordanian legislator has introduced this system into the amended Penal Code No. (9), of 1988, in its article (54), and considered stopping the execution of the penalty as one of the reasons for penal sentences to fall, prevent their implementation or postpone their issuance according to the text of Article (47) of the Penal Code. The judge shall apply the suspension of the execution of the penalty if it is found that there are reasons that lead him to believe that the suspension of the execution of the penalty is more effective in reforming the accused than its execution. It is sufficient for the order to stay the execution to depend on one or more of these elements. The law may exclude judgments issued in some felonies and misdemeanours from being subject to the judge's authority to suspend execution, for example, Egyptian law excludes some economic crimes. However, the suspension of execution may include all accessory and supplementary penalties, in condition that the judge stipulates that in the judgment. If it is limited to suspending the execution of the original penalty, this means the execution of the ancillary and complementary penalties. Because the rule in every penalty is its execution, if the period of suspension of execution expires and no judgment is issued to cancel it, then the imposed sentence and the judgment shall be considered as if it had not been. The Jordanian legislator has identified cases of mandatory dismissal of public officials under the job regulations to which they are subject, due to their commission of a felony or misdemeanour. A court ruling is issued against them

with a penalty of imprisonment for a period not exceeding one year. This leads to their dismissal from the job and harm to them and their family members, which necessitates the search for solution to this problem. Therefore, the researcher will divide this research into two sections: The first topic: The concept of the system of suspending the execution of punishment and its provisions. The second topic: Suspending the implementation of the penal and administrative (disciplinary) punishment.

- **Keywords:** Administrative law, Criminal legislator, Public service, Judge's authority