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The Citizen's Role as an International Domicile in the Jordanian Law: A Comparative Analytical Study

*Kamal Al-Alaween and Khaldoon Qutaishat**

ABSTRACT

In general, the worldwide legislations recognize the right of residence for any person subject to certain requirements. The fact that a person is resident in a certain state leads to certain legal consequences. The most significant consequence of having a domicile in a certain state is determining whether the courts of that state are competent. Bearing in mind that an action may arise against a foreign person, this study addressing the following issues: the concept of domicile, place of residence and the difference between both concepts. It also deals with the question of what form of domicile (i.e. General, particular, or Domicile of choice) is sufficient in determining the jurisdiction of Jordanian courts over the action brought against a foreign person. This study also examines whether a domicile is sufficient as a sole legal factor of determining the jurisdiction of Jordanian courts, particularly, in the case that the defendant is a Jordanian citizen who has a domicile or a place of residence abroad?

This study is an attempt to addressing the above mentioned questions through clarifying the legal rules governing "international domicile" as a legal factor of determining the jurisdiction of national courts. This study concluded that in contrast to the Egyptian and French law, the Jordanian law does not cover all legal rules related to international domicile as a legal basis of determining the jurisdiction of the Jordanian courts such as: the jurisdiction of Jordanian courts over a dispute related to real estate in a foreign country, the jurisdiction of Jordanian courts over a dispute brought against a Jordanian citizen who has no domicile or place of residence in the Jordanian territory. The authors of this study propose certain essential suggestions to cover important points related to domicile as a factor determining the jurisdiction of Jordanian courts.

Keywords: A Citizen; International Domicile.

* Faculty of Law, The University of Jordan. Received on 16/2/2010 and Accepted for Publication on 30/9/2010.