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The Scope of the Legality of the Penalty Clause in the Labour Contract and its Rules under the Jordanian Labour Law

Abstract

The topic of this research is objectively divided into two parts; the first relates to the legality of the penalty clause in the labour contract, and the second relates to the impact of the specificity of this contract on the rules governing this clause in the civil law. In this research, we have discussed the concept of the penalty clause on one hand, and the concept of the condition which the best for the worker on the other hand, thereafter we have applied the rules of the condition which the best for the worker to the rules of the penalty clause. This has helped us to define the range in which this clause is legitimate and that in which this clause is illegitimate, and which range holds more or less advantage to the worker and the impact of the legitimacy or lack thereof.

Also, we have discussed the scope of the discretion of the judge in modifying this clause, and the ability of this clause to transfer the burden of proof from the creditor to the debtor, and then the fate of this clause in the case where the labour contract is held void.



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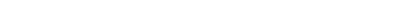
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