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Entitled

*THE PUBLIC PROSECUTIONS ROLE IN CLOSING CRIMINAL CASES WITHOUT LITIGATION
A STUDY OF THE FEDERAL CRIMINAL PROCEDURES LAW AND SPECIAL CRIMINAL LAWS*

By

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Abstract

The thesis highlights the role of the public prosecution in solving criminal lawsuits without a judicial ruling, by the procedures it takes either by dismissal of action at the evidence collection stage or by issuing a criminal case dismissal order at the initial investigation stage. This can also be done through a penal order in some crimes. Though this latter option gives the public prosecution the jurisdiction to adjudicate on some criminal cases, though this jurisdiction belongs to the bench courts, the justification is that it is limited to some simple felonies to expedite the litigation process and save time, effort, and money. This way the bench courts have more time for grave crimes. Moreover, this saves the defendant's right to object to the penal order, which prevents it from having the power to close the criminal case. The public prosecution has a role also in solving penal cases through settlement and reconciliation in certain crimes where the legislator deems it fit to close them without a ruling. In the case of settlement, the law has in fact allowed it even after the issuance of a final ruling in penal cases. This entails the suspension of the punishment, and in this case the public prosecution handles this, being the legally competent body that oversees the enforcement of criminal penalties. In terms of settlement, the new Federal Code of Criminal Procedures has introduced the power of the public prosecution to offer settlement, proceed in penal mediation, and endorse the document of the settlement achieved through penal mediation. The legislator has also introduced the way for penal mediation, which is a system that allows the public prosecution to opt to close the penal case without litigation when the defendant accepts the procedure or arrangement presented to them and to their lawyer and the judge or trial court approve the settlement.

The thesis has reached some conclusions and recommendations in line with the issue of the study, i.e. defining the scope and limits of the public prosecution powers in closing criminal cases before they reach the competent criminal court, be it through traditional ways or through the new ways introduced in Federal Code of Criminal Procedures.

Keywords: Public Prosecution, Closing the Criminal Case, Dismissal of action, Criminal case dismissal order, Penal order, Penal settlement, Settlement offer, Penal mediation, Penal reconciliation, Penal settlement, The principle of penal justice, Suspension of penalty, Rehabilitation, Civil Case.