



JOURNAL OF LEGAL ETHICS

VOLUME 2 AND ISSUE 1 OF 2024

INSTITUTE OF LEGAL EDUCATION



JOURNAL OF LEGAL
ETHICS

JOURNAL OF LEGAL ETHICS

APIS – 3920 – 0018 | ISSN – 2583-9527

(OPEN ACCESS JOURNAL)

Journal's Home Page – <https://jle.iledu.in/>

Journal's Editorial Page – <https://jle.iledu.in/editorial-board/>

Volume 2 and Issue 1 (Access Full Issue on – <https://jle.iledu.in/category/volume-2-and-issue-1-of-2024/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



© Institute of Legal Education

Copyright Disclaimer: All rights are reserved with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://jle.iledu.in/terms-and-condition/>



THE ROLE OF CRIMINAL LAW IN ENSURING NATIONAL SECURITY IN JORDAN

AUTHOR – DR. AMAL KHALAF SUFHAN AL-HABASHNEH, ASSISTANT PROFESSOR OF CRIMINAL LAW, FACULTY OF LAW/ AL – ISRA UNIVERSITY. EMAIL – AMALALHABASHNA@IU.EDU.JO

BEST CITATION – DR. AMAL KHALAF SUFHAN AL-HABASHNEH, THE ROLE OF CRIMINAL LAW IN ENSURING NATIONAL SECURITY IN JORDAN, *JOURNAL OF LEGAL ETHICS (JLE)*, 2 (1) of 2024, Pg. 15–25, APIS – 3920 – 0018 | ISSN – 2583–9527.

CRIMINAL LAW AND SECURITY IN JORDAN

Law is the rule of life that provides for the daily deeds and affairs of the social and economic lives of members of a community, and their likes, and the deterrence of violating others' rights or retrieving them. Criminal law, criminal policy, and its systems are laden with legal concepts awaiting healing and support, and others are similar in other systems in the horizon of some historical recollections, despite their differences, but they have shaped their characters to be in line with the accuracy of analytical and legal thinking in their depths. Effective criminal law is of paramount importance in any community, as it plays a fundamental role in maintaining societal order and protecting individuals from any behavior that threatens public safety. Jordan has long known legal systems that have evolved throughout history, whether through the Islamic, Dawoodian, Roman, Christian, or Pahlavi era. But beyond this history, and in spite of the social peace that marks the kingdom of Jordan in the fabric of its constitution, society today is witnessing actual developments that require addressing security issues through proper legal provisions. What is the extent to which existing laws are able to regulate these developments? This paper focuses on the reflection of criminal law on the security dynamics in Jordan as follows.

The reasons for launching this topic are that the rule of law is a fragile and sensitive system, one of its main pillars is the presence of a security system that maintains order and legality as a foundation of its entity. Consequently, security and preventing crimes are the most important issues for the state in general, while we cannot achieve this unless by criminalizing actions and deterring people because knowing the punishment and penalties is a form of prevention. Therefore, the obvious role of criminal law does not stop at the current punishment for offenses but extends its role to preventing them in the framework and the fear of its impacts. Therefore, any reform of the legal regimes should begin by reviewing the decisions of criminal incrimination to ensure prevention and deterrence. The Jordanian legislator drew largely in compliance with international covenants and human rights to renew or enact legislation to cope with security developments and the needs of modern societies. Therefore, I intend to study the criminal laws, paragraph 3 of the paper, and if we can analyze the extent of the effectiveness of some of those provisions in light of new provisions resultant from the World Summit that was held in Amman to tackle the abstract challenges, we will find an answer to some of those provisions. Given a fair judgment about the extent to which Jordanian legislation is able to regulate the recent transformations, this judgment contributes to whether we need to propose some recommendations and solutions to those provisions and adapt them to the public need.

Historical Development of Criminal Law in Jordan

The history of criminal law in Jordan can be divided into two periods: eras before

independence and post-independence eras. The pre-independence era was characterized by different religious and historical systems of law. The Ottoman legal system had the greatest



influence in Jordan; however, a complicated mix of tribal customary law and local Sunni religious law existed, governed by the local responsible sheikhs and sultaniyyah sheriffs. It was decided according to the common Sunni principles of Islamic law that have undergone some developments to adapt to life in the Hijaz and its population. The Jordanian legal systems that were preoccupied with the Turks after the collapse of the Ottoman Empire allowed for easy implementation of reference to Resh Aqda and adopted the teachings of the religions of the books as evidence, in addition to Sunni Musbuxin.

The post-independence era brought significant changes in the life of the population and its systems of laws. This change has also affected Jordan, making some necessary adjustments in the pursuit of individual and national aspirations. The enforcement of criminal justice law reflects the security needs of the object as a reality. It also marks a budding era in the legal transformation that has taken place since the emergence of the Arab state of the United Kingdom and the establishment of a constitutional monarchy in 1946. Thus, the current penal system in Jordan has been used and continues to be affected directly by transformations in the political, social, and economic conditions of the state. It is also a mirror that reflects the aspirations of the people who have developed there. In short, in dealing with the current state activity to ensure security, social peace, and community ability to resist, there is an impact from activating the right to criminal efficiency, which is guaranteed by the respective system of criminal justice. It reveals the ability of the state with the privileges granted to it by law, favored and far from it, in handling those practices.

Pre-Independence Era

The infringement on the security of others, theft, and aggression have always been present in human civilization, and the history of criminal law is as old as human history. The historical development of societies influenced criminal

law, and Jordan is no exception. In this part, I will overview how criminal law in Jordan has evolved and analyze the consequences of these shifts.

Pre-Independence Era Before 1946, today's Jordanian territory was part of the Ottoman Empire and, later, was under British Mandate between 1921 and 1946. The Ottoman laws and regulations, based mainly on Islamic principles, influenced the development of criminal law in Jordan, which today is considered one of the segments of Jordanian law. Islam itself has had a significant influence on the formation of the criminal justice system since the early Middle Ages. Criminal law is imposed retroactively, associating it with tribal customs and public consent. With the spread of Islam, and over time, the Sharia settled its roots as the basis of the legal principles and foundations for criminal law, as well as with the adoption of tribal media, which retained only inscriptions of commercial sales and private law in communal tribal councils.

Criminal law, which the Ottomans tried to impose on residents, was no exception to this influence, which is why it was a law full of shortcomings and contradictions. Instead of trying to impose the system in productivity and improvement, it followed the policy of the people as a basis in customs and religious controls because crimes sanctioned by the Ottoman Penal Code were deemed more serious than the established Sharia regulations, despite the latter having marginalized punishments sanctioned in the penal code commonly used, as the severe violations in the alien authorities of contraventions, swindles, and tax clashes. If criminals hide well, there is no possibility of catching them, or if the aggression continues for a long time, the underdevelopment and the warranty of public peace will be out of control and become a source of smuggling. If it becomes a public flooding, the government as an alien authority would lose credibility in the area, confidence would be drained, and justice would be denied. Proclamation and approval would therefore not



achieve a good result in the face of these large threatening stands. Jordan's security services used full customs and legal instruments to the foreign system. They rejected it because of the customary interests and tribal dealings and because it is the main reference in accordance with historical enforcement of the system and the only means to resolve the outstanding issues of Jordanian society. Jordanians refer to these legislations in the absence of an international enforcement report when they are facing outstanding issues with social security service counseling when registering birth, inheritance, and knowing the property of Jordanian women as mentioned in contracts in the Islamic marriage register. The references to these records show how the effective influence of their social life is on the official system. Also, informants refer to the consequences of such licensing control over their official registration. The influence of the above-mentioned security instruments in Jordan can be seen in social security institutions, marriage, wills, and tribal issues in court decisions. The police in front of the tribal council sometimes performed negative and sometimes positive roles before these issues. Guidance in the application of such regulations must be made as a trend is observed without being able to have a tool capable of influencing this direction.

Post-Independence Era

The emergence of an independent Kingdom of Jordan following the British withdrawal in 1946 prompted the transformation of the legal justice system. Such changes were brought about by the issuance of a new nationality law in 1954 and the drafting of a new Constitution in 1952. In addition, the judicial system was reformed, and Jordan's ratification of international human rights treaties began. The mid-twentieth century witnessed the ratification of seven human rights instruments, which redefined the domestic human rights standards, and their impact can be seen in domestic legal frameworks ever since. Since independence, national legislation relating to criminal responsibility, due process, habeas corpus,

individual liberty, and freedom, issued after Jordan became a member of the United Nations and has been the signatory of international instruments, helped in reducing the influence exerted by the princely laws. Nevertheless, such national legislation remained insufficient to keep pace with increasing social and political awareness as well as international human rights instruments until 2019. More efforts are directed toward reforming the legal structure to keep pace with international instruments and norms in the field of administration of justice.

While Jordan faced difficulties in improving relevant laws, regulations, and policies in alignment with the global international standards and norms, several resolutions were adopted that keep pace with the trend of good governance and strengthening human rights. The Kingdom's emphasis remained on ensuring the existence of an essential link between criminal law, criminal justice, human rights, social integration, development, and national security through sentencing systems. The previous discussion shows that the efforts made since the enactment of the first criminal law, through modernizing it and adapting to social and international changes, are different in their motives and perhaps in their results as well. A primary concern of the research in this context is whether the concern for safety could be met by a detailed criminal law that ensures comprehensive criminalization and regulation, or if an alternative criminal policy should be pursued where this is achieved by criminal law while being supported by other factors such as the judiciary, law enforcement, and the executive.

Key Principles and Concepts of Criminal Law in Jordan

Criminal proceedings in Jordan include elements of criminal liability, such as criminal acts and offenses, criminal intent, criminal consequences, stages of committing the crime, and defenses. Moreover, this chapter discusses sources of the Jordanian criminal law, such as



the Jordanian constitution, Jordanian domestic law, and the international treaties binding on Jordan. Criminal law in Jordan is primarily established by the following sources of law: the Jordanian constitution, domestic laws enacted by the Jordanian legislative authority, generally accepted principles of international law, consistent state practice, and treaty agreements voluntarily entered into by Jordan. Criminal law in Jordan is largely enforced through the Jordanian Public Security Directorate and the Ministry of Interior. Litigation, enforcement, and prosecution in Jordan are the jurisdiction of the security agencies and the Jordanian general prosecutions. The criminal law enforcement processes are scrutinized by the criminal and civil justice systems, which ensure that the deprivation of liberty required to arrest and subsequently try individuals is done within the principles of legality and proportionality applied to judicial action and to secure the procedure for ensuring not only the threshold of crime and penalty, legality, and proportionality, but also in racially tainted, politically and religiously inspired criminal cases when the international observer is excluded but through the accreditation of private and public international legal experts. Three principles serve as a foundation for our inquiry. The rule of law is achieved when "all persons [are] accountable to the same laws;" second, adversarial proceedings and principles apply when two or more parties are in a dispute governed by an independent adjudicator; finally, a trial is considered fair when it "is conducted according to established formalities, procedures, and rules that have been created and institutionalized for the rendering of a fair judgment." These inquiries are rooted in the elements of criminal laws of any legal system, namely, the act, the intention, and the consequences of the deed, that must be attributed in order to determine if punishable, exacerbated, reduced, or pardoned. The principle of legality supports the minimization of the injustice that may result from the antagonism between personal morality and the

criminal norms, which is the core of the classical controversy of legal positivism and natural law. Legally, "guilty" is a subjective attribute attributed to a person based on an enabling objective fact that has the popular consensus of society on general beliefs held. Generally, principles of criminal law are learned from positive law to better understand its systematic, historical, and sociological contexts, but the modern application, definition, and interpretation thereof is universal. As opposed to other European countries imposing liability for omission to act based on a provision of a directive, Jordan doesn't do so, in stark contrast to the Nuremberg War crimes trials, trials for the Rwanda conflicts, and the International Criminal Court's jurisprudence that punishes "oblique intent" and "recklessness." Psychiatric evaluation is permissible, though professionals may also proffer an opinion that is not considered determinative. Since only allows two aspects of the evaluation by means of an opinion: the capacity of the subject to form the required intent of the crime or inability to suppress the urge due to mental disturbance, and the culpability at the time of the act, the dimension of controllable imputability of legal insanity under the MPC of 1961.

Legal Framework and Sources of Law

A legal framework is a set of rules and regulations or laws that shape an environment. The purpose of this chapter is to explore and explain Jordanian criminal law. The hierarchical structure of the legal norms of any nation is comprised of the following: Constitution, law of international treaties, statutory regulation, legal textbooks, general administrative regulations, local administrative regulations, and directives. There are several secondary sources usually referred to for understanding the provisions of the laws, which are either expressly mentioned in the law itself or of a supplemental nature for the explanation of such laws. The hierarchy of sources is important since it affects the stability of the law and the clarity with which lawyers, judges, and police enforce the law. In Jordan, as a member of various international



organizations, Jordan has signed several international agreements and protocols designed to respond to varying regional and international legal needs. However, inasmuch as Jordan is committed to international and donor standards, the rule of law can only work in any society if it is based on the values and norms that the people in that particular country can support.

Moreover, although Jordan is a contemporary country, many of the family laws are not in line with international human rights conventions, although local proponents accuse the international conventions of "respecting the values of our society." The very popular Jordanian Penal Code does not include the term 'honor killing,' and people do not talk about it. Criminal law forms the basis for understanding the link between legal norms and the obligation to resort to authorities to resolve disputes and enforce legislation. Legal norms are important for understanding security paradigms in a particular country and influence how security can be enforced or needed for the right decisions to be taken within the criminal justice enforcement system in any society interested in such enforcement.

Elements of a Crime

An in-depth analysis of criminal liability requires first establishing the elements of a crime. Criminal liability refers to the basis upon which any punishment is inflicted against the perpetrator; hence such a foundation must be carefully appointed. By identifying the items composing a crime, legal accountability is clarified. Criminal liability contains two main components: mens rea (intent) and actus reus (the criminal act). The provision of the law often indicates a cause-and-effect relation between the mens rea, the actus reus, and the effect (causation). In rules and regulations, once a person is found guilty of committing the actus reus, the acts or omissions caused a certain prohibited result to occur. One must prove all of these components to find a person guilty of the crime. Each must be proven beyond a

reasonable doubt in favor of the defendant. Mental Elements (Mens Rea / Intent) A criminal act may or may not contain a mental element. The mens rea is the state of mind or the intent with which the act is performed. This mens rea is present when the doer commits the act purposely, knowingly, or with obvious intention. If an act is performed with the state of mind that corresponds to the requirement of an offense, this signifies the mens rea is present. Physical Elements (Actus Reus) The physical or external component of a crime is the actus reus. It is the act itself that constitutes a crime. Any consequence of human behavior also equates to the actus reus. Lawyers express the concept of the chain of events in terms of the "but-for" chain. If 'but for' the accused's conduct, the result would not have occurred, the principle of causation will be relevant. In a case, a victim was killed due to poisoning in his drink; the only son of the victim was sitting near him with a subdued intention to murder but left the room and sat at the bottom of the stairs. The accused died due to a heart attack next to the stairs. The accused was tried and acquitted for murder as the son's death couldn't be a result of poisoning.

The Role of Criminal Law in Ensuring National Security

National Security and Criminal Law: Legal, Social and Political Challenges in Jordan and the World

IV. The Role of Criminal Law in Ensuring National Security

Criminal law forms the legal framework for facing and managing threats to national security. As such, it plays an important role in preventing and responding to natural disasters, organized and transnational crime, border disagreements, separatist violence, and terrorism. The criminalization of terrorism allowed states to take a more difficult line in the prevention and prosecution of possible terrorists or members of terrorist networks.

The adaptation of the legal framework to address the evolution of the nature of threats



has varied, not only within the MENA region but also the Middle East itself. For instance, in Jordan, the use of special and temporary emergency courts and the strengthening of the jurisdiction of the criminal courts to prosecute terrorists were among the measures taken by the Jordanian state. The shift in designated international and local threats, including new security implications involving borders, has drawn attention to the way in which the criminal justice system - its functions as well as its framework - has responded to these threats. The ability to continue with justice under normalcy as well as crisis has drawn heavy emphasis in the literature. Continuing into the internet age, advances in computer technology have provided new tools but also new threats in terms of their vulnerability to revamped types of crime, such as cybercrime.

Counterterrorism Laws and Measures

The subsection "Counterterrorism Laws and Measures" narrows the discussion to providing an analysis of counterterrorism laws and specific legislative and practical measures developed to counter and prevent terrorism in Jordan. This part addresses Jordanian counterterrorism strategies that include a range of initiatives from broad legal frameworks dedicated to targeting terrorist cells and infrastructures to administrative and legal procedures aimed at the actual act of preventing terrorism. It turns to a more contentious issue by focusing on the civil liberties controversies these measures have given rise to. This section evaluates both counterterrorism laws and measures and their impacts on the security of the state and society in more detail.

Targets of the Counterterrorism Laws

The main targets of the counterterrorism laws are those who planned and provided the practical support for, for example, the American Embassy Bombing, the failed chemical attack, the rocket attack against the US Dancer Aircraft at Queen Alia Airport, and an attack against the intelligence services. This is in line with the

security strategy and the counterterrorism practice in Jordan, which mostly focused over the past years on targeting infrastructure and old religious militant cells that did not form part of the social fabric of the country and hence posed no security risk. Enforcement was also backed up with international collaboration, especially in intelligence gathering, to ensure that the negative impacts of these activities could be curtailed.

Analysis of Terrorism and Its Impact on Society

Counterterrorism laws are seen as an important part of the security strategy because of their alleged deterrence component. They also address the practical activities of terrorist cells that aim to severely damage society rather than simply overthrow the regime or ruler. As one Jordanian interviewee said, 'Certainly new laws are necessary. Political security has only two choices. One is dialogue and the other is the use of force. Laws could act as dialogue and subsequently control and prevent militancy and maintain security and stability.' Having a comprehensive legal infrastructure is part of Jordan's security strategy. The focus of the adopted counterterrorism laws is on preventing terrorism rather than punishing it. International and regional collaboration on counterterrorism is understood as reinforcing the need for a consistent strategy for combating terrorism in order to guarantee the safety and stability of the region as a whole. These convictions that counterterrorism laws play a part in reaching the strategic goals of the government are also noted in specialized literature.

Cybersecurity Regulations

The field of cybersecurity regulations is growing rapidly. The advent of technology brought with it the emergence of new forms of crimes and threats to our society. The lightning speed at which technology is evolving is what makes it very attractive not only for legitimate users but also for criminals. The human response to such developments is generally governed by law. Countries are taking measures to tackle the use of new technology and information systems in



wrongful activities either by trying merely to protect information systems or by trying to catch the wrongdoers. A typical legal structure enacted by states aims to protect information systems, and law does this by establishing legal norms such as secrecy, integrity, and availability, and by implementing legal norms for combating and preventing illegal activities based directly on this technology, such as computer fraud, interference with data, or system sabotage.

An example of these measures is legislation to ensure that monetary transactions remain secure, which necessitates a set of standards and strict regulations. Financial laws generally include characterization, electronic signatures, data protection, encryption, use of biometric identifiers, and secure third-party verification of non-repudiation. Also, in an attempt to provide an acceptable level of security in cyberspace in general, some countries have drafted regulations for electronic transactions. These transactions include online services, commercial activities, and financial transactions including electronic money transfers and digital cash. In addition, some of the implications of effective cybersecurity in solving cybercrimes with an international aspect include one example of such crimes: child pornography. This should be addressed and discussed in a separate study to foresee the opportunity of investigating such crimes under local laws. In Jordan, the proper enforcement of laws depends on the cooperation of various government agencies, including the Attorney General's office. Also, other stakeholders such as judges, lawyers, enterprises, and institutions must be aware of their roles, duties, and rights in enhancing cybersecurity. Since law itself cannot provide total security while affording total privacy and does not necessarily result in increased security, these laws have to be carefully balanced.

Challenges and Criticisms of Criminal Law in Jordan

Grievances regarding the criminal system's application in Jordan are far-ranging and are expressed by resolution requesters to include challenges in the application of law due to rampant corruption, nepotism, or favoritism; a heavy reliance on individual police officers elevated by low conviction rates signifying a gap between detention and indictment practices and professional prosecutions; and slow, non-transparent bureaucratic inertia associated with the administrative enforcement of justice. Administrative enforcement is overseen by two bodies, the courts and the police. In practice, neither body operates in the spirit of professional independence and neutrality upon which the norm relies. Public surveys reflect the public's reticence to expect fair treatment if a suspect is to be falling within the jurisdiction of a "politicized court," again suggesting that justice is a matter of luck and privilege rather than rights and blind justice. Along the same lines, it has been realized that Jordan's amended law does well to account for minor changes in procedural protections commonly articulated as part of human rights norms, but does little to account for and/or alleviate concerns expressed through civil society debates and resolution requests to various ministries throughout the century, publishing commentaries, analysis, and recommendations regarding the inadequacy of existing laws to address contemporary uncivilized actions. It is concluded that legal theories mapping out "degrees of control" between and within nation-states are more appropriately viewed as reflecting "degrees of trust" rather than vice versa.

Human Rights Concerns

International reports and documents indicate that Jordan's laws may violate individuals' freedom and personal security and criminalize behaviors that the court determines, even when constitutionally guaranteed. This regulation may be consistent with the constitution, but it is



inconsistent with international human rights obligations or instruments to which Jordan is a signatory. This expansion obliges the state to respect the right to freedom of expression. This perspective involves measures and regulatory frameworks that restrict freedom of expression processed here under penalty of closure, which can be described as "individual punishment."

The government has been criticized in connection with current citizenship abroad, and recorded cases of human rights abuses have confirmed that many Jordanians who have exchanged foreign citizenship have been subjected to abductions or have been placed in a foreign vehicle to enter the country, especially at the border. This has raised widespread popular concern and calls for more careful and transparent handling of domestic and foreign law to prevent such abuses. Calls to expand the law state that the national or social security of individuals should not be allowed to violate the proper way by determining the "betrayal of the homeland." It is a valid basis for convicting anyone, and this is the primary principle. The work must expand and increase in accordance with human rights constraints and the principles of international protection of human rights, within the limits of European and international law. Therefore, the obligation to respect social and national people, reputation, and sound legal procedures should aim to prevent, control, and punish maneuvers, not to protect social and national unity. The aim of the law is repression and intimidation, in the form of persecution, shutting down, and distortion. We admit that security may be endangered; however, this must be approached correctly. First, criminal penalties should be applied only in extreme cases. Only those who have used terrorism should be subjected to the limits of the state and laws, and the rest of the proceedings are civil. Therefore, the nature of the criminal cases in question must be reformed and restored. Security measures should be reinforced by enhancing reform and transparency in the legal system and increasing judicial and magisterial

independence and accountability, if judges and prosecutors are fair. Thus, social cooperation and public credibility can lead to domestic and social security and fight crime. We stress that compliance with legal norms should not be posed without social change. All for the law, law for all. The principle of the rule of law must be an effervescent reality, not just fancy speeches. Therefore, many reform discussions in the Arab region and Arab communities are directed at dealing with these two principles together.

Reforms and Future Directions in Jordanian Criminal Law

This report identifies a range of contemporary critiques of the Jordanian criminal justice system and criminal law. Part four focuses on reform progress to date and includes an analysis of key legislative initiatives that have implications for criminal law. The final part of this report articulates a point of view about the appropriate content of criminal law in Jordan as well as an analysis of criminal justice. This section reflects the public demand to strengthen public security from crimes and systematized actions that create public insecurity, especially those that threaten public security, like terrorist acts. Although these crimes may be attributed to different subjects in their concepts of hostility, penalties, and response.

1) Legal remedy through law draft, initiative, and general legislative draft to fill the gaps in the main important legislative axis, to achieve the goal of developing legislative and human protection of the soft system by building punitive and judicial security mechanisms to prevent and address the legal response to terrorist acts and limit the spread of these acts, achieving security for citizens and justice for the families of the victims and, ultimately, the rest of the population. 2) The government and its legislative mechanism also addressed various societal periodic requests to fight and prevent terrorist acts by initiating the organization of security measures against terrorist crimes and extending the positive act of offense or non-



violation to the preventive act of the offense, even in the spirit of starting the formation of the means of committing terrorist crimes. 3) The Kingdom of Jordan has taken steps to adapt Jordanian legislation to international legislation and to clarify the public prosecution, court, and procedural mechanisms, consolidating the investigations and mechanisms of control and oversight, and achieving policies of the authority to combat money laundering and terrorist financing. The current reforms and directions for the development of the review in the previous section identified a range of contemporary critiques of the Jordanian criminal justice system and criminal law. The discussion then turned to the process of implementing key initiatives for reform and the extent to which they reflected an expression of the critique. In conclusion, we presented our views on the search for the development of criminal law in Jordan.

We are currently in the process of reviewing published and forthcoming government responses to justice system reform topics. It is almost impossible to distill current national critique, and we would exhaust the utility purpose of this document. Submission is required for this section to move to the second phase of justice sector reform. The content that follows will not move on to the next phase as is; it requires change and can only meet statutory criteria for submission; however, in our view, it represents useful intellectual progression and a starting point that articulates one way in which prosecutorial policy and criminal justice would legislate.

Recent Legislative Changes

6.1. Recent Legislative Changes

Shortly after the wave of terrorist attacks in 2005 and the Arab Spring, which also swept through Jordan in mid-2011, the government introduced new laws and amended old ones to improve public security and address concerned public opinion. These legislative changes included the election law, political parties law, law on local administration, press and publication law, and

others. In the field of criminal law, this has included: 1. The amendment of the Narcotic and Psychotropic Substances Law, which improved seizures and the mechanisms to ensure security between neighboring states; 2. The Anti-Money Laundering Law and the Law to Combat Terrorism Financing were formulated; 3. The National Centre for Security and Crises Management was established; 4. The Emergency Health to Combat Crises Law was issued.

The Non-Profit Associations Law No. 51 of 2008, which was amended by Law No. 12 of 2016, provides for the institution of the Charity Commission in Jordan with the authority to license charitable, voluntary, and civil organizations and monitor their operations, sources of income, and use of their funds. On the one hand, three draft laws that establish electronic evidence were declared major items by the Senate in December 2006 and by the House of Representatives in January 2007. It is suggested that the draft laws were drafted in response to the numerous security challenges to Jordan and to the then unsatisfactory state of some pieces of Jordanian law, where they spark fear with regard to the protection and rights of individuals. The development of new criminal and civil laws, and the attention devoted to amending other parts of the law domestically, suggest that Jordan will continue to refine the state's jurisprudential machinery to optimize its ability to address new threats as and when they arise.

Conclusion

This essay sought to explore the manner in which an effective criminal law framework is important for the current security environment in Jordan and how these laws are applied and whether they meet the requirement of ensuring a secure place for its citizens as well as for those living on Jordan's land. As it was clear through the historical and contemporary overview of the development of the laws structure in Jordan that ensuring safety should be achieved through creating a perfect balance



between the enforcement of law and a code of ethics that respect and protect human rights and dignity. In conclusion, the essay found that criminal law is central to providing a safe environment that ensures trust by protecting citizens and punishing those who attempt to breach or challenge security. However, rules that are based on power will not be influential without rights. Therefore, the transparent legal framework has a great impact on good governance in Jordan. As such, any reformation between rights and power should be examined while taking care of civil society organizations. It is suggested to be more empirical and adaptive in changing and reforming the law. The laws and the security circumstances at the same time reflect and represent the level of governance in force. Applying reforms is very difficult as it is not easy to have the legitimacy to apply them without referring to all the related class members. It will be better to have the public and the members of the related class on board. Moreover, it will be better to have observation and a background in managing conflicts. Analysis should be based on practice and problem-solving matters. In fact, we find in many cases that the problems and the ideas, and thus through practical working, the ideas will appear. Finally, one of the main reasons why good criminal law in practice does not receive the necessary attention is that we are not accustomed to analyzing law as a potential social engineering tool, which can be adjusted to produce the kind of social results necessary in a rapidly shrinking world. Relevant to security, it is at least as important to think systematically about the function of law as it is to think about society's need to use law to try to prevent or control events that can diminish security.

References

1. Memorandum on Jordan's proposed 1998 Press and Publications Law, July 1998; Memorandum on the Provisional Audiovisual Media Law, February 2005.
2. Tolstoy Miloslavsky v. United Kingdom, 13 July 1995, Application No. 18139/91 (European Court of Human Rights).
3. H. Al Jawkhddar, Preliminary Investigation into the Criminal Procedures Law, second ed., Dar Al Thaqafa, Amman, 2011, p. 395.
4. UN General Assembly, International Covenant on Civil and Political Rights 999, United Nations, Treaty Series, 1966, p. 171.
5. Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as Amended by Protocols Nos. 11 and 14, 1950. ETS 5.
6. League of Arab States, Arab Charter on Human Rights, 2004.
7. Jordanian Criminal Procedure Code Law No. 27 of 2017, Official Gazette No. 5, 2017.
8. Code de Procedure Penale (France) (Criminal Procedure Code of France).
9. Report on the Sixth International Conference on Penal Law, 1953. Rome. [8] G. Cornu, Vocabulaire Juridique, 14 edn, Association Henri Capitant, PUF, France, 2022, p. 35. [9] O. Al Sharif, The General Theory of Preventive Detention 30, Al Halabi Rights Publications, Beirut, 2003.
10. Constitution of the Hashemite Kingdom of Jordan, 1952. [11] A. Saab, The Nullity of the Criminal Judgment, Al Halabi Rights Publications, Beirut, 2007, p. 297.
11. Y. Abdullah, N. Alhamdany, N. Moustafa, Detention regulations: a comparative study, J. Coll. Law for Leg. Polit. Sci. 7 (24) (2018) 298. [13] H. Al Jawkhddar, Guaranteeing the Freedom of the Defendant's during Interrogation in Jordanian and Comparative Criminal Procedures Law, Sharia and Law J. (2007) 433.
12. M. Abu Amer, Criminal Procedures, first ed., Al Halabi Rights Publications, Beirut, 2010.
13. O. Al Sharif The Office of the Special Rapporteur on of Opinion and Expression was established by the UN Commission on Human Rights, the most authoritative UN human rights body, in 1993:



Resolution 1993/45, 5 March 1993. 6 See, for example, the Concluding Observations of the Human Rights Committee in relation to Trinidad and Tobago, UN Doc. No. CCPR/CO/70/TTO/Add.1, 15 January 2001. 14. The comments of the UN Special Rapporteur on freedom of Opinion and Expression are discussed at length below

