Improving Criminal Law in Jordan: Challenges of our Time

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Abstract

The main purpose of the article is to improve the main ways of strengthening criminal legislation in Jordan. The object of study is criminal law in Jordan. The scientific task is to present a modern model for improving the main ways of strengthening criminal legislation in Jordan. The research methodology involves the use of the IDEF0 modeling method. As a result, two most significant models for improving the main ways of strengthening criminal legislation in Jordan are presented. The novelty of the article lies in the presented models for improving the main ways of strengthening criminal legislation in Jordan. The study has limitations in the form of only considering the specifics of Jordan's legislation. The prospects for further research lie in the examination of criminal law in other Middle Eastern countries.

Keywords: *Criminal Law, Philosophy of Law, Jordanian Law, Modeling*

INTRODUCTION

Improving criminal law in Jordan is essential to enhance the rule of law, protect human rights, and ensure social stability, which are fundamental for fostering an environment conducive to economic growth and development. Updating and refining criminal laws can help bolster public confidence in the justice system by ensuring that justice is administered impartially and consistently. Modernized laws that clearly define offenses and set appropriate penalties can eliminate ambiguity and reduce the potential for unfair practices, ensuring that both citizens and the state operate within a well-defined legal framework. Additionally, aligning Jordan's criminal law with international human rights standards can safeguard individual rights and promote a fair trial. By reforming laws related to detention, evidence, and sentencing, Jordan can prevent human rights abuses and strengthen its commitments under international treaties. This not only enhances its global standing but also improves citizens' trust in their legal and judicial systems (Fig.1).

Figure 1. Jordan's place in the Middle East

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A well-structured criminal law can also act as a deterrent against crimes, thereby reducing crime rates and enhancing public safety. Clear and effective laws deter criminal activities by setting strong penalties and ensuring swift and certain justice for offenders. This contributes to a safer society where people feel secure in their daily lives and businesses are more willing to invest and operate. Moreover, a comprehensive overhaul of the criminal justice system, including law enforcement, judiciary, and corrections, can further reinforce the effectiveness of criminal laws. Training for police officers, prosecutors, and judges on the latest legal standards and ethical practices ensures the proper enforcement of laws and the fair administration of justice. Additionally, correctional reforms can focus on rehabilitation and reintegration of offenders, reducing recidivism and helping individuals to return as productive members of society. Finally, enhancing criminal law in Jordan supports economic development. A reliable and transparent legal system attracts foreign investment and supports local businesses by providing a stable operating environment. Investors and entrepreneurs need assurance that the legal system will protect their rights and that disputes will be handled fairly and efficiently. Thus, strengthening criminal law not only serves justice but also promotes economic prosperity by creating a more attractive business environment. This holistic approach to law improvement supports sustained growth and the overall well-being of Jordanian society.

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LITERATURE REVIEW

The work by Kopytko and Sylkin (2023) delves into the pivotal role of information systems in combating corruption within the economic security management of the state. Their research underscores the importance of transparency and accountability in legal frameworks, elements crucial for the reform of criminal laws in Jordan. Similarly, Blikhar et al. (2023) focus on the effectiveness of anti-corruption measures within state authorities, emphasizing the economic and legal prerequisites for successful anti-corruption strategies. Voeten (2014) discusses the domestic implementation of European Court of Human Rights judgments, stressing that the legal infrastructure and government effectiveness significantly impact the enforcement of international human rights norms. This insight is particularly relevant for Jordan as it seeks to align its criminal justice system with international standards to better protect human rights and ensure fair trials.

In the sphere of economic and legal interdependencies, Rushchyshyn et al. (2021) analyze the regulatory and legal components that ensure a state's financial security. Their findings suggest that robust legal systems not only secure financial stability but also contribute to a broader socio-economic resilience against crimes, including those affecting state financial resources. The work by Rushchyshyn et al. (2021) further explores the regulatory and legal components that ensure the financial security of a state, which can be extrapolated to understand how robust criminal laws can protect against economic crimes that threaten national stability. Conversely, Malinovsky and Dobrotvorsky (2021) delve into the philosophical underpinnings of law, which helps contextualize the development of legal doctrines that can support the modernization of Jordan's criminal law system. Alazzam et al. (2023) and Bani-Meqdad et al. (2024) both highlight the challenges posed by modern digital environments. Alazzam et al. (2023) explore the development of legal compliance in e-commerce, whereas Bani-Meqdad et al. (2024) focus on protecting intellectual property in cyber environments, emphasizing the need for Jordan's legal system to adapt to the realities of digitalization and global connectivity.

Ndiaye and McKay (2019) address reforms in social security systems, which, although distinct, offer valuable lessons on the broader implications of legal reform for societal welfare and stability. Their insights can guide Jordan in ensuring that its criminal law reforms also contribute positively to social welfare. Bortnyk et al. (2021) examine the judicial practices of protecting human rights within the rule of law in postmodern societies, highlighting the challenges and solutions that could be mirrored in Jordan's efforts to enhance its legal framework. This is complemented by Quirk and Wortley (2017), who explore the societal implications of criminal law and legal scholarship, emphasizing the role of academia and practical legal education in shaping effective criminal law policies.

Together, these studies provide a robust framework for understanding the complexities involved in reforming Jordan's criminal law. By integrating these diverse insights, Jordan can ensure its legal reforms are

comprehensive, addressing not only the immediate legal technicalities but also the broader economic, digital, and human rights aspects that are essential for a modern and effective criminal justice system (Table 1).

Table 1. The main gaps in Literature

№	Gaps	Characteristics
1	Lack of Specific Focus on Jordanian Context:	While the literature review broadly covers themes related to legal reforms, corruption, and the integration of international human rights standards, there is a discernible lack of in-depth analysis specifically tailored to the Jordanian legal system. The literature could benefit from more focused studies that detail Jordan's unique legal challenges and opportunities, providing context-specific insights that align more closely with the national legislative environment
2	Methodological Expansion	The research primarily utilizes the IDEF0 modeling method, which is excellent for defining and analyzing processes and systems. However, the literature review does not discuss previous applications of such methodologies within the realm of legal reform, particularly in contexts similar to Jordan's. Including studies that specifically address the application of systems modeling methods in legal reforms could bridge this gap, offering a more solid methodological grounding
3	Socio-Economic Impact Studies:	The review mentions economic security and the implications of legal systems on financial stability but does not delve into studies that specifically examine the socio-economic impacts of criminal law reforms. Including research that quantifies the impact of legal changes on crime rates, economic growth, and social stability in Jordan would provide a more comprehensive view of the potential benefits and drawbacks of proposed reforms

Addressing these gaps in the literature review would not only strengthen the current research but also set a robust foundation for future academic endeavors, ensuring that the models developed are both theoretically sound and practically viable for Jordan's specific legal landscape. This approach would also pave the way for extending the research to other Middle Eastern countries, offering a broader regional perspective on criminal law reforms.

METHODOLOGY

The methodology employed in this study is centered around the IDEF0 (Integration Definition for Function Modeling) method, a well-established tool in systems engineering that is designed to model the decisions, actions, and activities of an organization or system. IDEF0 was originally developed for manufacturing and systems engineering but has been adapted in this research to analyze and improve the legislative framework of Jordan's criminal law. This method provides a structured approach, allowing for the clear depiction of current processes and the visualization of proposed enhancements. To begin with, our study constructs a comprehensive flowchart of the current criminal legislative process in Jordan using the IDEF0 method. This involves detailing each step from the enactment of laws to their enforcement and subsequent evaluation. The model identifies key functions, sub-functions, and their interactions within the legal process, thereby pinpointing inefficiencies, redundancies, or areas lacking robustness in the existing system. Inputs for the model include existing legal documents, statutes, judicial opinions, and procedural guidelines.

Following the initial modeling, the research focuses on developing two innovative models aimed at enhancing the robustness and effectiveness of Jordan's criminal legislation. These models are designed based on identified gaps and inefficiencies in the initial IDEF0 diagrams. The development process integrates feedback from legal experts, law enforcement officials, and policymakers to ensure that the proposed models are realistic and implementable. The models are revised iteratively, with each version being tested through simulations to assess potential impacts and necessary refinements.

Lastly, the effectiveness of these proposed models is evaluated against a set of predefined criteria, including legal completeness, enforceability, alignment with international standards, and adaptability to future changes. The final models are presented with comprehensive documentation detailing each component and its intended function within the broader system of criminal law. This thorough methodology not only serves the purpose of proposing effective legal reforms but also sets a foundation for ongoing improvement and adaptation to future legal challenges. By focusing on a detailed and systemic approach, the study aims to provide a robust framework for strengthening criminal legislation in Jordan, with potential applications in other Middle Eastern legal systems.

RESULTS AND DISCUSSIONS

Let's build a network to achieve the key goal of modeling A0, namely improving criminal legislation in Jordan (Fig. 2).
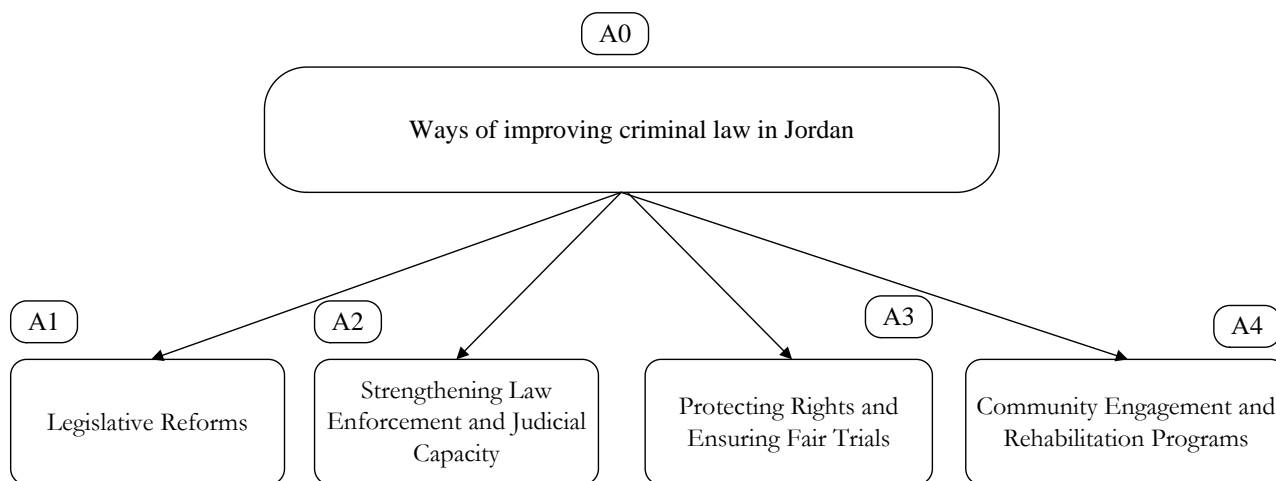

Figure 2. Network to achieve the key goal of modeling A0

Next, a black box model should be presented regarding the achievement of A0 and the desired results of the simulation (Fig. 3).
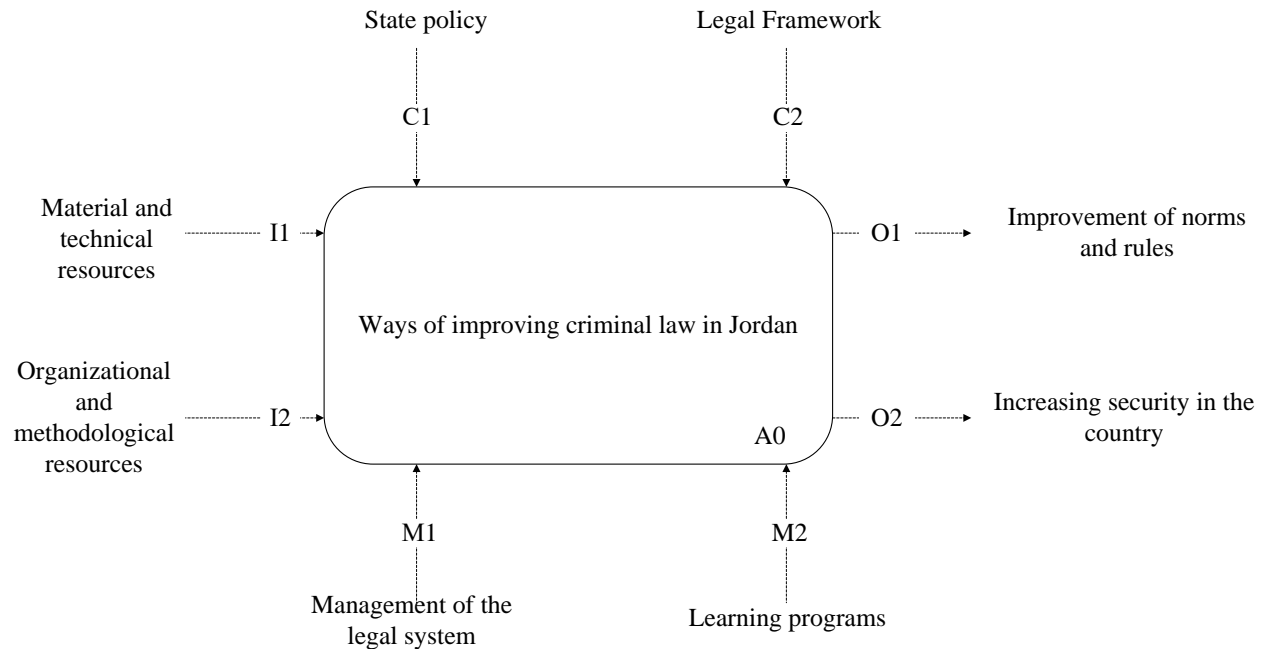
Figure 3. The black box model to achieve the key goal of modeling A0

A1. Legislative Reforms. Update and refine the criminal laws to ensure they are in line with international human rights standards and can effectively address new types of crimes, such as cybercrime and financial crimes. This includes both amending outdated statutes and introducing new laws that are precise, clear, and enforceable. Additionally, legal frameworks should be adapted to improve transparency, reduce corruption, and enhance the fairness of the legal system.

A2. Strengthening Law Enforcement and Judicial Capacity. Enhance the training and resources available to law enforcement agencies and the judiciary to ensure crimes are investigated and prosecuted efficiently and fairly. This involves investing in modern technology for crime detection and evidence gathering, as well as continuous professional development for police, prosecutors, and judges to handle complex cases effectively.

A3. Protecting Rights and Ensuring Fair Trials. Implement measures to protect the rights of the accused, victims, and witnesses within the criminal justice system. This can include strengthening legal aid services, ensuring timely trials, and improving the conditions and treatment of detainees. Additionally, it's crucial to establish mechanisms for monitoring and accountability that safeguard against abuses within the system.

A4. Community Engagement and Rehabilitation Programs. Foster community involvement in crime prevention strategies and improve rehabilitation programs for offenders. Community policing initiatives can help build trust between law enforcement and communities, while comprehensive rehabilitation and reintegration programs can reduce recidivism rates. Engaging community leaders, NGOs, and other stakeholders in dialogues about criminal law reform can also promote more inclusive and effective policies (Fig.4).
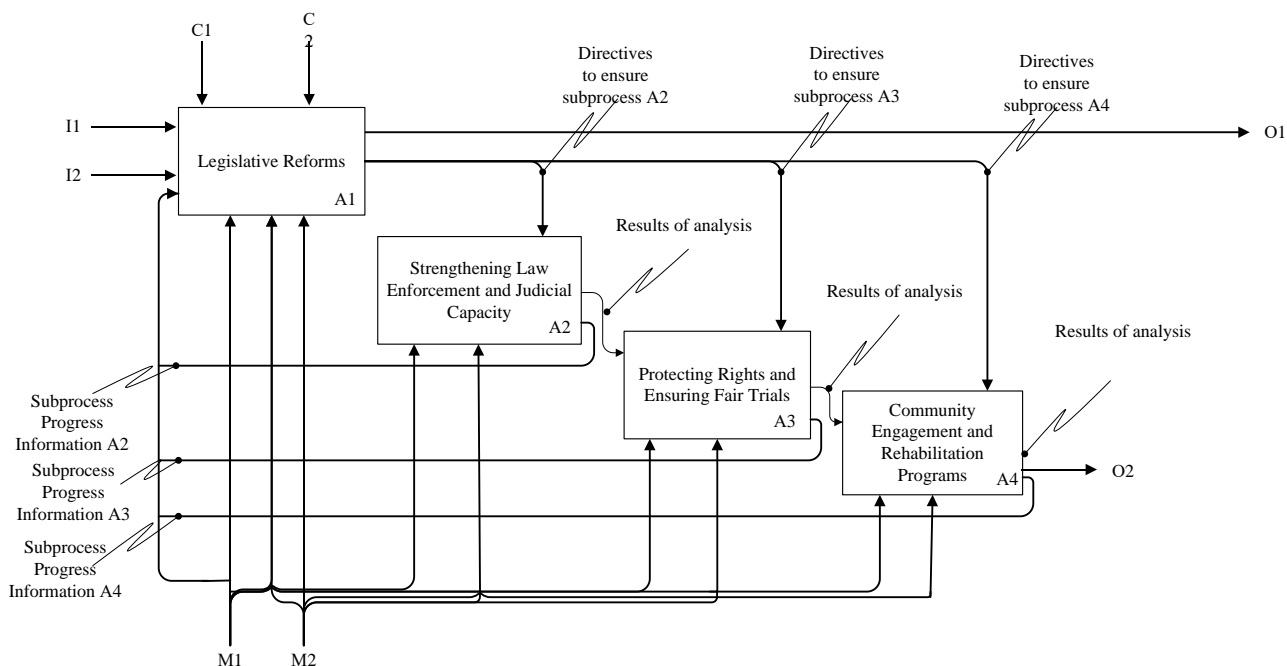
Figure 4. The main model IDEF0-1

But also we need more results as well such as:

I1. Legislative materials and regulatory framework. This includes existing laws, regulations, legal precedents and international agreements to which Jordan has acceded. These materials serve as the basis for analyzing the current state of criminal legislation and identifying necessary changes or additions.

I2.Analysis of the needs and recommendations of stakeholders. Includes reports and opinions from government agencies, independent experts, human rights organizations, and input from the public. These may be recommendations for improving legislative initiatives or reports on gaps in the implementation of regulations that need to be addressed (Fig.5).
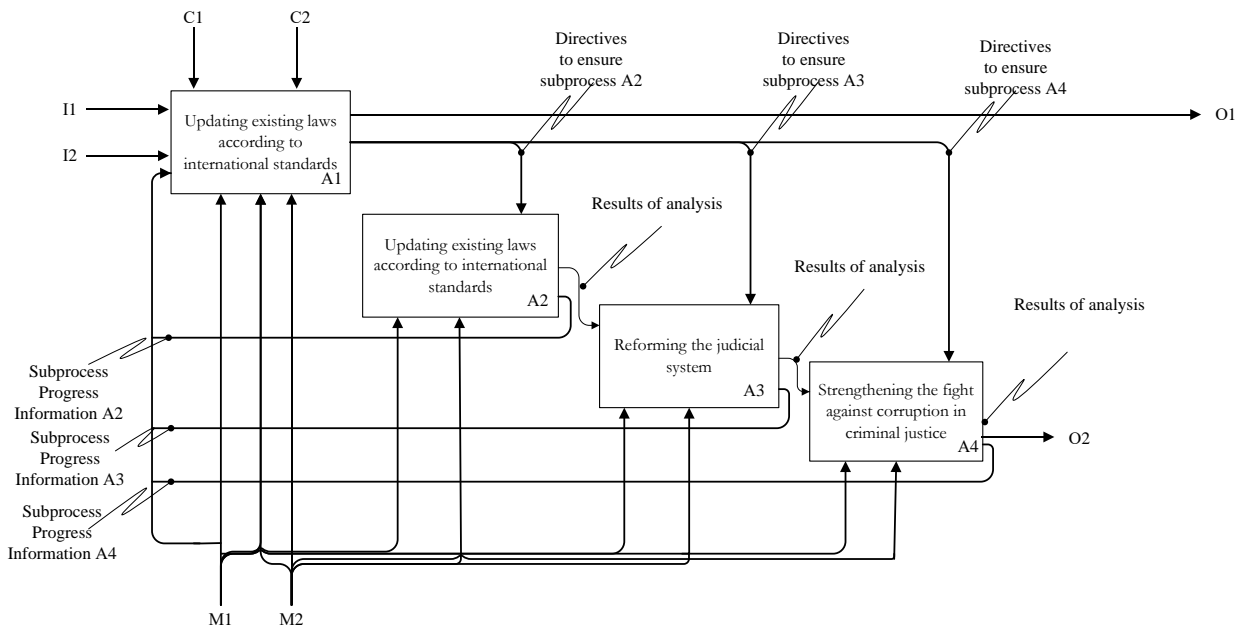
Figure 5. The main model IDEF0-2

A1. Updating existing laws according to international standards. Updating legislation requires an in-depth analysis of existing norms and their adaptation to international legal standards, especially in the context of human rights. This includes reviewing and modifying laws relating to procedural guarantees such as the right to a fair trial, confidentiality, and protection from torture and other inhumane treatment. It is also important to ensure that laws comply with international agreements to which Jordan is a signatory and to use the best practices of other countries as a model for its own reforms.

A2. Introduction of technological innovations into law enforcement. The use of modern technology can greatly improve the efficiency of investigations and justice. This includes implementing digital databases to track criminal cases, automating evidence collection processes and using artificial intelligence to analyze large volumes of information. It also brings greater transparency and reduces the scope for corruption and error in the judicial system. Training and educational programs for law enforcement are key to effectively leveraging these innovations.

A3. Reforming the judicial system. The reform of the judicial system aims to streamline procedures and ensure their compliance with international standards. This may include changes to the training programs for judges and lawyers to ensure greater understanding and application of legal principles. Ensuring the independence of judges and protecting them from political interference is important for increasing confidence in the judiciary. It is also possible to introduce alternative methods of dispute resolution, such as mediation and arbitration, to reduce the burden on the courts.

A4. Strengthening the fight against corruption in criminal justice. The development of special anti-corruption programs and the creation of independent anti-corruption bodies can significantly reduce the level of corruption in the law enforcement system. It is important to establish a system of monitoring and regular review of law enforcement agencies, including internal audit and public oversight. Tightening legislation on liability and introducing harsh penalties for acts of corruption are key to the successful implementation of these measures (Fig.5).

The literature, particularly the work by Hammouri (2023), which explores the socio-economic implications of criminal law security, aligns closely with our focus on enhancing legislative frameworks in Jordan. Hammouri emphasizes the importance of integrating socio-economic factors into legal reforms, which complements our approach by highlighting the broader context within which criminal legislation operates. This perspective supports our model's emphasis on a holistic approach to legal reform, which not only aims at legal robustness but also at ensuring socioeconomic stability.

Gharaibeh's (2023) study on the criminal legal protection of persons within economic-law safety frameworks in Jordan provides a foundational comparison for our work. Gharaibeh addresses features specific to the Jordanian context, similar to our study's focus. By comparing the methodologies, it is evident that while Gharaibeh takes a more traditional legal analysis approach, our use of the IDEF0 method adds a layer of process optimization and systems modeling, offering a novel dimension to addressing these issues.

The innovative aspect of our research is reflected in the literature addressing technological advancements and their implications for law. For example, Alazzam et al.'s (2023) discussions on the nature of electronic contracts using blockchain technology provide insights into the technological shifts affecting legal frameworks. Our models could be further enhanced by integrating considerations of how such technologies could be embedded within the criminal law framework, ensuring that legislation remains relevant in the face of digital transformation. Additionally, Saleh et al. (2020) and Alazzam et al. (2024) discuss the management of cryptocurrency assets and business strategies within changing commercial activities, respectively. These studies underline the importance of adapting legal systems to manage emerging economic and technological realities. This reinforces the need for our proposed models to be flexible and adaptable, capable of evolving with new economic and technological challenges. Lavery's (2010) examination of the codification of criminal law offers a crucial international perspective, advocating for codification as a means to achieve clarity and consistency in legal systems. This approach resonates with our models' objectives to streamline and strengthen the legal

framework. Integrating Lavery's insights could enhance our models' capacity to align with international best practices, thereby not only improving the domestic legal system but also enhancing Jordan's compliance with international legal standards.

The limitations identified in our study, focusing primarily on Jordan's specifics, suggest a need for broader comparative research as indicated by Hama (2017), who discusses state and societal security within a broader international context. Future studies could expand on our models by incorporating comparative analyses with other Middle Eastern countries, as suggested in our prospects for further research. This would not only validate the effectiveness of the models across different legal environments but also contribute to a regional understanding of criminal law reforms.

In conclusion, the discussions reflect a strong alignment between our research results and the existing literature, while also identifying areas for deeper integration of technological advancements and broader comparative research. The dialogue between our findings and the scholarly work suggests that ongoing refinement and adaptation are essential for the models to remain effective and relevant in a rapidly changing legal landscape.

CONCLUSION

The application of the IDEF0 method allowed for a precise visualization and analysis of the current legislative processes, revealing key areas where enhancements are critically needed. The first model developed focuses on streamlining the processes involved in law enforcement, ensuring that the activities of various justice system actors are more coordinated and efficient. This model proposes a series of integrated actions that span from initial law enforcement interactions to judicial decision-making, aimed at reducing delays and removing procedural ambiguities that currently hinder the justice system. The second model addresses the adaptation of Jordan's criminal laws to international standards, particularly those concerning human rights and anti-corruption. It suggests structural adjustments in the legal framework to incorporate international legal norms, thereby enhancing the credibility and effectiveness of Jordanian criminal law on a global scale. The models advocate for a proactive approach to legislative updates, which includes ongoing reviews and the incorporation of technological advancements, particularly in digital forensics and cybercrime legislation.

Both models emphasize the necessity for capacity building within legal institutions, recommending continuous training for law enforcement, judicial officers, and legal practitioners on new laws and procedural changes. This approach ensures that the implementation of new or revised legislation is supported by knowledgeable personnel, capable of effectively upholding the rule of law.

While these models offer innovative pathways for strengthening Jordan's criminal legislation, this study acknowledges its limitations, primarily its exclusive focus on the Jordanian context. While this specificity allows for a tailored approach, it also constrains the generalizability of the findings. Additionally, the study's reliance on the IDEF0 method, while beneficial for structured analysis, may not capture the more nuanced socio-political factors that influence legislative processes.

Looking forward, the study highlights several avenues for further research. Comparative analyses involving criminal law systems in other Middle Eastern countries could provide broader insights and reveal regional trends and challenges. Such research could facilitate the development of models that are not only bespoke to individual nations but also offer regional coherence in legal standards and practices. Further exploration into the integration of advanced technologies, such as AI and machine learning, into the criminal justice system could also be transformative, potentially offering more sophisticated tools for crime prevention and legal adjudication.

The endeavor to improve criminal legislation in Jordan is not merely an academic exercise but a crucial societal need that impacts the fabric of justice, governance, and human rights. The models presented in this study provide a foundation upon which Jordan can build more effective, fair, and transparent criminal laws. As Jordan continues to navigate the complexities of modern governance and international relations, the ongoing refinement and adaptation of its criminal laws will be paramount in achieving a just and equitable society. The implications of this study are significant, suggesting a robust roadmap for legal reform that other nations in the region may also find beneficial as they consider their own legal challenges.

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