

Crime of Influencing the Elector's Will through Bribery

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Abstract

This study is summarized to present one of the most important topics that should be shed light on regarding the integrity of the correct and objective electoral process, namely the issue of electoral bribery, which has recently become a disease that spreads in and outside polling stations, and in many cases it is difficult to even discover its existence in order to be punished. He revealed those who tampered with the will of the voters and held them accountable, is it a weakness in the control of these elections, or are such crimes usually committed individually among individuals that are difficult to detect, but they are usually carried out under the definition of electoral expenses in a convincing voice, the study worked on discussing these matters and indicating the shortcomings of the legislation regarding Appeals about the elections regarding the special nature of these appeals by not specifying them, and the lack of control over all stages of the electoral process.

Keywords: Bribery, The Voter, Election, The Electoral Process, The Will of The Electorate.

INTRODUCTION

The right to vote is both a fundamental and political right that should be enjoyed by every Jordanian citizen. Each citizen has the right to choose a competent candidate to represent them or a particular segment of the population, serving as their voice on many important issues. There are specific conditions related to the elector's ability to participate in the voting process, as well as obstacles that may hinder the exercise of this right.

One of the prevalent and persistent problems in the electoral process is the issue of influencing and tampering with voters' wills through various forms of bribery. Such bribes are offered to exploit the voters' needs, whether they are tangible or monetary needs, or promises of jobs and other unlawful expenditures. This study sheds light on these issues, indicating that they frequently occur in the electoral process, often concealed or disguised under the category of legal electoral expenses.

The study addresses this crucial topic by dividing it into three sections. The first section deals with the definition of the voter and the conditions of voting. The second section discusses the Jordanian electoral system and the electoral districts in Jordan. The second section also differentiates between electoral bribery and official bribery, outlining the elements and conditions of such bribery and the related unlawful expenditures. Moreover, it covers the methods and guarantees for protecting voters by filing electoral appeals at any stage of the electoral process. All these aspects will be detailed in this study.

Study Problem

The study problem revolves around an issue that is always of paramount concern in the electoral process: influencing voters' wills, commonly known as "electoral bribery." This issue significantly impacts the integrity of the electoral process and the credibility of its results, which should be based on the competence of the candidate rather than on exploiting citizens' needs and influencing their will in any form during voting.

Study Objectives

This study aims to clarify and elucidate the following topics:

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Define the voter and the conditions of voting, explaining the voting mechanism and the electoral districts organized by Jordanian law.

Define electoral bribery and distinguish it from official bribery.

Outline the aspects of electoral expenditures that are lawful and those that are unlawful within the electoral process.

Specify the elements and conditions for influencing voters' wills.

Detail the appeals process to address issues of voter influence before, during, or after the elections.

Highlight the legal provisions criminalizing the influence on voters' wills and the stance of the Jordanian legislator on these matters.

Importance of the Study

The importance of this study lies in ensuring secure and sound electoral results, free from any means that could influence voters' will in choosing the competent candidate without other considerations valued by those with vested interests. Such considerations are rooted in exploiting voters to achieve personal goals, which are far removed from objectivity and impartiality, the foundations of a sound and secure electoral process.

METHODOLOGY OF THE STUDY

The current study adopts a descriptive and analytical methodology by explaining the research topics through text analysis and interpreting their similarities by comparing them with one another. This approach aims to elucidate the problem and reveal it clearly to the reader, providing a comprehensive understanding.

Study Questions

What are the definitions of the voter and the conditions of voting, and how is the voting mechanism and electoral districts organized under Jordanian law?

What is the definition of electoral bribery, and how does it differ from official bribery?

What are the aspects of lawful and unlawful electoral expenditures within the electoral process?

What are the elements and conditions for influencing voters' wills?

What is the appeals process to address issues of voter influence before, during, or after the elections?

What are the legal provisions criminalizing the influence on voters' wills, and what is the stance of the Jordanian legislator on these matters?

Study Structure

The study is divided into three sections as follows:

Section One: The Nature of the Voter in the Jordanian Electoral System

Section Two: The Crime of Electoral Bribery and Its Conditions

Section Three: Electoral Process Expenditures and Their Protective Guarantees

Section One

The Voter in the Jordanian Electoral System

Introduction and Division:

Defining the voter and the conditions that must be met for one to exercise their right to vote and to have their name included in the voter register are among the most crucial issues. These conditions ensure that the voter can exercise their electoral rights without any undue influence, whether from candidates, citizens, polling supervisors, or others. Therefore, this section is divided into two main subsections. The first subsection

addresses the voter and the conditions of voting, while the second subsection discusses the voting mechanism and the Jordanian electoral system.

Subsection One

The Voter and the Conditions of Voting

The voter is a crucial consideration in this study because crimes such as "electoral bribery" primarily target voters. Therefore, it is essential to define what a voter is and outline the conditions necessary for participating in the electoral process. This subsection will be divided into two branches. The first branch will discuss the definitions related to voters and when an individual is considered a voter with political rights. The second branch will cover the key conditions that must be met to be eligible to vote.

Branch One: Definition of the Voter

Article (2) of the Jordanian Election Law No. 4 of 2022 defines a voter as: "Every Jordanian who has the right to elect members of the House of Representatives according to the provisions of this law." Moreover, Article (3/A) of the same law states, "A - Every Jordanian who has reached the age of eighteen solar years at least ninety days before the date set for the election has the right to elect the members of the House of Representatives according to the provisions of this law."

A voter casts their vote at designated polling and counting centers within their electoral district. The voting process is general, secret, and direct. The Electoral Commission, in coordination with the relevant authority, prepares voter registers based on the voter's permanent residence and updates these registers at the beginning of January and July each year.

Branch Two: Conditions of Voting

Article (3) of the Election Law outlines the conditions required for a voter to exercise their electoral rights and specifies the entities and individuals prohibited from participating in the electoral process, including:

Every Jordanian who has reached the age of eighteen solar years at least ninety days before the specified date for the election has the right to elect members of the House of Representatives in accordance with the provisions of this law.

The right to vote is suspended for members of the armed forces, the Arab Army, the General Intelligence Department, and the National Security Agency during their active service, except for civilian employees.

The right to vote is denied to:

Anyone who has been declared insolvent and has not legally regained their status.

Anyone who is insane, mentally incompetent, or under legal guardianship.

The department shall not include in the voter registers the name of anyone whose right to vote is suspended or denied according to paragraphs (B) and (C) of this article.

Therefore, participation in the electoral process is not permitted for individuals who do not hold Jordanian citizenship, lack legal capacity according to the determined legal age in the Jordanian Constitution, or are declared legally incompetent or convicted, in addition to members of the army and military services.

It is clear from these articles that only those who hold Jordanian citizenship and have reached the age of eighteen solar years, at least three months prior to the scheduled election date, can participate in the electoral process. This right is granted to all Jordanian citizens, regardless of their differences within society, based on Article (6/1) of the Jordanian Constitution, which states: "Jordanians are equal before the law with no discrimination among them in rights and duties even if they differ in race, language, or religion." This means that the right to vote is granted to all citizens holding Jordanian nationality, whether male or female, irrespective of racial or religious differences, unlike the Egyptian Constitution of 1923 and the Constitution of 1930, which required voters to be male. However, starting from 1956, both the constitutions and election laws in Egypt

have equated women and men in the right to vote, acknowledging the significant role women have played in public life and their evident contributions throughout all stages of the development of the Egyptian state.

It is worth mentioning that the electoral process in the Jordanian electoral system does not require only Jordanian nationality or eligibility related to a specific legal age. Eligibility is determined by the absence of insanity, incompetence, and other disqualifications preventing citizens from engaging in various activities, including voting. Constitutions and election laws typically ensure that the right to vote is not revoked unless insanity is proven through a judicial decision, aiming to prevent the abuse of political persecution and the deprivation of individuals of their electoral rights.

Part Two

The Jordanian Electoral System

The election process, from its inception to its conclusion, is one of the most critical stages in the electoral process, regulated by the Jordanian legislator. Therefore, in this section, we aim to elucidate the electoral mechanism, the division and distribution of electoral districts in all governorates, and the process of preparing party lists for participation in the electoral process. Thus, this section will be divided into two subsections: the first, the electoral mechanism, and the second, electoral districts in Jordan, as follows:

Subsection One: Electoral Mechanism

The electoral system of any country is a product of its historical, economic, political, and social conditions. Therefore, the optimal system for one country may not necessarily be optimal for another.

Hence, the Jordanian Constitution of 1952 and its amendments stipulated that elections should be secret, direct, and general. The Constitution left it to the law to regulate how the body of voters would participate in the electoral process. The Jordanian Constitution did not explicitly endorse the principle of individual elections or list-based elections, although the Election Law has incorporated elements from both approaches.

If voting in Jordan is direct, it follows both the systems of individual and list voting, which are the closest electoral systems in expressing citizens' freedom and disclosing their true popular will. In a list voting system, the impact of the minority disappears entirely due to the broad electoral constituency and the dominance of the majority in this extensive constituency. These two systems are among the electoral systems most closely related to political life and fundamental societal issues, aligning closely with the composition and concepts of the Jordanian public opinion, which favors this electoral method.

Subsection Two: Electoral Districts in Jordan

An electoral district is defined as: "an electoral unit in itself, where registered individuals in its final electoral rolls elect representatives for it in the parliamentary council." Hence, the electoral district is the geographical framework where parliamentary elections take place at all stages, including nomination, electoral campaigns, the voting phase, up to the process of ensuring votes and declaring results that lead to determining the representative of the electorate for that district in the parliamentary council.

The current Jordanian electoral system is based on four main elements: the voting system, electoral districts, quota system, and voter representation. These are the key elements that shape any electoral system worldwide, thereby determining its political and social impact.

Dividing the state into electoral districts according to the population's requirements to avoid population disparities, along with the nature of the electoral system, enables voters to exercise their voting rights easily and make an optimal choice among candidates. This facilitates free and fair elections, ensuring that the voters' will is a true reflection of the nation's general will.

According to Article 8 of the Jordanian Election Law No. 4 of 2022, the Kingdom is divided into eighteen local electoral districts and one general electoral district at the national level, all of which are allocated a total of 138 seats. The local electoral districts receive 97 seats, based on the open list proportional representation system.

To be eligible to run for membership in the House of Representatives, the following conditions are required:

Be a Jordanian citizen for at least ten years.

Be registered in the final voter registry.

Be at least twenty-five solar years old, ninety days before the polling day. The reduction in the minimum age in the new electoral law is excessive, as individuals at this age lack effective political life experience.

Not be declared bankrupt and not yet legally reinstated.

Not be sentenced to prison for more than one year for a non-political crime without being pardoned.

Have full legal capacity.

Not be a relative of the king in the degree specified by a special law.

Not have a contract with the government or public institutions and organizations.

With regard to winners of parliamentary seats in local electoral districts, the local list must exceed the threshold percentage of 7% of the total number of voters in the district. The threshold represents the minimum number of votes required by law for a party to have the right to compete for one of the contested seats. This is stipulated in Article 49 of the Election Law No. 4 of 2022.

For winners of parliamentary seats in general electoral districts, the party list must exceed the threshold percentage of 2.5% of the total number of voters in the general electoral district.

The 2022 Election Law delineated electoral districts into two categories: local and general, allocating a total of 138 seats, including 97 seats for local districts spread across 18 electoral districts and 41 seats for the general list designated for parties and party alliances. Each voter is granted two votes under a mixed electoral system, with a closed proportional representation system for party lists and an open proportional representation system for local lists.

By reviewing the electoral process, it often faces a range of electoral crimes that compromise the integrity and credibility of the process. These crimes consist of a series of actions and omissions that violate the provisions of the Election Law. Some define these crimes as "all acts of arbitrariness, deviation, and discrimination in the use of power to infringe upon citizens' rights to vote and run for office, ensuring their effective participation in the electoral process without discrimination based on gender or creed."

And it can be defined as "Actions that affect the integrity of the electoral process and lead to distorting the truth, whether this is done through forgery, fraud, or intentionally acting contrary to the provisions of the law, " and one of the most important of these crimes and the focus of our study is the crime of influencing the will of the voters, or what is known as 'electoral bribery,' which we will discuss in detail in the third section of our study.

Section Three

The Nature of Influencing the Will of The Voters Through Bribery

Introduction and division: Influencing the will of the voters or electoral bribery is one of the subjects that have a negative impact on society and due to its impact on the constitutional basis within the state, we will elaborate on this extensively. This will include explaining the nature of electoral bribery, its definitions, and highlighting the differences between it and similar patterns. This will be presented in the first demand, and the second demand will talk about the most important conditions that must be met for the crime of electoral bribery to take place. Thus, this section is divided as follows: Demand One Influencing the will of the voters through bribery and distinguishing it from similar acts. This demand will be divided into two branches. The first demand will address the definition of electoral bribery, while the second demand will discuss the distinction between electoral bribery and bribery in public office, known as 'official bribery.'

Demand One: Influencing the will of the voters through bribery and distinguishing it from similar acts.

This demand will be divided into two sub-sections. The first sub-section will address the definition of electoral bribery, while the second sub-section will discuss the distinction between electoral bribery and bribery occurring in public office, known as 'official bribery.'

Sub-Section One: Definition Of Electoral Bribery

Recently, the phenomenon of buying and selling votes in elections has become widespread, referred to as political money. Here the distinction in terminology arises, as political money can be legitimate, for example, donations provided to a candidate may fall under political money. However, buying and selling votes can only be described as bribery, where the candidate or their agent pays a sum of money in exchange for ensuring the voter's support. This is an illegitimate process and violates election laws. There is a significant resemblance between the two crimes; in political money, there is an invalid preference and deprivation of rights. When an individual or entity manages to further their personal political interests, it involves depriving rightful individuals of being in the right place, which ultimately serves an invalid purpose, redirecting affairs to the wrong recipients. Those who use their money to obtain a political position. The difference between political money and electoral bribery lies in political money being bribery with a political subject. There are general and specific aspects distinguishing them from political money, as every political money is bribery, but not every bribery is political money. Political money encompasses a broader scope than bribery, as bribery may not always constitute political money, unlike political money which is consistently related to political matters

The problem with this phenomenon does not stop at distorting the will of the voters by using money or allowing unqualified individuals to access decision-making positions. This phenomenon ingrains and legitimizes the practice of bribery in society, to the extent that it becomes almost normal and acceptable. The disaster lies in the failure to curb this phenomenon not only at the individual level but also within institutions. Candidates may donate to an association or club in exchange for securing votes from the members of these groups, effectively involving the entire institution in a bribery scheme.

Electoral bribery is defined as: "The benefit, gift, donation, or promise aimed at undermining the right to candidacy by manipulating the will of the candidates regarding their positions, electoral programs, and their chances of winning in an illegitimate manner, as well as the freedom to vote by influencing the voter's will to support a specific candidate or abstain from voting, thereby undermining the electoral process."

Electoral bribery is also defined as a crime that aims to influence the integrity of the electoral process by manipulating the will of the voter through the use of money, temptation, promises, gifts, or any action that could interfere with the voter's freedom and influence them with internal or external factors that divert them from making a sound choice. Despite the difficulty in proving the crime of electoral bribery, there is a quasi-legislative consensus on criminalizing it due to its infringement on the freedom of the electoral process.

Despite all this, electoral laws have avoided defining the crime of electoral bribery and have contented themselves with mentioning its forms. However, there is a difference of opinion among jurists; some define it as: "Actions that affect the integrity of the electoral process and lead to distorting the truth, whether this is done through forgery or fraud or intentionally acting contrary to the provisions of the law. " Another perspective restricts it to violating election law and defines it as: "Actions and omissions that involve contravening the provisions of the election law."

Sub-Section Two: Distinguishing Electoral Bribery from Bribery Within the Scope of Public Office

The concept of ordinary bribery within the scope of public office does not differ from the concept of electoral bribery, evidenced by the linguistic and practical similarities between these two crimes. The crime of bribery involves the presence of two individuals. The first person accepts the benefit offered to him, promised to him, or requests something of that nature in exchange for performing an action or refraining from doing so. This person is the official involved in the crime of bribery within the realm of public office, while the voter is involved in the crime of electoral bribery. The second person presents the gift or promise to the first person to influence them to act or abstain from acting; this individual is the citizen with a need or interest in the first

crime and the candidate or another person in the second crime. Therefore, legislation considers bribery in both its forms as encompassing two separate crimes: the briber, known as active bribery, which is committed by the public official in the case of bribery within the scope of public office, and the bribee in the case of electoral bribery.

As for the second type, it is the crime of the bribee, known as passive bribery, which is committed by the person with an interest in the first crime and commonly the candidate or one of their supporters in the second crime. Due to the gravity of this crime on the conduct and integrity of the electoral process, there is a quasi-legislative consensus on criminalizing electoral bribery despite the challenges in proving it. One of the earliest legislations to criminalize electoral bribery was the legislation enacted in England in 1845. The English precedent in this regard may be attributed to the prevalence of electoral bribery or electoral corruption, manifested in the phenomenon of buying lists and votes. This phenomenon began during the elections held in the fourteenth century and continued until the enactment of the aforementioned election legislation.

Electoral bribery differs from official bribery as stipulated in the Jordanian Penal Code in Articles 170 and 171, which require the status of a public official or someone in a similar position for the briber, whereas electoral bribery can be received by the voter or an intermediary without the requirement of being an official. Official bribery falls under the public administration and what is expected of it in terms of trust and duty, while electoral bribery falls under the legislative authority and the trust expected of its members, violating the duties of good citizenship by choosing representatives with honesty and integrity. By distinguishing electoral bribery from the crime of bribery in the Penal Code, it can be defined as: "Engaging in general election trafficking by a candidate or their representative offering specific gifts, benefits, loans, or advantages or promising any of these to one or more voters to influence their will to vote in a certain way or to abstain from voting, and the voter or any other person accepting or requesting it".

Demand Two

Conditions and Elements of the Crime of Influencing the Will of the Voters

This demand will address two sub-sections, with each sub-section discussing a condition necessary for the commission of the crime of electoral bribery. The demand is divided into two sub-sections, with the first sub-section addressing the condition of the material behavior of the crime. The second sub-section discusses the requirement of criminal intent and its simultaneous occurrence with the activity associated with bribery.

Sub-section One: The Characteristic of the Briber and the Bribee

This crime requires a specific characteristic in the briber, who is the person paying the bribe to the bribee in the hope of obtaining the desired purpose from this payment. The payment can be made in one or multiple installments, often structured in two stages: the first stage is called the advance payment, and the second occurs upon achieving the goal. The perpetrator should ideally be one of the candidates or another individual who does not possess such a characteristic, as per the general provisions concerning electoral bribery. As for the characteristic of the bribee, they are the intended recipient of the bribe, accepting it to gain control over it. Some refer to them as the "recipient" because they receive money from the briber in exchange for providing a benefit. This individual must have the characteristic of a voter, meaning they are a member of the electorate. The law requires the presence of this characteristic at the time of committing the criminal act, without necessitating its continuance after the completion of the act. Additionally, being duly registered on the electoral rolls is a requirement. The intermediary does not require any specific characteristic and could be a member of the electorate or not, as it is irrelevant in their case.

Sub-Section Two: The Material Element of the Crime The material element of the crime of electoral bribery consists of three components: criminal behavior, the result, and the causal relationship between them. The material element includes a set of components such as offering, promising, requesting, and accepting. We will explain them as follows:

Offering is defined as the positive behavior through which the briber expresses their desire to offer gifts, either in cash or in kind, to the bribee in exchange for influencing one or more voters. It is an offer that awaits

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acceptance. The act of offering can be explicit or implicit and may be carried out directly by the briber or through others. Promising is the explicit expression from the briber of their free will to promise a monetary or in-kind gift to the bribee or several bribees, public or private positions, or other special advantages with the intent of influencing a group of voters to vote for a candidate according to a specific list or to abstain from voting for a particular candidate. Acceptance refers to the bribee's will to accept the bribe or the promise of it, either immediately or in the future. This is preceded by an offer from the briber through the presentation of cash or in-kind gifts, public or private positions, or other special advantages. Requesting indicates a desire or expression of intent that involves the briber offering or promising a bribe.

The perpetrator of the crime of bribery is anyone who gives, offers, or promises to give a voter a benefit for themselves or others to induce them to vote in a certain way or to abstain from voting, as per the law. Similarly, anyone who accepts or requests such a benefit for themselves or others is also criminalized under election law. The outcome of resorting to bribery of voters is the elimination of fair competition and equal opportunities, with candidates reaching council seats due to what is in their pockets and wallets instead of the ideas and visions in their minds related to public service. The stories circulating about the methods and ways of bribing people provide conclusive evidence against the perpetrators of these crimes.

We note from the above that the material element consists of three components as follows:

A specific action performed by the bribee, which involves requesting or accepting.

The subject matter of this action, which is the benefit.

In exchange for this benefit, which involves breaching the duties of the position, performing a certain act, or refraining from performing an act.

The reasons for voters accepting the idea of bribery and achieving the material element of this crime can be summarized by several causes, most notably the voter's lack of confidence in the electoral system and, consequently, the Parliament's utility. As a result, the voter considers the vote they cast as wasted and of no value, and comes to the conclusion that the price they will receive for their vote is more beneficial than wasting it on a Parliament they do not trust. Additionally, an electoral system that relies on individual representation and small constituencies encourages candidates to buy votes since the amounts they will need to spend are not substantial compared to larger constituencies. Clearly, the number of votes required to win in smaller constituencies is much less than what is needed in larger ones. This phenomenon is further exacerbated by the ineffectiveness of measures to combat this practice and the lack of serious efforts to address it, which encourages both candidates and voters to engage in it alike.

Sub-section Three: The Mental Element of the Crime This is known as criminal intent or *mens rea*. Electoral bribery is an intentional crime that requires the perpetrator to be aware of the crime's elements and have the intention to commit it. Similar to the crime of ordinary bribery, which occurs in public office, it must involve criminal intent. General intent implies that the perpetrator's will is directed towards committing an act or refraining from an act, knowing that the law considers it a criminal offense and prescribes punishment for it. Special intent requires, in addition to general intent, the presence of an intention to achieve a specific goal defined by law. Consequently, to constitute the crime of influencing voters, it is sufficient to establish general intent, which encompasses knowledge and will. It is not necessary to prove a specific type of criminal intent directed towards achieving a particular result because bribery is considered a crime of risk or an activity-based crime. This means that it is enough for a voter to request a benefit in exchange for voting or abstaining from voting for a particular candidate, or for a person, whether a candidate or their agent, to give, offer, or promise a voter a benefit for themselves or others to induce them to vote in a certain way or to abstain from voting. Therefore, achieving a specific result is not required for this crime to be realized.

Since the crime of electoral bribery is an intentional crime, its commission requires the perpetrator to have criminal intent, which usually consists of the intention to engage in criminal activity with knowledge of all elements of the material behavior of the crime. If the knowledge of any element constituting the bribery crime is absent, it negates the intent. To fully establish the crime of electoral bribery, it is necessary to have general intent, which includes knowledge and will, and it is not required to have a special type of criminal intent. General

intent in this context means that the perpetrator's will is directed toward committing an act or refraining from an act, with awareness that the law identifies it as a criminal offense and prescribes a penalty for it. Special criminal intent, in addition to general intent, requires proof of the intention to achieve a specific goal as defined by law. Therefore, for this crime, it is sufficient that the perpetrator knows the criminal nature of their actions and the prescribed punishment for it.

Some other opinions have demonstrated that the crime of electoral bribery is a crime of risk, and its commission only requires general intent. These aspects include:

The crime is committed simply by the request or acceptance from the voter, and it is not necessary for the voter to carry out the requested action.

It is not required that the voter perform the requested action; it is sufficient for the crime to occur that the voter is influenced in exchange for voting in a specific way or abstaining from voting.

The voter does not need to intend to carry out what the briber requested; the crime occurs even if the bribed voter is determined not to fulfill this action.

The crime of bribery occurs even if the bribed voter does not receive the benefit agreed upon.

In the crime of electoral bribery, it is equivalent whether the voter requests or accepts a benefit for themselves or others. The crime of electoral bribery is complete even if the voter does not benefit personally. It is sufficient for their intention to help others manipulate the outcome of the electoral process to consider them as a primary actor in the crime, not just an accomplice.

It is equal in the crime of electoral bribery whether the benefit is material or moral.

Chapter Three

Election Expenses and Protections

Introduction and Division: This chapter will address the factors and forms that contribute to electoral bribery, which may sometimes fall under the category of election expenses. It will discuss the legitimacy and legality of these expenses in the first section of this chapter. The second section will explore ways to protect voters as follows:

Section One: Election Expenses This section will discuss the topic of election expenses, including its definition in the first subsection and when these expenses are considered illegal, taking on the form of electoral bribery in the second subsection. This section has been divided into two subsections as follows:

Subsection One: Nature of Election Expenses Election expenses are defined as: "Any direct or indirect expenditure aimed at marketing a candidate or political entity in elections.

And it is a value that may be a sum of money, a material thing, or doing work for the benefit of a candidate, or refraining from doing so to serve this candidate, during the election period to help directly or indirectly a candidate or not help. These expenses:

Legal electoral expenses are defined by their true purchasing value before the elections, which is the normal purchasing value during ordinary periods when there are no elections.

They are approved by the financial delegate of the candidate.

They are paid from the designated account for the electoral campaign specified for the candidate.

They adhere to a specific limit depending on the type of elections, whether general or local.

They are directly related to the electoral campaign.

For example, but not limited to, the following are considered legal electoral expenses:

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Expenses related to various communication activities required for managing the electoral process from the moment an individual declares their candidacy until the sorting process is completed (such as telephone, fax, internet, etc.).

Advertisements in the media and promotional materials such as printing and distributing brochures, advertising stickers, images hung on walls and billboards on streets and roads, clothing, and other advertising materials.

Transportation and travel allowances of all kinds required for the electoral process from inviting the electoral bodies until the sorting process is completed.

Administrative costs such as office rental expenses, expenses related to daily work in the office, salaries of staff managing daily office work (secretary, guard, servant, etc.).

Internal And External Postage Costs

Expenses related to organizing public meetings (including fees for speakers, materials related to such activities such as brochures on the subject...), allowances resulting from renting halls or venues where such activities take place.

Fees for financial delegates, their assistants, other delegates of candidates, personal guards for candidates, and election advisors, whether they receive these fees or provide their services for free or partially.

Expenses related to hiring members of the electoral campaign, such as specialists in optimization and campaign management for the candidate.

To monitor electoral expenses, the Independent Election Commission monitors electoral spending through two main methods: firstly, by reviewing all complaints filed by candidates, voters, or any election monitoring entity as a means of regulating spending in all its forms, and secondly, by auditing the financial statements submitted by candidates and lists.

The Independent Election Commission explained, through its spokesperson, that spending on electoral propaganda campaigns for the electoral lists running for the nineteenth parliamentary elections depends on the electoral district and the number of eligible voters. Regarding the campaign spending limits, Al-Momani clarified that the spending limit for electoral districts in Amman, Zarqa, and Irbid is set at 5 dinars per voter, while in other electoral districts, it is set at 3 dinars per voter. Al-Momani also noted that the intended amounts to be spent on the list are deposited into the list's bank account and are deposited in the manner deemed appropriate by the list, adding that it is not necessary to deposit or spend the full amount according to the allowed limit for the list; the list can spend what it deems suitable as long as the spending does not exceed the specified limit.

Each Candidate List Must Adhere to the Following

Opening a joint bank account among the members of the electoral list under the name of the list, with equal shares among the members, for the purpose of determining the resources and aspects of expenditure on the electoral campaign. The allocated amounts for the campaign are earmarked in it, and spending is done from it on the specified aspects in the disclosure model prepared for this purpose.

Appointing a legal accountant who is responsible for auditing the list's accounts and providing the Commission with a detailed report on the list's financial resources and expenditures when requested.

Electoral expenses shall be paid by checks or bank transfers if the amount exceeds five hundred dinars for a single expense, and these expenses cannot be split to avoid exceeding the mentioned value.

Section Two: Forms of Unlawful Electoral Expenses

Bribes and electoral expenses take various forms and types, the most important of which are:

Cash: Involves directly paying money to the voter to vote for a specific candidate or party. It can be individual, such as directly paying the voter, or collective, such as paying the head of a family or influential figure in the district.

In-kind: Includes offering in-kind gifts and food parcels to members of the electoral district or providing certain construction services in exchange for voting for a particular candidate.

Promise: Involves promises such as offering employment to individuals in exchange for their votes or promising salary increases.

There are various forms that represent aspects of unlawful expenses that occur in most elections, including:

Providing subsidized or greatly discounted essential goods and food items to citizens in exchange for promoting specific candidates.

Distributing bags of essential food items such as rice, sugar, and butter for free to attract votes.

Setting up stalls to sell essential goods and meat at low prices.

Supplying scarce goods, as seen in the recent parliamentary elections, where some candidates took advantage of the crisis in gas pipelines by providing them to voters in the electoral district at subsidized cost.

Distributing clothes and meat during holidays.

Organizing competitions among the members of the district and distributing prizes to participants.

Paying money to the heads of electoral lists.

Bribing officials, employees, and individuals who have an influence on the electoral process. Upon studying electoral expenses, we notice a common ambiguity, as it is difficult to distinguish between legal and illegal expenses. Illegal expenses are often disguised and justified as legal expenses, making them challenging to detect as they are covert and conducted among individuals without effective monitoring.

The Second Demand

methods to protect voters' will

This section addresses protecting voters' electoral will through legislative texts criminalizing any influence on voters' will. This will be discussed in the first subsection of this request. It also addresses the recourse available to protect their rights, without overlooking the role of certain international organizations in protecting it. This will be discussed in the second subsection.

Subsection One: Criminal Legislative Texts on Bribery

Jordanian Election Law No. 4 of 2022 criminalizes the practice of influencing voters' will, specifically "electoral bribery":

In Article 61/6 of Jordan's Election Law for the year 2022, anyone entering a polling center with the intent to influence voters' will, buy votes, or interfere in the electoral process and delay it is subject to imprisonment for a minimum of six months and a maximum of one year, or a fine ranging from 2,500 to 5,000 Jordanian dinars.

Regarding the role of the Independent Election Commission in enforcing such penalties related to electoral bribery, Article 65/1/4 of Election Law No. 4 of 2022 empowers the Commission to reject the list's final account and not approve it in certain cases, including undisclosed sources of funding for the electoral campaign in the final report.

In reviewing Article 67 of Jordan's Election Law, the penalties listed in Articles 60-66 are to be referred to the Public Prosecutor, who, within seven days, investigates the electoral crime and refers it to the relevant court for expedited consideration. Per Article 69 of the same law, all electoral crimes prescribed in the Election Law expire five years after the announcement of the final results.

Additionally, Article 170 of the Jordanian Penal Code states that any official or person appointed to public service, whether through elections or appointments, who requests or accepts gifts or promises in their official capacity is subject to imprisonment for a minimum of two years and a fine equal to the value of gifts or promises received.

Subsection Two: Methods to Protect Voters' Will through "Election Appeals"

Election appeals are broadly defined as appeals related to all procedures and stages of elections, starting from the announcement of voter lists preparation, through the voting process, until the announcement of results. This covers all electoral processes, including the establishment of electoral districts and the declaration of election results and each candidate's victory in these elections.

Electoral appeals are established to safeguard the electoral process from any fraud, forgery, or errors that may compromise the integrity and credibility of the election, starting from the preparation of voter lists until the sorting processes and announcement of results. Thus, there are various types of appeals that an aggrieved party can file, including:

Administrative Electoral Appeals are those appeals that are considered and decided upon by the electoral administration responsible for directing, organizing, managing, and supervising electoral procedures. Through this type of appeals, aggrieved parties such as political parties, candidates, or ordinary citizens object to a specific electoral action or decision using a prescribed procedure that allows for lodging the appeal, either by the same body within the electoral administration that made the challenged decision or by another higher-ranking body, to settle the resulting dispute.

Judicial Electoral Appeals are the legal procedural means stipulated in the law that allow any party or parties in dispute to litigate before a judicial body—either a judge or a court, whether judicial or non-judicial—regarding a dispute over alleged errors, unlawful conduct, improper behavior, shortcomings, or the legality of a specific election action or decision. The judicial body acts as a high-level impartial third party due to its position as a branch of the state, and it conclusively and impartially resolves this dispute.

Legislative Electoral Appeals refer to legal provisions stated in the constitution or legislative laws in some countries that grant authorities to legislative bodies or other political assemblies to officially resolve specific electoral appeals or issue certificates or final election results.

International Electoral Appeals concerning electoral rights are human rights that have been specified in various international treaties. Some of these international or regional treaties have agencies and accompanying procedures aimed at enhancing protection and defense on the basis of decentralization and comprehensiveness, for local mechanisms first must be exhausted before resorting to international or regional mechanisms. The integrative nature of these appeals underscores that international mechanisms do not replace locally stipulated protective measures but rather complement them at best. The jurisdiction of international bodies responsible for supervising the implementation of electoral rights and human rights must be acknowledged and recognized, particularly by the states party to the treaty or agreement concerned.

Concerning the timing of appeals that can be lodged, they are divided into pre-election, during-election, and post-election appeals. Examples of each are detailed as follows:

Firstly: Appeals during the Pre-Election Period

The electoral register and voter registration cards.

Decisions regarding the registration of a political party and other political entities or their rejection or cancellation.

Delineation of electoral districts.

Selection of party leaders and candidates for electoral positions.

Funding of political parties and oversight of their resources.

Secondly: Appeals during the Election Period

Updating the electoral register.

Nomination registrations or candidate designations.

Decisions related to polling officials and polling station assignments.

Procedures related to election campaigns.

Election day and election results.

Thirdly: Appeals during the Post-Election Period

This involves amending the election result and causing changes to the winner, through a total or partial recount of votes if provided for by law. This can be done by:

Invalidating votes cast in a certain number of polling stations due to unlawful practices.

Declaring elections null and void due to any fundamental, undue conduct or wide-scale unlawful practices affecting the outcome, necessitating a complete repeat of the elections.

Annulment of a particular deputy's election due to not meeting eligibility requirements.

Recounting votes, entirely or partially, as stipulated by each electoral disputes resolution system in the law.

Nullifying votes from a certain number of polling stations based on a report indicating numerous violations in those affected locations.

In some systems, deducting any proven invalid or void votes during verification.

Regarding the competent court, there are multiple judicial bodies. In parliamentary electoral appeals, the Court of Cassation is designated per Article 71 of the Jordanian Constitution and the Election Law to hear appeals within fifteen days of the election results being published in the official gazette. The court must rule on the appeal within a period not exceeding thirty days of its registration. In appeals related to municipalities and provincial councils, the Magistrates' Courts follow the Administrative Judiciary Law No. 27 of 2014, which specifies that the courts have jurisdiction over appeals related to the results of elections for clubs, unions, chambers of commerce, and others.

It reflects the trial procedures followed before each court and the application of specific conditions for each case before each court, such as time limits, the requirement of a knowledgeable lawyer, and submitting the printed appeal before the administrative court. We emphasize the need for the legislature to unify and centralize the electoral appeals jurisdiction to one authority, specifically the administrative court.

CONCLUSION

In our study, we discussed one of the most prevalent issues in elections, whether parliamentary or municipal, which is the crime of influencing the will of voters in any form or what is known as "electoral bribery." This is a crime that requires solutions to prevent it, as it exploits the needs of voters, whether their need for money, jobs, or other matters. Consequently, it renders the results of the electoral process not solely based on the candidate's competence and the citizen's national duty of voting but rather as an election arising from a need within the voter himself that he desires to fulfill.

This study has reached a set of results and recommendations, including:

First: Results

The voter: "Every Jordanian has the right to elect members of the House of Representatives according to the provisions of this law."

Crime of Influencing the Elector's Will through Bribery

There are conditions that must be met by the voter to exercise his political right to vote, namely reaching the age of eighteen years, not being incapacitated, or convicted of insolvency without rehabilitation, and members of the security and military services are not allowed to vote.

Electoral bribery: Any benefit, favor, gift, or promise aimed at undermining the right to nomination by manipulating the will of candidates in terms of their positions and electoral programs and their chances of winning in an illegitimate manner, and influencing voting freedom by manipulating the voter's will to vote for a specific candidate or abstain from voting, thereby disrupting the electoral process.

The Elections Law for the year 2022 delineated the electoral districts into two categories: local and general, with a total of 138 seats, including 97 for local districts spread across 18 electoral districts, and 41 seats for the general list designated for parties and party alliances.

Electoral expenses are defined as: "Any direct or indirect expenditure aimed at marketing a candidate or political entity in elections."

Electoral expenses can take illegal forms by exploiting citizens' needs, which can vary in nature, whether material, monetary, or in the form of promises for employment.

Existence of a set of legal texts that criminalize the influence on the will of voters and impose penalties, such as Article 25 and 63 of the Jordanian Election Law and Article 170 of the Jordanian Municipalities Law.

Existence of a set of appeals that voters can lodge before, during, and after the electoral process, ranging from administrative, legislative, international to judicial appeals.

Second: Recommendations

Call upon the Jordanian legislature to enact stricter laws and regulations and to consider any individuals seeking to influence the voter's will or offer electoral bribes.

Support effective oversight at all stages of the electoral process to easily detect any cases of bribery or influence on the voter's will without the need to resort to electoral appeals, thereby expediting accountability for such actions by the judiciary.

Urge the Jordanian legislature to introduce legislative provisions specifically addressing electoral appeals, as current laws only apply general principles in civil procedural law without specific provisions for appeals, neglecting their unique nature, especially in challenges related to the results of parliamentary elections. Such appeals differ in their nature, content, means of proof, and even in the validity of the judgments issued compared to other appeals handled by the appellate courts.

Reevaluate the appropriate age for candidates as youth at this age lack the experience, competence, and political lives that make them competent and effective representatives for voters.

The lawmaker must consolidate electoral appeals and unify their submission to the administrative judiciary.

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Online Resources: Refer to the links provided for articles, legal judgments, and research papers available online for further information and details on electoral bribery, election laws, and related topics.