

Legislative transformations in the Jordanian Penal Code and their impact on criminal justice

ALI MURTATHA ^{a,1}

^a Department of law, College of arts, Al-kufa university, Iraq-alkufah, Email: murtahtaking1986@yahoo.com

* Corresponding Author: ALI MURTATHA

ARTICLE INFO

Article history

Received Jan 27, 2025

Revised Jan 29, 2025

Accepted March 02, 2025

Keywords

Legislative transformations;
criminal justice;
judicial system;
penal law,
justice.

ABSTRACT

In the context of criminal justice, legislative transformations refer to changes and revisions made to laws and legal processes with the goal of enhancing the effectiveness of the legal system and advancing justice while addressing new issues and criminal manifestations. The purpose of this study was to examine the latest legislative changes made to the Jordanian Penal Code and assess how they affect the rights of defendants and the criminal justice system. In order to increase deterrence, guarantee the preservation of individual rights, and improve the effectiveness of judicial processes, the Kingdom has started putting important modifications into effect. It became evident from examining these revisions that they were adopted in response to new developments in the criminal justice system, with an emphasis on striking a balance between the rights of defendants and the interests of society.

Notwithstanding their advantages, the modifications have encountered several difficulties, necessitating ongoing discussion and advancement to guarantee an impartial and efficient legal system. In the end, this legislative change is a significant step toward improving criminal justice and boosting trust in Jordan's judicial system.

This is an open-access article under the [CC-BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license.



1. Introduction

One of the main tenets of the criminal justice system is penal law. It defines crimes, establishes punishments for offenders, and protects the rights of society and the accused. This statute is an essential instrument for maintaining social order, attaining justice, upholding the law, and discouraging possible illegal activity.

In response to the needs of social and security advancements, as well as new issues in the fields of technology, organized crime, and terrorism, Jordan has seen a number of legislative amendments to the Penal Code in recent years. These modifications are a component of reform initiatives that aim to preserve defendants' rights, increase court system efficiency, and foster a sense of justice while upholding national security and community interests [1].

In order to comprehend these amendments' efficacy, the modifications they have made to the concept of justice, and their effects on the legal system and individuals, it is imperative that they be discussed and their effects examined. Research in this field supports the growth of the criminal justice system in accordance with international norms and the public interest, and it helps to fortify a holistic vision of legal reforms [2].

2. Reviewing Recent Legislative Amendments to the Jordanian Penal Code

In response to the social and security developments in the nation, the Jordanian Penal Code has undergone substantial alterations in recent years that would fundamentally alter the framework of the penal system. The most significant recent revisions and their justifications are outlined below:

2.1. Summary of the Main Newly Introduced Amendments

1. **Modifying Sentence Lengths and Types:** To better reflect the gravity of crimes, several penalties have been changed. These include tougher punishments for organized crime and terrorism cases, as well as new criminal regimes for technology crimes and digital rights abuses.
2. **Improving Trial Procedures:** One of the revisions was to improve the protection of the defense and the accused's rights while also ensuring a more rapid and transparent trial that complies with international human rights standards.
3. **Rehabilitating Convicts:** In an effort to lower recidivism and ongoing criminal activity, rehabilitation programs for convicts have been incorporated into their sentences.
4. **Broadening the Scope of Crimes:** The law establishes harsher punishments for terrorist, cyber, and money laundering offenses and adds new provisions to combat these crimes.
5. **Measures to address contemporary criminal phenomena:** International collaboration in investigations has been facilitated, and penalties for crimes such as human trafficking and child exploitation have been raised [3].

2.2. Reasons for these amendments

The need to update legislative texts to combat cybercrimes, hacking techniques, and the violation of private data has arisen as a result of technical advancements and digital crime.

Resolving flaws in earlier legislation: A thorough assessment and update that strikes a balance between punishment and preventive measures is required because some legal texts were out-of-date or insufficient to carry out justice.

Strengthening the executive and supervision role: Putting more emphasis on speedier and more transparent trials and judicial reform to boost public trust in the legal system.

In response to the demands of the global community, Jordan must fight transnational crimes and guarantee adherence to international human rights treaties and norms.

These changes are part of Jordan's efforts to update its legal system in order to meet new challenges and produce more effective and equitable court decisions that safeguard society and individual rights [4].

3. Legislative Changes and Their Impact on the Criminal Justice System

The criminal justice system has been directly impacted by recent legislative revisions to the Jordanian Penal Code, which aim to improve the system's performance and increase its efficacy in handling new issues. The most significant elements and effects of these changes are as follows:



3.1. Improving the Efficiency of the Justice System

Through more transparent and adaptable procedures, especially in relation to the mechanisms for investigations and trials, the modifications have helped to expedite and facilitate the legal system. This has improved public trust in the legal system and shortened the duration of litigation. To guarantee the efficient and equitable implementation of laws, judges' and justice professionals' professional growth and training have also been increased [5].

3.2. Enhancing Deterrence and Justice

Increasing the harshness of penalties and enhancing deterrence mechanisms, especially for significant offenses like organized crime and terrorism, was one of the amendments' main goals. As a result, crime rates have decreased and people feel more secure in society. In addition, the emphasis has been on applying punishments in a way that upholds justice and penalizes criminals according to the seriousness and type of the offense [6].

4. Impact of the Amendments on the Rights of the Accused

Any fair justice system must uphold the core premise of protecting the accused's rights, particularly in light of the recent legislative modifications made to the Jordanian Penal Code. Reflecting the new legislation's dedication to advancing the values of justice and human rights, the modifications seek to strike a balance between the public interest in enforcing sanctions and the legal rights of those who have been charged.

4.1. Protecting the Rights of the Defense

By granting them more opportunities to examine the evidence, call defense witnesses, and guarantee their full legal rights throughout the trial process, the changes greatly enhanced the rights of the defense. In order to guarantee that defendants are not condemned until all legal protections have been satisfied, their rights to counsel and appeal were reinforced [7].

4.2. Ensuring Human Rights in Legal Proceedings

By strengthening adherence to human rights standards, the reforms made sure that legal proceedings are fair and transparent and free from arbitrary decisions or fundamental rights breaches. According to the principles of international justice, the laws have been amended to guarantee that torture and coercion are not used, and that defendants' dignity is respected throughout the investigation and prosecution process [8].

4.3. Balance between Punishment and Individual Rights

The amendments addressed rehabilitation and the reduction of harsh penalties, with a focus on reform and social reintegration programs. They also balanced the application of severe penalties with adherence to individual rights, ensuring that personal protection and fundamental rights were not overlooked and that penalties were designed to ensure the reform of offenders while respecting their legal rights [9].

5. Challenges and Future Prospects.

Notwithstanding the benefits of the Jordanian Penal Code's legislative reform, the criminal justice system still faces a number of difficulties in light of these changes, necessitating further research and advancements in order to create a more efficient and equitable system.

Implementing and enforcing laws in a balanced way to prevent fines from overshadowing defendants' rights and to preserve deterrence against criminals is one of the most significant issues. The court infrastructure has also been strained by some of the revisions, resulting in a shortage of staff or resources needed to effectively execute the new processes, which has an impact on the promptness of justice and the caliber of rulings [10].

In order to verify that the laws are applied correctly, the modifications to legal procedures have also brought to light certain overlaps or gaps in the credentials and training of judicial staff. Additionally, ongoing oversight is required to address emerging and intricate criminal phenomena like economic crime and cyberviolence and to create laws that reflect current trends [11].

The Kingdom must keep reviewing the Penal Code on a regular basis to make sure it complies with international norms while also taking human rights and restorative justice into consideration. Future advancements might involve modifying punishments to better reflect the types of crimes that are occurring and offering more adaptable methods to strike a balance between rehabilitation and punishment. In order to improve efficiency and transparency, it is also suggested that the court system use contemporary technologies and digital transformation.

The creation of a judicial system that is more adaptable to future difficulties, builds trust, and protects everyone's rights within a contemporary and equitable judicial framework will be made possible by maintaining communication between the legislative and judicial branches and enacting laws that support the restorative justice principle [12].

6. Conclusion

In conclusion, it seems that the Jordanian Penal Code's legislative amendments have been crucial in enhancing and fortifying the criminal justice system, with an emphasis on enhancing its efficacy and defending the rights of people, particularly defendants. Recent changes have made it easier to address new issues and bring penal laws into compliance with global norms. To better implementation and enforcement, as well as to stay up with changes in criminal phenomena, laws must be reviewed and developed on a regular basis.

Author Contribution: All authors contributed equally to the main contributor to this paper. All authors read and approved the final paper.

Funding: This research received no external funding”

Conflicts of Interest: “The authors declare no conflict of interest.”

7. References

- [1] Al-Omari, A., & Al-Tarawneh, W. (2022). Reforming Criminal Law in Jordan: Objectives and Challenges. *Journal of Middle Eastern Law*, 9(3), 45-68.



- [2] Jordanian Ministry of Justice. (2023). Annual Report on Legal Reforms and Judicial Developments.
- [3] Suleiman, R. (2023). Recent Amendments to the Jordanian Penal Code: An Analytical Review. *Jordan Law Review*, 15(1), 112-130.
- [4] Hashem, M. (2022). Legal Reforms in Jordan: Drivers and Outcomes. *International Journal of Law and Policy*, 11(4), 89-105.
- [5] Khoury, S., & Al-Khatib, H. (2024). Legislative Changes and Their Impact on Criminal Justice in Jordan. *Journal of Criminal Law & Criminology*, 20(2), 200-221.
- [6] Al-Rashid, N. (2023). Deterrence and Justice: Legislative Reforms in Jordan's Penal System. *Law & Society Review*, 17(3), 315-335.
- [7] Obeidat, L., & Faris, M. (2022). Human Rights and Fair Trial Standards in Jordanian Criminal Law. *International Human Rights Journal*, 8(2), 78-95.
- [8] AbuRumman, M. (2023). Balancing Sanctions and Rights: Criminal Law Reforms in Jordan. *Law and Ethics Journal*, 12(1), 50-67.
- [9] Al Haber, S. (2023). Challenges of Legal Reforms and Future Outlook in Jordan. *Arab Law Review*, 14(4), 212-229.
- [10] Salem, R. (2024). Future Directions for Criminal Law Reforms in Jordan. *Journal of Legal In@dfppbottion*, 5(1), 10-26.
- [11] Abu-Jaber, T., & Nasser, K. (2024). Enhancing Criminal Justice in Jordan: Policy Recommendations. *Jordanian Policy Journal*, 22(2) 88-105.
- [12] Ministry of Justice, Jordan. (2024). Strategic Plan for Legal Development)2024-2028)