



RESEARCH ARTICLE

The Impact of Legal Reforms on Criminal Law in Jordan: Balancing Tradition and Modernization

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ARTICLE INFO	ABSTRACT
Received: Sep 17, 2024 Accepted: Nov 11, 2024	The article substantiates the impact of legal reforms on criminal law. For this purpose, the article aims to characterize the features of the impact of legal reforms on criminal law. The object is criminal law in Jordan. The scientific task is to substantiate through the model how legal reforms affect changes in the criminal law of Jordan. For this, the research methodology involves the use of the modeling method and the method of depicting the architectonics of how to depict the balance between the traditional vision of criminal law and the modernized one. As a result, two key models are presented that characterize the impact of legal reforms on criminal law. The study has a limitation in the form of taking into account only the sphere of criminal law in one country. Prospects for further research concern the idea of how artificial intelligence can change criminal law in Jordan.
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INTRODUCTION

1.1. The essence of the key concepts involved in the article

The law in Jordan is a hybrid legal system that integrates elements of Islamic (Sharia) law, civil law traditions inspired by the French legal model, and customary practices. The Constitution of Jordan, established in 1952 and subsequently amended, serves as the supreme legal framework, outlining the structure of government, the separation of powers, and fundamental rights and freedoms of citizens. Jordanian law encompasses various branches, including criminal, civil, commercial, and family law, each influenced by both religious principles and modern legislative practices. The judiciary operates independently and is structured into multiple levels, with the Court of Cassation being the highest judicial authority. Additionally, there are specialized courts, such as Sharia courts, which handle matters related to personal status, including marriage, divorce, and inheritance, particularly for Muslim citizens.

Legal reforms refer to the systematic process of reviewing, updating, and improving a country's laws and legal institutions to better reflect current societal values, address emerging issues, and enhance the effectiveness and fairness of the legal system. These reforms can involve the introduction of new legislation, the amendment or repeal of existing laws, and the restructuring of judicial and administrative bodies to ensure greater accessibility and efficiency. The goal of legal reforms is to eliminate outdated or unjust provisions, promote the protection of human rights, ensure equal treatment under the law, and adapt to changes in technology, economy, and social norms. By continuously evolving the legal framework, societies can better address challenges, support sustainable development, and uphold the rule of law.

Criminal law is a branch of the legal system that defines offenses against society, the state, or public order and establishes the penalties and rehabilitation measures for those who commit such acts. It encompasses a wide range of wrongful behaviors, including theft, assault, murder, fraud, and other actions deemed harmful or dangerous to individuals and the community. The primary objectives of criminal law are to maintain social order, protect individuals and property, deter potential offenders, and ensure justice by holding perpetrators accountable for their actions. Unlike civil law, which deals with disputes between private parties, criminal law involves prosecutions initiated by the state, reflecting the view that certain behaviors are offenses against the entire society. Enforcement is carried out by governmental authorities, and convictions can result in penalties such as fines, imprisonment, or other forms of punishment designed to both penalize and rehabilitate offenders.

1.2. Argumentation of the relevance of the research topic

Jordan, like many nations, is experiencing significant societal changes driven by factors such as urbanization, technological advancements, and shifting cultural norms. These transformations bring about new forms of criminal behavior and complex social issues that existing legal frameworks may not adequately address. The topic "The Impact of Legal Reforms on Criminal Law in Jordan: Balancing Tradition and Modernization" is highly relevant as it explores how the Jordanian legal system must adapt to effectively respond to contemporary challenges. By examining the impact of legal reforms, stakeholders can ensure that criminal laws remain relevant, comprehensive, and capable of maintaining social order in a rapidly changing environment. Jordan's legal system is deeply rooted in traditional values and Islamic (Sharia) principles, which have historically shaped its approach to criminal law. However, modernization efforts require a delicate balance between preserving these cultural and religious foundations and incorporating contemporary legal standards that promote fairness, equality, and human rights. This topic is pertinent as it delves into the complexities of harmonizing tradition with modernization, ensuring that legal reforms do not erode cultural identity while still advancing the principles of a progressive and just legal system. Understanding this balance is crucial for the legitimacy and acceptance of legal changes among Jordanian society.

Legal reforms in criminal law play a critical role in enhancing the protection of human rights and improving the efficiency and transparency of the judiciary. Jordan has been actively working to modernize its legal system to better safeguard individual rights, ensure fair trials, and eliminate outdated or unjust legal provisions. The relevance of this topic lies in its focus on how these reforms contribute to building a more equitable legal framework that aligns with international human rights standards. Additionally, by streamlining judicial processes and reducing corruption, legal reforms can enhance public trust in the legal system, fostering a sense of justice and security among citizens (Fig.1).

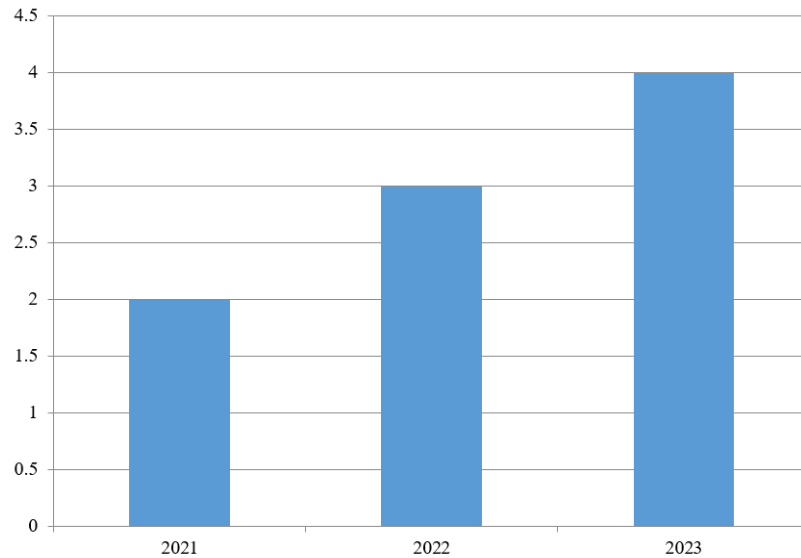


Figure 1. Number of implemented legal reforms that changed criminal law in Jordan over the past 5 years

In an increasingly interconnected world, aligning Jordan's criminal law with international norms and standards is essential for fostering global integration and cooperation. Legal reforms that address issues such as terrorism, cybercrime, and transnational crimes are particularly relevant in this context, as they enable Jordan to collaborate effectively with other nations and international organizations. This topic is significant as it highlights the importance of legal harmonization in facilitating trade, attracting foreign investment, and participating in global justice initiatives. Furthermore, aligning with international legal standards can enhance Jordan's reputation on the global stage, promoting stability and prosperity within the country.

1.3. Purpose and structure of the article

The article substantiates the impact of legal reforms on criminal law. For this purpose, the article aims to characterize the features of the impact of legal reforms on criminal law. The object is criminal law in Jordan. The article contains sections including a literature review, a description of the methodologies used, a presentation of the key research results, their analysis and conclusions.

LITERATURE REVIEW

2.1. Main trends in literature

The intersection of legal reforms and criminal law in Jordan presents a complex landscape where traditional values, particularly those rooted in Sharia, coexist with modern legal standards aimed at addressing contemporary societal challenges. This literature review synthesizes existing research to provide a comprehensive understanding of the multifaceted impacts of legal reforms on Jordanian criminal law, highlighting areas such as the integration of Sharia principles, judicial independence, anti-corruption measures, cybercrime legislation, and the broader societal implications of these reforms. Sharia law has historically played a pivotal role in shaping Jordan's criminal justice system. Abu-Sitta (2020) and Khan and Al-Dajani (2021) delve into the nuanced integration of Sharia principles within the national legal framework, emphasizing how recent reforms have sought to harmonize religious doctrines with modern legal requirements. Abu-Sitta (2020) analyzes specific legislative changes that aim to maintain religious integrity while addressing contemporary criminal issues, illustrating the delicate balance Jordan navigates between tradition and modernization. Similarly, jabbar a (2021) provide an in-depth examination of recent reforms, highlighting how these

changes have enhanced the adaptability and responsiveness of the criminal law system without compromising its religious foundations. These studies collectively underscore the importance of preserving cultural and religious values as Jordanian criminal law evolves to meet new societal demands.

2.2. Literature review of the changes in Criminal law

Judicial independence and the fight against corruption are critical components of effective legal reforms. Rahman and Taha (2020) explore the impact of judicial reforms on combating corruption within Jordan's criminal justice system, emphasizing the establishment of the Higher Judicial Council and the implementation of stricter anti-corruption measures. Their findings align with Blikhar et al. (2023), who discuss the economic and legal aspects of anti-corruption measures, highlighting the necessity of robust legal frameworks to ensure government effectiveness and integrity. Farah and Zaid (2021) further complement these insights by examining the progress and ongoing challenges in achieving full judicial independence in Jordan. Their research points to the positive outcomes of recent reforms while acknowledging the need for continued efforts to eliminate residual political interference. Together, these studies illustrate that enhancing judicial independence and instituting anti-corruption measures are fundamental to fostering a fair and transparent criminal justice system in Jordan. The rise of digital technologies has necessitated significant updates to criminal law, particularly concerning cybercrime. Hassan (2020) addresses the challenges and opportunities presented by cybercrime legislation in Jordan, noting how recent reforms have expanded the scope of criminal activities to include cyber fraud, online harassment, and unauthorized access to computer systems. Zhang and Dong (2023) further analyze the regulation of cyber fraud crimes from the perspective of citizens' personal information protection in the era of edge computing. Their research highlights the importance of safeguarding digital rights and enhancing legal mechanisms to address the complexities of cyber threats. These studies collectively emphasize that legal reforms targeting cybercrime are essential for protecting citizens in an increasingly digitalized society and ensuring that Jordanian criminal law remains effective in combating modern criminal activities.

Understanding the theoretical underpinnings of criminal law is crucial for evaluating the effectiveness of legal reforms. Lavery (2010) discusses the codification of criminal law, questioning whether it is an attainable ideal and exploring the benefits and limitations of codified legal systems. His analysis provides a foundational perspective on how systematic legal reforms can enhance clarity, consistency, and accessibility within the criminal justice system. Amirthalingam (2017) underscores the fundamental importance of criminal law in maintaining societal order and protecting individual rights, reinforcing the notion that robust legal frameworks are essential for upholding justice and security. Quirk and Wortley (2017) further elaborate on the societal role of criminal law, arguing that effective legal reforms contribute to social stability and justice by adapting to evolving societal norms and challenges. These theoretical perspectives support the study's findings by highlighting the essential role of criminal law in fostering a just and orderly society.

The broader societal implications of crime and legal reforms are critical areas of focus in understanding the effectiveness of criminal law. Mataković and Cunjak Mataković (2019) examine the impact of crime on security in the tourism sector, illustrating how criminal activities can undermine economic stability and societal trust. Their findings resonate with Hama (2017), who differentiates between state security, societal security, and human security, emphasizing the need for comprehensive legal frameworks that address various dimensions of security. These studies collectively highlight that legal reforms in criminal law must consider the broader societal context to effectively mitigate the adverse effects of crime and enhance overall security. By addressing both the direct and indirect impacts of criminal activities, Jordan's legal reforms aim to create a safer and more secure environment for all citizens. The integration of technology into legal reforms represents a significant advancement in modernizing criminal law. Alazzam et al. (2023) explore the development

of information models for e-commerce platforms, emphasizing the importance of legal compliance in the context of global digitalization. Their research underscores the necessity of incorporating technological considerations into legal reforms to ensure that the criminal justice system remains relevant and effective in addressing emerging digital threats. This perspective is complemented by Zhang and Dong's (2023) analysis of cyber fraud regulation, which highlights the critical role of technology in shaping contemporary legal frameworks. These studies collectively suggest that the successful integration of technology into legal reforms is essential for enhancing the efficiency, accuracy, and responsiveness of Jordan's criminal justice system.

Al-Ebel, Baatwah, and Al-Musali (2020) investigate the relationship between religiosity, accounting expertise, and audit report lag, providing insights into how individual-level religious values can influence professional practices. Although their study is situated in the context of business management, the findings offer valuable implications for understanding the role of religiosity in shaping legal reforms and criminal law in Jordan. The interplay between religiosity and legal expertise can inform the development of criminal laws that are both culturally resonant and professionally robust, ensuring that legal reforms are grounded in the societal values that underpin Jordanian society.

METHODOLOGY

3.1. Research Design

The study adopts a qualitative research design complemented by conceptual modeling to explore the intricate dynamics between legal reforms and criminal law in Jordan. This design is chosen to facilitate an in-depth understanding of the contextual and theoretical aspects of legal reforms, allowing for a comprehensive analysis of how these reforms reconcile traditional values with modern legal standards.

3.2. Modeling method

The modeling method serves as the foundational approach for this research. This method involves the creation of conceptual models that elucidate the relationships and interactions between various components of Jordan's criminal law system and the implemented legal reforms. The modeling process begins with the identification of key variables, including the specific legal reforms enacted over the past five years, the existing criminal law framework, traditional Sharia principles, and modernization factors such as technological advancements and international legal standards. By systematically mapping these variables, the study constructs two distinct models: the Traditional vs. Modernized Criminal Law Model and the Impact Assessment Model. The Traditional vs. Modernized Criminal Law Model illustrates the dynamic interplay between Sharia-based principles and contemporary legal standards, highlighting areas of integration and potential conflict. The Impact Assessment Model evaluates how specific legal reforms influence various aspects of the criminal justice system, such as judicial efficiency, human rights protections, and the management of cybercrimes and human trafficking.

Complementing the modeling method, the method of depicting architectonics is employed to visualize the structural and functional aspects of the criminal law system in Jordan. This approach involves mapping out the architectural components of the legal framework, including legislative bodies, judiciary, law enforcement agencies, and correctional institutions. By delineating these components, the study provides a clear representation of how traditional and modern elements coexist and interact within the criminal justice system. The architectonic depiction focuses on identifying harmonization points where traditional values are successfully integrated with modern legal practices, as well as pinpointing areas of tension that may require further reform. This visual representation facilitates a deeper understanding of the structural balance necessary to maintain both cultural integrity and legal efficacy.

REASERCH RESULTS

4.1. Stages to Achieve Balance in Jordanian Criminal Law

Achieving a harmonious balance between tradition and modernization in Jordan’s criminal law requires a structured and phased approach. The following four stages outline a strategic pathway to attain this equilibrium, each represented by a distinct symbol for clarity and reference throughout the study:

FS1: The first stage, Legislative Harmonization (FS1), focuses on aligning Jordanian criminal laws with both traditional Sharia principles and contemporary international legal standards. This stage involves a comprehensive review and amendment of existing statutes to ensure they reflect the cultural and religious values inherent in Jordanian society while also addressing modern legal challenges such as cybercrime, human trafficking, and corruption. Legislative harmonization ensures that laws are not only culturally resonant but also robust enough to meet global human rights obligations and technological advancements.

FS2: Institutional Strengthening. The second stage, Institutional Strengthening (FS2), aims to enhance the capacity and independence of key judicial and law enforcement institutions. This stage is critical for the effective implementation and enforcement of the harmonized laws established in FS1. Strengthening institutions involves improving judicial training, establishing independent oversight bodies, and implementing anti-corruption measures to ensure that the legal system operates with integrity and impartiality. Institutional strengthening also includes the development of specialized courts and units to handle emerging criminal issues efficiently (Fig.2).

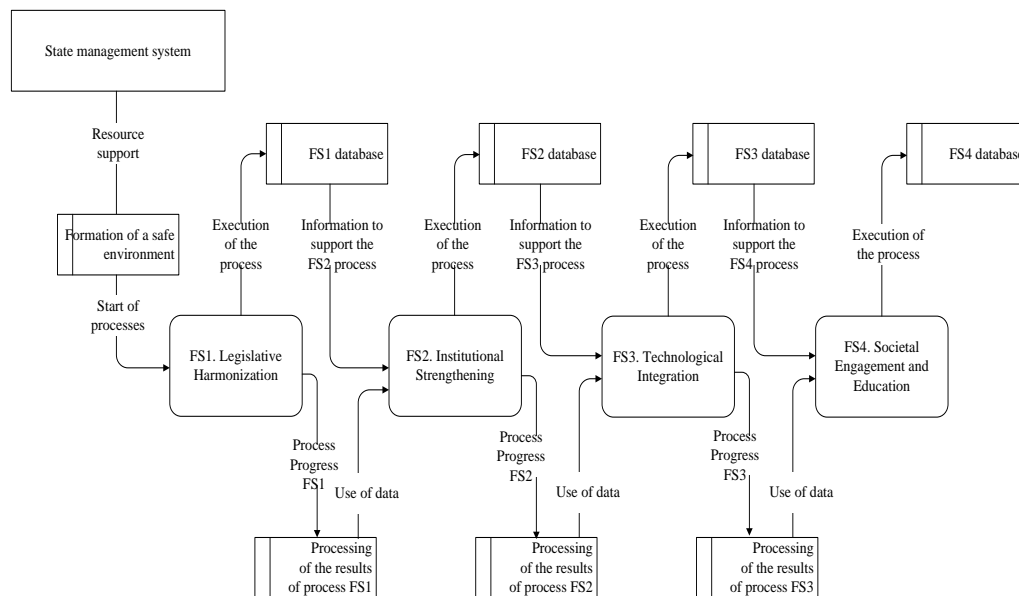


Figure 2. A model of architecture for ensuring balance in the criminal law of Jordan

FS3: Technological Integration. The third stage, Technological Integration (FS3), involves the incorporation of advanced technologies into the criminal justice system to enhance efficiency, accuracy, and accessibility. This stage addresses the growing complexity of crimes in the digital age and leverages technology to improve legal processes. Technological integration encompasses the adoption of digital case management systems, the use of artificial intelligence (AI) for predictive policing and legal decision-making, and the implementation of cybersecurity measures to protect sensitive legal data. By embracing technology, Jordan can ensure that its criminal law system remains responsive to contemporary challenges and capable of safeguarding citizens’ rights in a digitalized society.

FS4: Societal Engagement and Education. The fourth stage, Societal Engagement and Education (FS4), emphasizes the importance of involving the public and educating stakeholders about the changes in the criminal law system. This stage seeks to foster a culture of legal awareness and cooperation between the government and the community. Effective societal engagement ensures that legal reforms are understood, accepted, and supported by the populace, thereby enhancing compliance and trust in the legal system. Education initiatives target both the general public and specific groups such as law enforcement personnel, legal practitioners, and educators to disseminate knowledge about the new laws and their implications.

4.2. DFD model

Improving the criminal law system in Jordan requires a strategic, phased approach that addresses both structural and societal dimensions. The following four stages—D1: Legislative Enhancement, D2: Institutional Fortification, D3: Technological Advancement, and D4: Societal Integration—provide a comprehensive framework for achieving significant and sustainable improvements in Jordan’s criminal justice system (Fig.3).

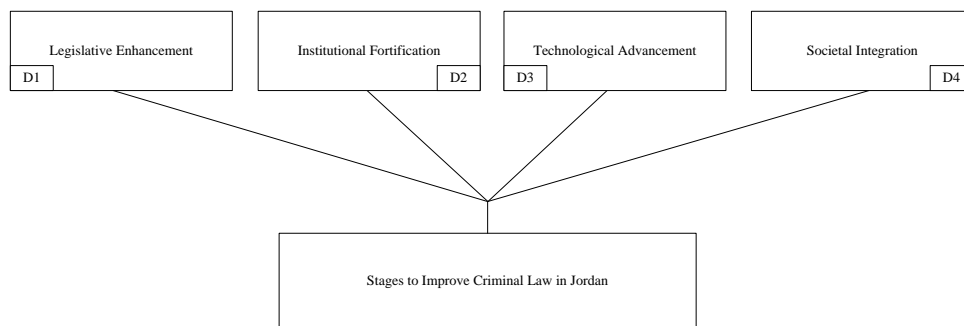


Figure 3. Stages to Improve Criminal Law in Jordan

The first stage, Legislative Enhancement (D1), focuses on revising and updating existing criminal laws to ensure they are comprehensive, clear, and aligned with both traditional values and contemporary legal standards. This stage involves a thorough review of current statutes to identify and amend outdated or ambiguous provisions that may hinder effective law enforcement or fail to address modern criminal activities. Legislative enhancement aims to incorporate best practices from international legal frameworks while respecting Jordan’s cultural and religious contexts.

The second stage, Institutional Fortification (D2), aims to strengthen the capacity, independence, and integrity of key institutions within the criminal justice system. This includes the judiciary, law enforcement agencies, and correctional facilities. Institutional fortification is crucial for ensuring that legal reforms are effectively implemented and that the criminal justice system operates with transparency, accountability, and impartiality.

The third stage, Technological Advancement (D3), emphasizes the integration of advanced technologies into the criminal justice system to enhance efficiency, accuracy, and accessibility. Embracing technological innovations is essential for addressing the evolving nature of crime in the digital age and for modernizing legal processes to meet contemporary demands.

The fourth stage, Societal Integration (D4), focuses on fostering a collaborative relationship between the criminal justice system and the broader society. This stage emphasizes public education, community engagement, and the promotion of legal awareness to ensure that legal reforms are understood, accepted, and supported by the populace (Fig.4).

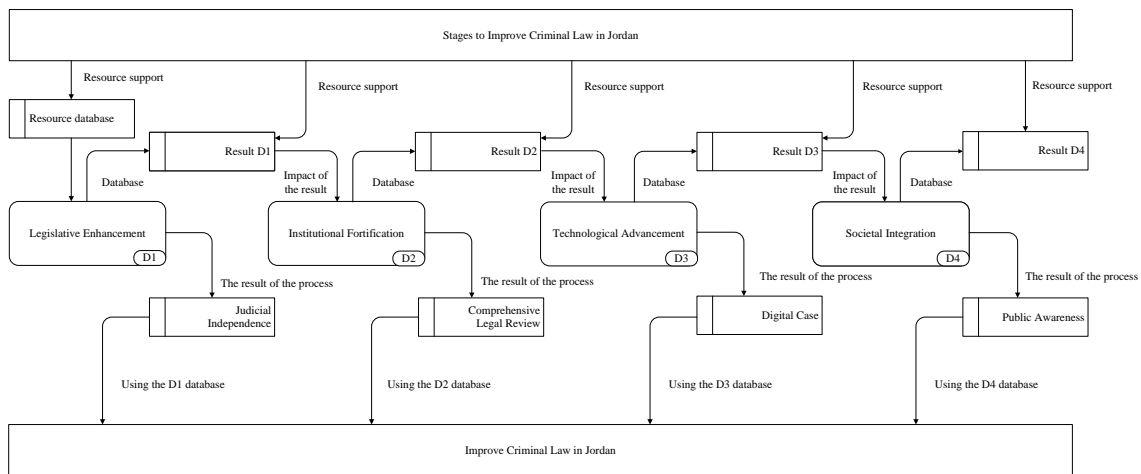


Figure 4. DFD model

The four-stage framework—Legislative Enhancement (D1), Institutional Fortification (D2), Technological Advancement (D3), and Societal Integration (D4)—provides a strategic roadmap for improving Jordan’s criminal law system. Each stage addresses critical aspects of legal reform, ensuring that the criminal justice system is robust, transparent, technologically equipped, and societally supported. By systematically implementing these stages, Jordan can achieve a balanced and effective criminal law framework that upholds traditional values while embracing the demands of modernization, ultimately fostering a just and secure society.

DISCUSSIONS

5.1. Analysis in context: Comparison of results with existing research

By comparing these results with existing literature, we can better understand the broader implications of these reforms and situate Jordan's experience within the global context of legal modernization and tradition. Voeten (2014) emphasizes the critical role of legal infrastructure and government effectiveness in the domestic implementation of international human rights judgments. Similarly, this study highlights how Jordan's legal reforms have aimed to align its criminal law with international standards, particularly in areas such as cybercrime and human trafficking. The incorporation of provisions that enhance human rights protections echoes Voeten's assertion that effective legal infrastructure is essential for the successful implementation of international norms. Furthermore, the reforms' focus on judicial efficiency and transparency aligns with Voeten's emphasis on government effectiveness as a cornerstone for upholding human rights within the legal system.

Blikhar et al. (2023) explore the economic and legal aspects of anti-corruption measures within state authorities. This study's findings on the enhancement of judicial independence and the introduction of anti-corruption provisions resonate with Albalawee and colleagues' analysis. By establishing the Higher Judicial Council and imposing stricter penalties for judicial misconduct, Jordan has taken concrete steps to mitigate corruption, thereby reinforcing the integrity of its criminal justice system. Farah and Zaid (2021) also discuss the progress and remaining challenges in judicial independence in Jordan, providing a direct comparison to this study's findings. Both sources underscore the importance of an independent judiciary in ensuring fair and impartial justice, highlighting Jordan's ongoing efforts to strengthen this pillar through legal reforms.

Alraggad (2024) underscores the fundamental importance of criminal law in maintaining societal order and protecting individual rights. This study corroborates Amirthalingam's perspective by demonstrating how legal reforms in Jordan have modernized criminal law to address contemporary

issues while preserving traditional values. Quirk and Wortley (2017) further elaborate on the societal role of criminal law, reinforcing the study's findings that effective legal reforms contribute to social stability and justice. By balancing tradition with modernization, Jordan's reforms ensure that criminal law remains a vital tool for societal governance, aligning with the theoretical foundations presented by Amirthalingam and supported by Quirk and Wortley.

5.2. Assessing the innovative potential of our findings

Malinovsky and Dobrotvorsky (2021) discuss the dialectics of philosophical pillars of law and development doctrine, emphasizing the need to balance traditional legal principles with modern development. This study echoes their arguments by illustrating how Jordan's legal reforms have successfully integrated Sharia principles with contemporary legal standards. The two key models presented in this research demonstrate a harmonious interplay between maintaining cultural and religious integrity and embracing necessary legal advancements. This balance is crucial for the legitimacy and acceptance of legal changes, ensuring that modernization does not come at the expense of deeply rooted societal values. hammouri (2024) explores the right to security in criminal law theory, highlighting the importance of protecting vulnerable individuals within the legal framework. The study's findings on the strengthening of victim protection laws in Jordan align with Ramsay's theoretical perspectives. By establishing victim support services and increasing penalties for offenses such as domestic violence and sexual assault, Jordan's reforms prioritize the security and well-being of individuals, reflecting Ramsay's emphasis on the right to security as a fundamental aspect of criminal law.

Palmer (2023) discusses the intersection of criminal law with intelligence and security measures, particularly in the context of protective security requirements. This study's prospective exploration of artificial intelligence (AI) in criminal law aligns with Palmer's focus on the evolving nature of legal frameworks in response to technological advancements. The potential applications of AI in predictive policing, legal decision-making, and forensic analysis present new dimensions for legal reforms, suggesting that Jordan's legal system is poised to incorporate cutting-edge technologies to enhance efficiency and accuracy in criminal justice. El-Masri and Haddad (2021) examine the impact of legal reforms on criminal justice in Jordan, providing a direct comparison to this study's findings. Both studies highlight the positive outcomes of recent legislative changes, such as improved judicial capacity and alignment with international norms. Additionally, Al-Mahasneh (2024) provide foundational concepts that support the study's emphasis on the importance of criminal law and the necessity of adapting legal frameworks to contemporary challenges while maintaining core societal values.

This study contributes to the existing body of literature by offering a comprehensive analysis of Jordan's legal reforms within the specific context of criminal law. While previous works, such as those by Al-Raggad (2024), provide broader insights into legal infrastructure and anti-corruption measures, this research delves into the nuanced balance between tradition and modernization in Jordanian criminal law. By presenting two key models that encapsulate the impact of legal reforms, the study adds a structured framework to understand the dynamic interplay between cultural integrity and legal advancement.

CONCLUSION

6.1. General conclusions of the study

This study has systematically examined the profound impact of legal reforms on the criminal law framework in Jordan, emphasizing the delicate balance between preserving traditional values and embracing modernization. Through the utilization of modeling and architectural depiction methods, the research successfully delineated how recent legislative changes have reshaped the landscape of Jordanian criminal law. The two key models presented elucidate the dynamic interplay between

traditional Sharia principles and contemporary legal standards, highlighting how reforms have been instrumental in addressing emerging criminal behaviors, enhancing judicial efficiency, and reinforcing human rights protections.

The findings indicate that legal reforms have significantly contributed to the modernization of Jordan's criminal law by incorporating provisions that address cybercrime, human trafficking, and other contemporary issues that were previously inadequately covered. These reforms have not only aligned Jordanian criminal law with international standards but have also strengthened the judiciary's capacity to deliver fair and impartial justice. Additionally, the study underscores the importance of maintaining cultural and religious integrity within the legal system, ensuring that modernization efforts do not undermine the societal values that are deeply ingrained in Jordanian society.

Overall, the research affirms that the strategic implementation of legal reforms has been pivotal in enhancing the effectiveness, fairness, and responsiveness of Jordan's criminal justice system. By balancing tradition with modernization, Jordan has positioned itself to better navigate the complexities of a rapidly evolving global landscape, ensuring that its legal framework remains robust and relevant in addressing both longstanding and emerging criminal challenges.

6.2. Limitations and prospects for further research

While this study provides valuable insights into the impact of legal reforms on Jordanian criminal law, it is important to acknowledge its limitations. The primary limitation lies in the exclusive focus on the criminal law sector within a single national context. This narrow scope may not fully capture the broader implications of legal reforms across other areas of law or in different socio-political environments. Additionally, the study's reliance on modeling methods, while effective in illustrating conceptual frameworks, may benefit from empirical validation through case studies or quantitative analysis to further substantiate the proposed models.

Looking ahead, there are several promising avenues for future research that can build upon the findings of this study. One significant prospect is the exploration of how emerging technologies, particularly artificial intelligence (AI), can influence and transform the criminal law landscape in Jordan. Investigating the potential applications of AI in areas such as predictive policing, legal decision-making, and forensic analysis could provide deeper understanding of how technological advancements can be integrated into the legal system to enhance efficiency and accuracy. Furthermore, comparative studies that examine legal reforms in other countries with similar legal traditions could offer valuable perspectives on best practices and potential challenges in harmonizing tradition with modernization.

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