

FREEDOM OF EXPRESSION AND CRIMINAL LIABILITY FOR JOURNALISTS UNDER JORDANIAN LEGISLATION

Nayel Musa AlOmran*

Department of Legal Studies, Zayed University
Nayel.AlOmran@zu.ac.ae

Ashraf Al-Rai**

Digital Law Department, Midocean University
Ashrafalrai@midocean.edu.km

Noor Issa Alhendi***

Department of Public Law, Applied Science Private University
n_alhindi@asu.edu.jo

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Abstract

This paper aims to shed light on the journalist's freedom of opinion and expression and the criminal responsibility he bears in adhering to the laws, regulations, and public order in society. It seeks to clarify the idea of freedom of the press, the penalties imposed by legislation, and the importance of maintaining a balance in journalism between the right to express opinions and the freedom of expression that is constitutionally, legally, and internationally protected. It also aims to clarify a journalist's rights and duties, which legislation must balance to achieve professional responsibility within the law. The issue at hand is that many developing countries restrict press freedom under the guise of protecting individuals, groups, and society. They also use vague legal texts that can hinder journalistic freedom, making it necessary to paper the criminal responsibility imposed on journalists. This paper examines both the restrictions

* Nayel AlOmran serves as an Associate Professor of Constitutional Law in the Department of Legal and Judicial Studies at Zayed University, UAE.

** Ashraf Al-Rai currently serves as a Lecturer in the Department of Digital Law at Midocean University, UAE.

*** Noor Alhendi serves as an Associate Professor of Administrative Law at the Faculty of Law, Applied Science Private University, Jordan.



and freedoms of journalists, including their right to practice their profession according to the Constitution, international covenants and conventions, and applicable laws. The paper used a descriptive analytical method to analyse legal texts and classify them systematically. The study's conclusions show that while Jordan has a big number of laws pertaining to press and media freedom, some of those regulations are in conflict with one another.

Keywords: Criminal; Freedom of expression; Jordanian legislation; Journalist; Liability

I. INTRODUCTION

The freedom of the press is considered a fundamental human right that falls under the freedom of opinion and expression, as recognised in divine laws, state constitutions. However, this freedom is often restricted by various constitutions to ensure public order is maintained in a positive state. These restrictions aim to create a balance between a journalist's freedom and their professional responsibility. Therefore, it is not acceptable for journalists to break the law in the name of the freedom of the press.¹ The press and media have an essential role in promoting the awareness and importance of law. Law is a crucial factor that separates disciplined societies that can progress, flourish, and leave a lasting impact on people from those that suffer from decline. Freedom of opinion and expression is a fundamental human right that is protected by various legislations, including the Constitution, and national laws. However, this freedom must be regulated by the law. The media is responsible for raising awareness of the significance of law in society. Failure to do so can result in a return to a state of anarchy and chaos.² The press is a form of mass communication that informs the public, oversees the functioning of state institutions, and encourages them to improve their methods of operation and behaviour. This is done within the framework of unrestricted freedom, with the exception of narrow limits related to national

¹ Muhammad Ibrahim, *Freedom of the Press*, 2nd ed. (Cairo: Dar Al-Kutub Al-Ilmiyya for Publishing and Distribution, 1999), 30.

² Muhammad Ibrahim, *Freedom of the Press*, 199.

security and the sanctity of public morals, which must be specified. Additionally, religious values and the right to dignity and respect for reputation and privacy must be considered.³ In Jordan, there are many laws that relate to journalism, both directly and indirectly. Some of these laws restrict the journalist's freedom to practice their work, while others regulate the performance of the profession. However, these laws could be summarised in the Press and Publishing Law, which balances freedom and responsibility. Journalists must find a balance between exposing defects and not violating the law or public order. The dilemma arises because journalists are subject to many Criminal laws, including the Criminal Code and Cybercrimes Law, which are particularly relevant in the digital world. Other Criminal laws include the Law for the Protection of State Documents and Secrets and the State Security Court Law. Additionally, journalists must follow the Press and Publications Law.

II. METHOD

This article seeks to study and analyse the freedom of expression and criminal responsibility of journalists under Jordanian law. It employs an analytical descriptive research design with a focus on studying the legal framework for the freedom of expression of journalists and their criminal responsibility in Jordan and its practical application. The research stresses the relationship between constitutional rights, international standards, and legislative restrictions at the domestic level. This study employs the analysis of Jordanian laws, including the Constitution, the Press and Publications Law, the Criminal Code, and other pertinent legislative texts, to have a full understanding of the legal regulations governing journalists. The study also relies on academic papers, books, legal commentaries.

³ Laila Abdel Majeed, *Freedom of the Press and Expression in the Arab Countries: In Light of Journalism Legislation, Reality, and Hopes for the Future* (Amman, 2002), 23; Mamdouh Al-Amer, "The Relationship between the Jordanian Press and National Security" (Master's thesis, Middle East University, Jordan, 2008), 2–8.

III. ANALYSIS AND DISCUSSION

3. 1. CONSTITUTIONAL GUARANTEES OF FREEDOM OF EXPRESSION

It is important for a country to abide by its constitution and laws, while also adhering to international human rights standards. Freedom of opinion and expression is recognised as a fundamental right in many legislations, both domestically and internationally. In Jordan, there are numerous laws and treaties that protect this right, as outlined in the Jordanian Constitution. However, it is important to note that there are specific controls in place to ensure that this freedom is exercised responsibly.⁴

The Jordanian Constitution guarantees the freedom of opinion and expression in the first paragraph of Article 15. This provision allows every Jordanian to express their thoughts through speech, writing, photography, and other means of expression, as long as it doesn't exceed the limits of the law.

3.1.1. The Law that Limits freedom of Expression and Freedom of the Press

The Jordanian Press and Publications Law has defined the parameters governing journalistic work, press freedom, and the restrictions imposed on its practice. It has also outlined the conditions that must be met by individuals working in journalism. Accordingly, journalism entitles its practitioners to publish all available information without pressure from media authorities or public institutions.⁵ However, such freedom is not absolute, it must not cross boundaries that infringe on individuals' private lives or include crimes such as defamation, libel, insult, or the dissemination of false news.

The Jordanian legislator has repeatedly emphasized, through numerous legal provisions, the obligation of journalists to refrain from committing these offenses. This repetition serves as a reaffirmation of the importance of this right and constitutes part of the legal constraints imposed on journalistic work, which

⁴ Ashraf Al-Rai, *Press and Publication Crimes, Slander and Libel*, 2nd ed. (Amman, Jordan: House of Culture Publications, 2012), 26–27.

⁵ Ashraf Al-Ra'i, *Freedom of the Press in Legislation and Its Compatibility with International Standards* (Amman, Jordan: Dar Al Thaqafa for Publishing and Distribution, 2012), 78–82.

must not be violated or bypassed.⁶ This is especially true today, as we are faced with a growing spread of rumors fueled by the growing use of social media, websites, smart applications, and traditional means of communication such as television stations, radio, and print newspapers. This background suggests that there is a need to explore the legal control of rumors under the Jordanian criminal Code and the Cybercrime Law.⁷

Despite Jordanian Constitution Article 15 stating freedom of the press and freedom of expression, this is hugely restricted by some legislation. Most evident legislation barring this right involves the Criminal Code (No. 16 of 1960), the Press and Publications Law (No. 8 of 1998), and the Anti-Terrorism Law. Articles 122–156 of the Criminal Code punish acts considered prejudicial to state security, such as insulting the state or its institutions, defaming the king (Article 195), giving false information with the purpose of prejudicing national security or public order, and defamation, slander, or insults to religion. Such provisions have a tendency to rely on vague words such as “disturbing public order” or “undermining national unity.” Similarly, the Press and Publications Law prohibits material that insults religions, undermines national unity or the image of the state, violates public morals, or incites hatred. It also calls for licensing all publications, and violations can cross unwritten “red lines.” The Anti-Terrorism Law also restricts expression by criminalizing alleged “aid to terrorism,” a conviction which can include political opposition or solidarity displays with listed movements.

Among the most significant constraints on journalistic work is the introduction by the Jordanian legislator of a new crime under Article 16 of the Jordanian Cybercrime Law No. 17 of 2023, referred to as the crime of “character assassination,” which denotes the “moral assassination of a person.” This offense is not clearly defined in Jordanian legislation. Our research has found no precise legal definition of character assassination; rather, it appears to resemble several other crimes specified in Jordanian and comparative legislation, including French

⁶ Basel Al-Qatawteh, “Criminal Protection of the Privacy of Digital Personal Data” (PhD diss., World Islamic Sciences and Education University, 2022), 48.

⁷ Ashraf Al-Ra’i, *Crimes of Journalism and Publishing – Defamation and Libel*, 1st ed. (Amman, Jordan: Dar Al Thaqafa for Publishing and Distribution, 2010), 143; 60.

law, which we use as a point of comparison. Most legal systems view character assassination as a form of defamation, libel, dissemination of false news, or rumormongering.

A key criticism of the Jordanian Cybercrime Law No. 17 of 2023 in this context is that it does not clearly distinguish between moral character assassination and crimes such as defamation and libel. The definitions provided in Article 2 of the law are ambiguous, a matter which we discuss in detail in this study. We urge the Jordanian legislator to correct this legislative gap by legally defining the differences between defamation, libel, slander, and character assassination. This is because legal definitions need to be defined to avoid confusion and to use legal terms accurately. More specific definitions are also needed for “rumormongering,” “false news,” and “fake news,” which are related differently.

The criminalization of defamation, insult, and libel is another major limitation of journalism wherein it is not defined whether or not these are in relation to the journalistic process. The crime of libel, insult, and defamation are also not separated from those crimes of hate speech or defamation of character. Another significant flaw is the lack of definition of “false news” in the Cybercrime Law, which applies to journalists and is not limited to the Press and Publications Law or the Journalists’ Syndicate Law. This lack of definition in the law may often provide the government with a valid reason to pursue criminal charges against journalists.

3.1.2. Is that Limitation Justified by the Principles of Proportionality and Necessity?

Sometimes, these restrictions constitute unjustified constraints on journalistic work. Therefore, the application of the Press and Publications Law should be limited solely to journalists, without extending the application of the Cybercrime Law. Moreover, the umbrella of the Jordanian Press Association should be expanded to include digital activists. The right not to detain journalists in press and publication cases represents a critical and fundamental guarantee for

journalistic work, enabling journalists to perform their duties with professionalism, free from fear or internal censorship of their pens.

In Jordan, the Jordanian Press Association — the sole professional and legal body representing the Jordanian media — has exerted significant efforts to prohibit the detention of journalists under the Press and Publications Law No. 27 of 2007, which was amended after earlier legislation did not include such protection. The amended law explicitly stated the inadmissibility of detention as a result of expressing an opinion through speech, writing, or other means of expression in paragraph (w) of Article 42, which reads: “No person shall be detained as a result of expressing an opinion through speech, writing, or other means of expression.”

However, the legislature is criticized for not including the phrase “notwithstanding any other legislation,” which leaves room for journalists to be prosecuted and detained under other laws. Furthermore, there is a pressing need to distinguish between crimes committed by journalists that constitute an exercise of freedom of opinion and expression, and those that do not serve the public interest — whether through traditional methods, digital platforms, websites, artificial intelligence systems, or otherwise.

We propose that the Jordanian legislature introduce additional procedural measures regarding detention, such as an outright prohibition on pretrial detention in media-related cases. Nevertheless, the Public Prosecutor could be granted authority to impose alternative precautionary measures, such as suspending the journalist from work, imposing a travel ban, or freezing the journalist’s and their employer’s assets. These measures would help safeguard rights and uphold the responsibilities journalists bear in pursuing the truth without infringing on anyone’s right to privacy — even under the guise of serving the public interest.

A clear ruling by the Amman Criminal First Instance Court stated: *“Accordingly, through examining the elements of the alleged crimes, the court finds that they revolve around one central idea: the pursuit of truth in presenting*

*journalistic content. The mission of journalism is to raise awareness and promote culture among members of society, and to address any issue related to public affairs and the public interest, if it does not offend personal dignity or violate individuals' private lives".*⁸

Another type of offense examined by the Publications and Publishing Cases Chamber of the Amman Court of First Instance pertains to crimes against the internal or external security of the state, as stipulated in the applicable Criminal Code, if such crimes are committed through licensed publications or audiovisual media and journalism. This also applies to electronic websites, given that digital media has become an integral part of the broader concept of media. Accordingly, it falls under the jurisdiction of the Press and Publications Law, provided that such media outlets are duly licensed, as stipulated in Article 2 of the said Law.

In application of this principle, the Special Interpretation Bureau for Laws issued Decision No. 8 dated 19 October 2015, which stated the following:

The Press and Publications Law No. 8 of 1998, in relation to offenses committed via periodic publications, printed or unprinted daily newspapers, electronic and specialized publications, and news agency bulletins, is considered a general law.⁹ The legislator required all such publications to be registered and licensed, and granted electronic publications the option to register, in accordance with the bureau's earlier Decision No. 2 of 2012.

The Cybercrime Law No. 27 of 2015, which came into force on 1 June 2015, is deemed a special law regarding the crimes specifically introduced therein.

Since legal principles require that an act be defined as a punishable offense by law, it is necessary to identify the specific legal provision governing such acts. Given that the Cybercrime Law is a special law that redefined certain provisions related to defamation and libel offenses, this law shall apply to such acts in accordance with Article 11 thereof, and in reference to Article 57(2) of

⁸ Qistas Publications, *Judgment No. 1102 of 2014, Amman Criminal First Instance Court* (Amman, Jordan).

⁹ Hisham Mohammad Khleifat, "Legal Restrictions on the Freedom of the Press Provided for in the Jordan Legislation: A Comparative Study" (Master's thesis, University of Jordan, 1999), 59.

the Criminal Code, which states: “If an act is subject to both a general and a special provision, the special provision shall prevail”¹⁰.

Different Jordanian laws concerning journalism—the Press and Publications Law, the criminal Code, and the Cybercrime Law—emphasize the importance of compliance with legal and moral standards. In our view, however, these laws need to be amended to align their provisions with the development of the media industry, particularly given that there is no specific law for the protection of personal digital information.

It is important to note that the Constitution links this freedom with certain restrictions, meaning that the Jordanian legislator intends to regulate this right based on laws issued by the legislative authority. This is to avoid chaos and collapse of the state, as unrestricted freedom of opinion and expression can lead to transmitting and circulating rumours and offending the state and society. Therefore, expressing one’s opinion without abiding by the law may lead to violating the law and threatening the existence of the state.¹¹

The Jordanian Constitution places great emphasis on protecting freedom of opinion and expression, as well as freedom of the press and publication. This is evident from the fact that Article 15 of the Constitution, which was issued in 1952, explicitly guarantees freedom of opinion and expression in its very first paragraph. This article states that every Jordanian has the right to freely express their opinion verbally, in writing, through photography, or any other means of expression, as long as it is within the limits of the law.

Although the Constitution has undergone multiple amendments since its issuance, the first paragraph of Article 15 has remained unchanged. This paragraph still reads: “The state guarantees freedom of opinion, and every Jordanian may freely express his opinion in speech, writing, photography, and other means of expression, provided that it does not exceed the limits of the law.” This paragraph

¹⁰ Decision No. 2 of 2012, Special Interpretation Bureau for Laws, issued April 9, 2012.

¹¹ Firas Bakr, “Memorandum on the Supreme Court of Justice and the Press and Publishing Law” (unpublished study, Amman, Jordan: Jordanian Supreme Council for Media, 2005), 1–3.

was further strengthened by the Thirteenth Amendment, which did not affect it in any way.

The Eleventh Amendment, on the other hand, did not alter the first paragraph of the article, but it did add two new paragraphs. These paragraphs begin with the word “guarantee” and state that the state guarantees freedom of scientific research and literary creativity, as well as freedom of the press, printing, and publishing. This amendment abolished the practice of censorship of resources and newspapers. It is noteworthy that the legislator used the expression “sponsor” in the two added paragraphs.¹²

The word “sponsor” used by the Jordanian legislator carries a legal meaning of great importance in the context of freedom of expression, scientific research, literary creativity, and freedom of the press. In law, a guarantee is a contract subordinate to an original obligation. This means that the guarantee is not an original obligation, but rather follows the original obligation and comes at its end. For example, if someone goes to a bank to borrow money, the bank may agree to lend the money on the condition that the borrower provides a guarantor who guarantees the repayment of the loan. In this case, the loan contract is the original obligation, and the guarantee contract is a contract subordinate to the original contract. If the loan contract expires, the guarantee necessarily falls.¹³

It is assumed that a state that upholds its constitution and laws in letter and spirit, consistent with international human rights standards and conventions, is a state of law. In Jordan, the constitution protects the freedom of press and media, which is an essential component of freedom of opinion and expression. Article 15 of the constitution specifically provides for this.

The Jordanian state “guarantees” the right to freedom of opinion, as a commitment that follows the original commitment to Jordanians’ right to free expression and opinion. This right is older than the constitution and the state itself, and is a natural right that precedes the existence of the state. The state’s

¹² Anis Qasim, “What Happened to Freedom of Expression in Jordan,” *Al Jazeera*, February 23, 2017.

¹³ Qasim, “What Happened to Freedom of Expression in Jordan?”

commitment to “guaranteeing” these rights is a recognition of their pre-existing nature, as if they were natural rights inherent to all humans. This commitment was made by the state only after the social contract for Jordanians was established in the 1952 Constitution.

3.1.3. Freedom of Expression as a Natural Right Prior to the Existence of the State and the Constitution

The right to freedom of expression is an inherent natural right that derives its legitimacy neither from the state nor from constitutional texts. Its origins date back to ancient times, predating the emergence of the concept of the modern state. Since antiquity, opinions have been expressed in various ways: verbally in public gatherings, through storytelling, poetry reciting, writing, rock carving, and other means. Since expressing an opinion is a natural human function stemming from human dignity and predating the existence of the state and constitutional frameworks, it is inaccurate to claim that the state is its originator. In principle, the State has no authority to restrict or penalize individuals for exercising this right. Thus, since the right to express an opinion constitutes a natural human function that predates the concept of the state, the state, cannot be deemed its originator but rather its guardian, and is therefore obligated to protect it under the constitutional provisions, and international legal obligations.

Regarding the scope of natural freedom prior to political freedom,¹⁴ the Founding Fathers of the United States—most notably James Madison, Thomas Jefferson, and James Wilson—asserted that even the natural freedom enjoyed by the individual before the establishment of the state was not absolute but was limited by natural law. This means that natural law requires that the natural rights of others not be violated; it is impermissible to attack anyone, as this would constitute an infringement on the right to personal safety. Therefore, it can be said that the exercise of natural rights, including freedom of speech and expression, is conditional upon not causing direct harm to others.¹⁵

¹⁴ Jud Campbell, “Natural Rights and the First Amendment,” *Yale Law Journal* 127, no. 2 (January 2016): 271.

¹⁵ Campbell, “Natural Rights and the First Amendment,” 271.

James Wilson emphasized this concept, explaining that a person must act without selfishness or injustice, and that every person can act: “for the accomplishment of those purposes, in such a manner, and upon such objects, as his inclination and judgment shall direct; provided he does no injury to others; and provided some public interests do not demand his labors. This right is natural liberty.”¹⁶

James Madison explained to his fellow congressmen in 1794 that “Opinions are not the objects of legislation,”¹⁷ meaning that ideas may not be restricted or suppressed by the authorities. Jonathan Barth also emphasized that the concept of freedom of conscience, including freedom of speech and freedom of the press, has deep roots in Anglo-American political thought, long before the First Amendment to the U.S. Constitution was drafted.¹⁸

On the other hand, Wilson made it clear that natural right is not absolute, but is subject to modification and expansion under positive governments: “[B]y the municipal law, some things may be prohibited, which are not prohibited by the law of nature: but . . . every citizen will gain more liberty than he can lose by these prohibitions . . . Upon the whole, therefore, man’s natural liberty, instead of being abridged, may be increased and secured in a government, which is good and wise.”¹⁹ Wilson’s words reflect a flexible understanding of state intervention in regulating natural rights. He believes that state intervention does not necessarily mean restricting these rights, but rather may be a means of enhancing and guaranteeing them. A just government creates a legal system that balances individual freedoms and the public interest, thus achieving the interests of the individual and society.

¹⁶ James Wilson, “Of the Natural Rights of Individuals,” in *Collected Works of James Wilson*, vol. 2, ed. Kermit L. Hall and Mark David Hall (2007), 1055–56.

¹⁷ Campbell, “Natural Rights and the First Amendment,” 280.

¹⁸ J. Barth, “Liberty of Conscience Is Every Man’s Natural Right: Historical Background of the First Amendment,” *Journal of Policy History* 35, no. 4 (October 2023): 435.

¹⁹ Wilson, “Of the Natural Rights of Individuals,” 1056.

In sum, Freedom of expression is a natural right founded on human dignity pre-existing the State and constitutions.²⁰ The state does not create this right, but it's the state's responsibility to secure and regulate the right without diluting its nature. In modern times, the right has been reaffirmed and guaranteed free of any discrimination in a number of international treaties and national constitutions.²¹

It is important to note that the previous changes made to the Constitution did not affect the first paragraph of Article (15/1), whether by deletion or addition. However, the eleventh amendment was introduced to confirm and expand on its many aspects, particularly with regards to the freedom of press and media, scientific research and artistic creativity. These are two fundamental freedoms at the core of freedom of opinion and expression. The Jordanian lawmakers have been careful not to compromise the freedom of opinion as it is a natural right. The Constitution came in to guarantee its status as it was before the amendment.²²

It's noted that the Jordanian Constitution links and restricts the freedom of opinion and expression to not exceed the limits of the law and not deviate from it. This means that the Jordanian legislator wanted to regulate this right according to laws issued by the legislative authority. Allowing freedom of opinion and expression without restrictions creates chaos and threatens the collapse of the state. When a person is allowed to express their opinion without abiding by the law, they may express it in a way that deviates from the law. The law also allows them to transmit and circulate rumors and offend the state and society, which creates a state of chaos that threatens the existence of the state.

However, the last sentence of the first paragraph of Article (15), "not to exceed the limits of the law," does not mean that it is a license granted to the authority to withdraw, freeze, or prohibit the right to opinion. The limits of the law refer to the texts that the legislator sets to regulate the exercise of the right to opinion, not to freeze or restrict that freedom.

²⁰ Jamal Barafi, Z. Jaffal, F. Alshwabkeh, and R. Al Ajlani, "Towards an Effective Legal Protection for Older Persons in the 21st Century: A Comparative Study of International Human Rights Law and Arab Constitutions," *Access to Justice in Eastern Europe* 7, no. 1 (January 2024): 205.

²¹ Jamal Barafi and N. Georges, "The Legal Protection of Minorities from International Law and Arab Mashreq Perspectives," *International Journal on Minority and Group Rights* 27, no. 3 (July 2020): 559.

²² Barafi and Georges, "The Legal Protection," 559.

If the law states otherwise, it necessarily contradicts the Constitution. The Constitution has supremacy over the rest of the legislation, and every legislation or system that contravenes the provisions of the Constitution is considered null and void. The newly established Jordanian Constitutional Court examines the constitutionality of legislative texts and regulations.

It's important to note that freedom of opinion can be controlled in matters related to national security and public morals without expansion, because the principle is to protect freedom of opinion. The law must also protect the ordinary citizen more than it protects public employees who deal with the public.

The law plays a vital role in maintaining a delicate balance between personal freedoms and the imperative to safeguard public order and societal values. To address the possible adverse effects of unchecked freedom, the Jordanian Constitution provides a well-defined and specific structure for regulating individual rights and freedoms. Chapter Two of the Constitution, which encompasses Articles 5-23, outlines the legal provisions pertaining to the rights and responsibilities of Jordanians, including measures to safeguard their exercise.

1.1.4. The Right of Journalists to Receive and Transmit Information

According to constitutional and legal documents, journalists have the right to access and disseminate information as a fundamental aspect of their profession. Jordan has set an example in this regard, becoming the first Arab country to enact the Right to Access to Information Law.²³ Nevertheless, this law has some limitations, particularly concerning the procedure for obtaining and challenging administrative decisions related to information requests. It is important to acknowledge that these limitations may impede the freedom to share information. In addition, the Jordanian Press and Publishing Law secures the right to access information for both citizens and journalists, with a specific emphasis on the latter.

The Jordanian legislator stipulated this right due to its importance in Article 8 of the Press and Publications Law as follows: "A - The journalist has the

²³ Ibrahim, *Freedom of the Press*, 199.

right to obtain information, and all official bodies and public institutions must facilitate his mission and provide him the opportunity to view their programmes, projects and plans. B - It is prohibited to impose any restrictions.” Impedes the freedom of the press to ensure the flow of information to the citizen or imposes procedures that lead to disrupting his right to obtain it. C - According to current laws, journalists are entitled to receive information and news they request in accordance with specific regulations outlined in paragraphs A and B of this article. The relevant authorities are required to provide this information or news to the journalist promptly, depending on the urgency of the request. If the news is urgent, it should be provided as quickly as possible. If it is not urgent, it should be provided within two weeks. D - The journalist, within the limits of performing his work, has the right to attend public meetings, sessions of the Senate and the House of Representatives, sessions of general assemblies of parties, unions, federations, and clubs, general meetings of public bodies of public joint-stock companies, charitable societies, and other public institutions, and public court sessions, unless the sessions or meetings are closed or secret. By virtue of the applicable laws, regulations or instructions of these bodies, it is prohibited to interfere with any work carried out by a journalist within the framework of his profession or to influence him or force him to disclose his sources of information, including preventing him from performing his work or from writing or publishing without a legitimate or justified reason. This is without prejudice to the customary authority of the editor-in-chief in making the decision to publish or not.” The legislator also reaffirmed this meaning in paragraphs A and C of Article 6 of the same law. Paragraph A stipulated that “the freedom of the press includes informing citizens of events, ideas, and information in all fields.” Paragraph C of Article Six also stipulates that “Freedom of the press includes the right to obtain information, news, and statistics of interest to citizens from various sources, and to analyse, circulate, publish, and comment on them.”²⁴

²⁴ Fayez Al-Shakhatra, “The Right to Information” (unpublished study, National Center for Human Rights, Amman, 2005), 17.

1.1.5. The Right of Journalists not to Disclose their Sources of Information and the Relevant Exceptions

Paragraph E of Article 8 of the Press and Publications Law stipulates that journalists have the right to protect their sources of information: “It is prohibited to interfere with any work practised by a journalist within the framework of his profession, or to influence him or force him to disclose his sources of information.” “Including depriving him from performing his work or from writing or publishing without a legitimate or justifiable reason, without prejudice to the generally accepted authority of the editor-in-chief in making the decision to publish or not,” as stipulated in this meaning in Paragraph D of Article Six. The same states that “Freedom of the press includes the right of the periodical publication and the journalist to keep the sources of information and news obtained confidential.”

It is important to bear in mind that journalists’ confidentiality is not absolute. Ultimately, it is the editor-in-chief who has the power to decide what material is published, and they can be held criminally liable for any content that is released. As a result, journalists are required to divulge the sources of their information to the editor-in-chief. While no specific entity is named as being prohibited from interfering with journalists’ work or compelling them to reveal their sources, this prohibition is subject to the editor-in-chief’s discretion as to what to publish. Editors and writers alike must disclose their confidential sources to the editor-in-chief, as they are responsible for publication and serve as the newspaper’s legal representative in court. Furthermore, Article 43 of the Journalists Syndicate Law and its amendments mandate that journalists keep their sources confidential and verify information and news prior to publication.²⁵

1.1.6. The Right of Journalists not to be Arrested in Matters of Freedom of Opinion and Expression

This right is considered one of the problematic rights in the Criminal laws and legislation related to the work of the press and media. Paragraph (f) of

²⁵ Al-Shakhatra, “The Right to Information,” 18; see also Ashraf Al-Rai, *The Right to Access Information* (Amman, Jordan: Dar Al-Thaqafa for Publishing and Distribution, 2012), 59–60.

Article 42 of the Press and Publications Law stipulates that “notwithstanding what is stated in any other legislation, arrest may not be made as a result of expressing an opinion verbally, in writing, or by other means of expression.” In our opinion, the aforementioned phrase has limited application due to the potential for journalists to be prosecuted under various other Criminal laws such as defamation, slander, and contempt as outlined in the Criminal Code. Journalists can also be subjected to trials according to the Law for the Protection of State Documents and Secrets, the Law on the Prevention of Terrorism, and the other several laws previously discussed. Consequently, while this text grants a right for journalists, it may not hold legal weight.²⁶

4. Criminal Liability of The Journalist

Journalism is considered one of the fields that depend on freedom of expression and informing public opinion. However, this freedom in the press may conflict with some legal provisions, which may expose the journalist to criminal liability if he commits journalistic crimes.

The fact that the press is free does not contradict the statement that the press is responsible, as this responsibility is not related to the freedom of the press, but rather is related to the abuse of this freedom. A journalist cannot fabricate a false matter, or intentionally distort the facts, which requires the journalist to guard against unreasonable behavior that may lead to him committing journalistic crimes. The journalist’s criminal responsibility is also fulfilled if his action results in harm to others, whether direct or indirect harm, or if what the journalist did while performing his professional work was an act that violates Sharia law and regulation.²⁷

Therefore, transgression is the focus of accountability, not freedom of the press. It follows from this that the report of a criminal official in the field of publishing does not conflict with the content or scope of freedom of the press. Rather, it can be said that this responsibility represents a guarantee that

²⁶ *Press and Publications Law*, Article 42.

²⁷ Mohammed Weld Ayte, “The Criminal Responsibility of the Journalist in the Mauritanian Legislation,” *ganonak*, July 2023.

strengthens and completes individual freedom.²⁸ Hence, we can say that the limits at which freedom of the press stops must be explicitly stipulated in the law, because implementing the principle of legality absolutely requires us not to limit freedoms unless there is a text that punishes this transgression, as the principle of things is permissibility. Therefore, provisions for press crimes must be subject to special rules and provisions that differ from the general principles, rules and provisions stipulated in the Criminal Code.²⁹ The legal rule in criminal liability is that there is no punishment without a crime, and there is no crime without a text, and the committed act may result in criminal and civil liability at the same time, such as murder, theft, beating, insults, and defamation. Each of these acts causes harm to the individual and society at the same time, and thus the one who committed this act is Responsible is a criminal liability for which the penalty is punishment, and a civil liability for which the penalty is compensation. An act may result in criminal liability only if it does not cause harm to anyone, as in crimes of attempt and criminal conspiracy.³⁰

4.1. Crime that Amounts to Violation of State Security

State security in Jordan is among the topmost concerns which fall under control of the authorities. Individuals who are accused of engaging in activities that will compromise state security are prosecuted in the State Security Court. The activities are categorized into some, some related to internal security, some related to external security, or even economic security. Crimes that endanger state security are among the most serious crimes and are penalized by Jordanian criminal Code No. (16) of 1960 and its amendments and the Anti-Terrorism Law.³¹

The Criminal Code has defined the actions which amount to a violation of state security, and they include:

1. Treason and assisting the enemy. Article (110) legislates that “any Jordanian who carries arms against the state in the ranks of the enemy shall be punished

²⁸ Tariq Sorour, *Lessons in Publishing Crimes* (Beirut: Arab Renaissance House, 1997), 50.

²⁹ Muhammad Al-Fawa'ra, “Criminal Liability for Press Crimes,” *Mutah Center for Research and Studies* 22, no. 3 (2007): 150–151.

³⁰ Ayte, “The Criminal Responsibility of the Journalist.”

³¹ Fathi Al-Faouri, *Explanation of the Criminal Code* (Amman: Wael Publishing House, 2021), 49.

with death.” Article (111) legislate that “any Jordanian who establishes contact with a foreign state with the intention of persuading him to attack Jordan shall be punished with life imprisonment, and in the event that his action has a consequence, he shall be punished by death.” Article (112) legislate that “any Jordanian who establishes contact with the enemy with a view of assisting him in any way shall be punished by death.”

2. Military facility sabotage. Section 113 states that, “Whoever attempts to sabotage military facilities or equipment shall be imprisoned for life. The penalty can be increased to the death penalty if the act is committed during time of war or causes death.”
3. Attempts to occupy part of Jordanian territory. Article 114 states that “Whoever attempts to occupy part of Jordanian territory to join it to a foreign state shall be punished with temporary hard labor for not less than five years.”

There are concrete instances of this in Jordan, such as:

- Arrest of people who are suspected of promoting online extremist groups.
- The trial of those accused of contacting hostile foreign powers.
- Cases of inciting sedition and against state institutions on social media platforms.
- Disruption of terrorist cells planning bombings in Jordan.

Article (3) of the Anti-Terrorism Law defines terrorist acts as donating or soliciting money to finance terrorism, joining or trying to join terrorist groups, and utilizing the internet to facilitate or assist terrorist activities. Article (7) of the same law provides that punishment can be the death penalty if the terrorist act results in the murder of a person or the destruction of a residential building.³² A recent Jordanian example is the case of the “Zarqa crime.” A young man from Zarqa Governorate was brutally beaten in October 2020, resulting in his hands being amputated and his eyes being gouged out. The defendants were charged by the State Security Court with crimes under the Anti-Terrorism Law, such as

³² Al-Faouri, *Explanation of the Criminal Code*, 69.

the crime of attempting to commit a terrorist act, membership in a criminal gang, attempted premeditated murder, and permanent disability.

4.2. The Concept of State Security

State security may be invoked in various contexts depending on the political regime or agenda of the government. In some regimes, particularly semi-authoritarian or authoritarian regimes, it is invoked as a tool to curtail civic freedoms—freedom of speech, freedom of media, and right to protest, by filing cases and treating peaceful actions as acts against state security.³³

In legal term, state security entails the protection of a state's sovereignty and territorial integrity, its political and constitutional security, as well as defending national interests at the military, economic, and social levels.

Nevertheless, there are potential flaws in its enforcement, including the following:³⁴

Public expression of opinions on the Internet, such as criticizing the government in comments in Facebook, could be construed as incitement or diminishing the dignity of the state.

Investigative journalism, especially where it involves confronting accusations of corruption or abuse on the part of the government, could be considered weakening national morale.

Peaceful protests, being unarmed, are illegal gatherings in case they are unauthorized and can be labeled as threats to national security.

Live cases encompass the arrest of activists and journalists on the basis of Facebook status updates or news stories; indictment in the State Security Court of political opposition and popular movement activists on incitement or damaging the regime charges; and, in some cases, informally detaining activists for extended periods under the cover of screening security.

³³ Muhammad Al-Jabour, *Crimes Against State Security and Terrorism Crimes* (Amman: Dar Al-Thaqafa Publishing House, 2011), 70.

³⁴ Al-Jabour, *Crimes Against State Security and Terrorism Crimes*, 70–71.

In general, publication is considered a criminal offense if harm is caused to society or if the publication is related to harming the security of the state, and the criminal penalty remains a discretionary matter subject to the authority of the Committee for Review of Press Violations to estimate the appropriate discretionary punishment, such as suspension from journalistic work and monetary fines against the public right, if it is proven that the criminal intent of intentionally committing the crime was present. The physical act of the journalistic crime. The fact is that regulating the provisions of criminal liability within the scope of publishing crimes is of great importance in every law issued regarding freedom of the press, although regulating it raises many legislative problems due to the special nature of press and publishing crimes.³⁵

The process of publishing a newspaper involves multiple people, such as the author, editor-in-chief, printer, distributor and seller. Therefore, proving criminal liability for publishing crimes can be a complex matter. It may lead to punishment being imposed on all those involved in publishing, starting with the author, despite their individual level of contribution. This violates the principle of the personality of penalties.³⁶

The Jordanian Court of Cassation has stated that if the editor-in-chief exceeds the freedom of opinion established by the Constitution and the Publications Law, which constitutes a violation of the provisions of this law, then the text of Article (41/B) of the Publications Law is applicable as a private law, not Articles (74, 75) of the Jordanian Criminal Code relating to criminal liability.³⁷

4.3. The Basis of the Journalist's Criminal Liability

Special rules have been established to determine responsibility for crimes related to press and publishing, in addition to the general rules that apply to all other crimes. The printing and publishing laws state that the editor-in-chief or the responsible director is the person who bears the consequences or responsibilities

³⁵ Al-Fawa`ra, "Criminal Liability for Press Crimes," 105.

³⁶ Muhammad Abu Younis, *Legal Restriction of Freedom of the Press – A Comparative Study* (Alexandria: New University House, 1996), 388.

³⁷ *Court of Cassation ruling*, Criminal No. 1118/2004, dated October 14, 2004; see also Al-Fawa`ra, "Criminal Liability for Press Crimes," 150.

of what is published in the publication. Therefore, criminal liability in this context is based on several theories, including the theory of liability based on negligence, the theory of solidary liability, the theory of sequential or gradual liability, and the latest, the presumed theory.³⁸

4.4. Journalist's Liability based on Negligence

The responsibility of a journalist based on negligence holds the managing editor, responsible manager, or publisher criminally responsible for a special crime that differs from the publishing crime itself. The basis of this special responsibility is the negligence he committed in performing his job or duty imposed on him by law.³⁹ The job of editing means monitoring what is written. What is published, and the existence of a publishing crime is considered evidence of the official's negligence in his job.⁴⁰

Based on this theory, the editor-in-chief's negligence is considered a breach of his professional duty, if the media organization commits a journalistic crime, as every official must prevent the publication of statements that include these crimes.

This theory is criticized because the editor-in-chief or director is asked to assume criminal responsibility. He is asked about an intentional crime committed in his newspaper, which makes him the original perpetrator of the crime.

It is unreasonable to ask a person who has committed an intentional crime to explain their responsibility by claiming that they were negligent in performing their job. The responsibility of an editor-in-chief can only be for unintentional crimes. This theory fails to explain the responsibility of the publisher or editor-in-chief for premeditated crimes, which involve criminal intent. Additionally, this theory does not provide us with the legal basis for such crimes.⁴¹

³⁸ Ayte, "The Criminal Responsibility of the Journalist."

³⁹ Hafsia Ben Ashi, "The Criminal Liability of the Journalist in the New Algerian Media Law," *Journal of Social and Human Sciences*, issue (June, 2012): 75.

⁴⁰ Abdul Jalil Fadil Al-Barasi, *Libyan Law and Press and Publishing Crimes* (General Council of Culture, n.d.), 31.

⁴¹ Ben Ashi, "The Criminal Liability of the Journalist," 76.

4.5. The Journalist's Responsibility based on Solidarity

The theory of guarantee holds the director, editor-in-chief, writer, or publisher criminally responsible for press crimes that occur under their management. This is because the crime could not have occurred except in the publication they oversee.⁴² Therefore, anyone who contributes to the publication, whether as an actor or partner, is also responsible according to the general rules.⁴³

4.6. The Journalist's Responsibility is based on the Idea of Succession or Progression

This theory sets out the rules for assigning responsibility and punishment for a crime.⁴⁴ It identifies those who are legally responsible and arranges them in a specific order.⁴⁵ This ensures that lower-ranked individuals, such as journalists, are not held responsible if there are others who are legally prioritized over them. However, if there is no one else legally responsible, then the journalist can be held accountable for the crime.

Critics argue that this approach is flawed because it assigns criminal responsibility based on an idea that is sometimes metaphorical. This can result in innocent people, such as sellers, distributors, or advertisers, being held responsible for a crime they had no knowledge of.⁴⁶

4.7. Assumed Responsibility

The assumed responsibility is considered one of the characteristics of criminal responsibility in the context of press crimes. The Jordanian legislator made the editor-in-chief the real person responsible for the crime with regard to daily newspapers.⁴⁷ It stipulates that the editor-in-chief shall be responsible for what is published in the publication of which he is editor-in-chief, and he is also

⁴² Muhammad Muhammad, *On Publishing Crimes, Freedom of Thought, General Principles on Publishing Crimes, Incitement Crimes* (Cairo, 1951), 337; See also Majeed, *Freedom of the Press and Expression*, 168.

⁴³ Al-Barasi, *Libyan Law and Press and Publishing Crimes*, 32.

⁴⁴ Omar Salem, *Towards a Criminal Law for the Press: General Section* (Cairo: Dar Al-Nahda Al-Arabiya, 1995), part 01, 137.

⁴⁵ Al-Barasi, *Libyan Law and Press and Publishing Crimes*, 29.

⁴⁶ Salem, *Towards a Criminal Law for the Press*, 138.

⁴⁷ Ayte, *The Criminal Responsibility of the Journalist*.

considered responsible to the article writer for his article, according to the text of Article (23/C) of this law, which considers the editor-in-chief as a principal perpetrator in the crimes committed by publishing in Periodic publications and a public right lawsuit is filed against him.⁴⁸ Through this, the legislator has stipulated an exceptional case related to responsibility for the actions of others.⁴⁹

The responsibility of the editor-in-chief is not limited to the provisions of the Press and Publishing Law, but rather extends to the Criminal Code in accordance with the provisions of Articles (77) and (78) of the Jordanian Criminal Code. Article (77) of the law stipulates that “the two partners in the crime committed by speech transmitted by mechanical means as stated in Article (73/2) or in the crime committed by one of the means mentioned in the third paragraph of the same article are the author of the speech or writing and the publisher, except that The first proves that the publication was carried out without his consent, as stated in the text of Article (78) of the same law, which states: “When the crime is committed by newspapers, the newspaper director is considered responsible, and if there is no director, then the editor or editor-in-chief of the newspaper.”

Because the journalistic crime consists of a number of acts, namely the article or drawing and the publishing incident itself. Because the editor-in-chief is the one who publishes, with his permission, and without this permission, the publishing process cannot be completed, this makes him an accomplice in committing the crime, and he is punished as if he were the only perpetrator if he was at the same time the writer of the article or the one who drew the drawing and the person responsible for publishing.⁵⁰ This is the legal basis through which the editor-in-chief’s responsibility for press crimes can be established. Hence, the Jordanian legislator equated the editor-in-chief with the author in terms of capacity and responsibility. Both of them were considered an original perpetrator of the crime, and neither of them was an accomplice and the other

⁴⁸ Al-Rai, *Press and Publication Crimes*, 61; see also Al-Qudah, *A Study of Journalistic Responsibility in Jordanian Law*, 11.

⁴⁹ Majeed, *Freedom of the Press and Expression*, 139; see also Ayte, *The Criminal Responsibility of the Journalist*, 62.

⁵⁰ Al-Rai, *Press and Publication Crimes, Libel and Slander*, 170-171.

was an original perpetrator, because they cooperated with a tangible, material act in completing the crime of publication.⁵¹

In a decision No. 2000/876 issued on 30th January 2000, the Amman Court of First Instance ruled that the text of Article 41 of the Press and Publications Law was in violation of the Constitution and thus unconstitutional. The court refrained from implementing it and justified its ruling by providing a detailed explanation:⁵²

- 1- The text of Article (103) of the Jordanian Constitution gave the courts the right to exercise their judicial jurisdiction in accordance with the provisions of the laws in force in the Kingdom. By referring to the applicable laws regulating the state's right to punishment, which specify the criminal acts, their elements and elements, and the punishment for their perpetrator, the court found that the text of Article 75 of the Criminal Code, which stipulates that the perpetrator of the crime is "the perpetrator of the crime is the one who brought into existence the elements that constitute the crime or contributed directly." In its implementation. Article 74 of the same law also clarifies that "no one shall be sentenced to a penalty unless he committed the act consciously and willingly."

Therefore, by referring to the two previous texts specifying criminal liability in general, the court found that Article 41/B of the Press and Publications Law stipulates that the editor-in-chief, in all cases, without examining the issue, committed this act consciously and consciously and that his will tended to attack a right protected by the law.

- 2- The Amman Court of First Instance considered that the text of Article 41/B of the Press and Publications Law violated Article 101/A of the Jordanian Constitution, which considered that the courts are protected from interference in their affairs, so considering the editor-in-chief to be an original actor in accordance with the text of the aforementioned Article 41/B is considered

⁵¹ Al-Fawa`ra, "Criminal Liability for Press Crimes," 124-125.

⁵² Decision of the Amman Court of First Instance No. 2000/876, issued on 30th January 2000. See also Al-Fawa`ra, "Criminal Liability for Press Crimes," 124-125.

Interference by the legislative authority in the work of the judiciary, which is concerned with determining the responsibility of perpetrators and imposing punishment.

- 3- The Amman Court of First Instance considered that the text of Article 41/B of the aforementioned law violated the text of Article 6/A of the Jordanian Constitution, which stipulates the principle of equality among Jordanians before the law, with no discrimination between them in rights and duties. So, the text of Article 41/B assumed that the editor-in-chief would be held accountable for the crime as the original perpetrator of the crime so that the burden of proof falls on him to deny the accusation against him. Note that the general rules stipulate that the burden of proving the accusation always falls on the Public Prosecution.
- 4 The Amman Court of First Instance referred to and supported the decision issued by the Supreme Constitutional Court of the Arab Republic of Egypt No. 59 of 1997, which included a ruling declaring the unconstitutionality of the legal text, which included punishing the newspaper's editor-in-chief as an original perpetrator.

4.8. Characteristics of Journalistic Crime

Press publishing crimes have some unique characteristics that set them apart from other crimes. These include:⁵³

- They are committed by those who practice journalism.
- They are characterized by publicity, as they are made available to the public through publication.⁵⁴
- They are considered temporary crimes because they are completed when the material elements of the crime are available. Simply publishing something that violates freedom of opinion and expression fulfills the elements of this crime.

⁵³ Hanane Ouchen, *Crimes of Publication Between Sharia and Law*, 261; see also Al-Rai, *Press and Publication Crimes*, 61; Firas, *A Study of Journalistic Responsibility in Jordanian Law*, 11.

⁵⁴ Hegazy, *General Principles in Press and Publishing Crimes*, 31.

- They represent the constitutional principles of freedom of expression, opinion, and the press, which are guaranteed in Article 15 of the Jordanian Constitution. The first paragraph of Article 15 states that “the state guarantees freedom of opinion, and every Jordanian may freely express his opinion in speech, writing, photography, and other means of expression, provided that it does not exceed the limits of the law.” The third paragraph of the same article guarantees freedom of the press, printing, publishing, and media within the limits of the law.⁵⁵
- The effects of these crimes go beyond violating an individual’s privacy and can include attacks on the security and stability of the state, both internally and externally.

4.9. Procedures and Guarantees for Investigating Press and Publishing Crimes

The investigation into press crimes is subject to general rules. The preliminary investigation, according to the requirements of the Jordanian Criminal Code, is obligatory in felonies, optional in misdemeanors unless there are special provisions, and permissible in violations if requested by the public prosecutor.

4.10. Elements of Journalistic Crime

- I. The legal element of a journalistic crime: The legal element is defining the legal text that criminalizes the act, as there is no crime without a law that defines and punishes it. This pillar includes the specifications of the act that is considered a journalistic crime.⁵⁶
- II. The material element of a journalistic crime: This element is represented by the act committed by the perpetrator, and the result that occurs as a result of this act, in addition to the existence of a causal relationship between the act and the result.
- III. The moral element of a journalistic crime: It is represented by the intention carried by the perpetrator when committing the act, where the intention

⁵⁵ Abrar Sayed, *Procedural Provisions and Penalties for Press and Publishing Crimes* (2021).

⁵⁶ Salem, *Towards a Criminal Law for the Press*, 58.

must be bad and directed to offend others, and there must be a criminal will expressed through the criminal conduct of the perpetrator.⁵⁷

The Jordanian judiciary also affirmed the same meanings contained in the texts of the law. The Jordanian Amman Criminal Court of First Instance decided this meaning,⁵⁸ as well as the ruling issued by the Jordanian Amman Court of Appeal, which concluded that “for a crime to be committed in violation of Article (7) of the Press and Publications Law, there must be Its two pillars are material and moral. The material element is represented by publishing what constitutes a lack of balance, objectivity and integrity in the presentation of journalistic material. As for the moral element, it is represented by the intention to commit the crime with knowledge of its elements, so that the perpetrator must know that what he publishes does not respect the public freedoms of others, does not preserve their rights, and violates the sanctity of their private lives, and that It constitutes a lack of balance, objectivity and integrity in presenting this journalistic material, and yet his will is directed toward publishing it...”⁵⁹

- IV. The publicity element of a journalistic crime: This element is considered one of the pillars required by a journalistic crime, as the journalistic crime must be committed in a public place and in front of people. This facilitates the process of uncovering the perpetrator of the crime and contributes to achieving justice. Publicity is considered the main reason for punishment for journalistic crimes, given that the law does not punish opinions and ideas unless they are expressed through one of the public means, and the press is one of them. Publicity, then, is decomposed into two elements: a moral element, represented by the offending article or drawing, and a material element, which is publication.⁶⁰

⁵⁷ Salem, 58.

⁵⁸ Decision of the Amman Criminal Court, Jordan, No. 2871/2001, issued on 3/31/2003 (unpublished).

⁵⁹ Ruling of the Jordanian Court of Appeal, Amman No. 382/2004 issued on 4/14/2004 (unpublished).

⁶⁰ Al-Rai, *Press and Publication Crimes*, 98; see also Sayed, *Procedural Provisions and Penalties for Press and Publishing Crimes*.

4.11. Arrest for Press and Publishing Crimes

The public prosecutor has the authority to order an arrest if the act committed by the defendant is punishable by imprisonment exceeding two years or a temporary criminal penalty. However, misdemeanors punishable by imprisonment of two years or less, misdemeanors punishable by a fine, and violations that do not fall under the category of crimes for which an arrest order may be permissible are not covered under this rule.⁶¹

However, there are exceptions to this rule. The public prosecutor can issue an arrest warrant against the defendant for the act charged against him even if the act is not punishable by imprisonment for more than two years or a temporary criminal penalty in two cases. The first is if the act attributed to him is one of the crimes of theft, harm, or unintentional harm. The second is if he does not have a fixed and known place of residence in Jordan.

4.12. The Judiciary Responsible for Examining Press and Publishing Crimes

Below we review the specific jurisdiction in examining press and publishing crimes, and then we review the spatial or local jurisdiction.

1- Specific jurisdiction over crimes of journalism and publishing

Jordan still relies on the exceptional courts to hear most press and publishing cases, which are represented by the State Security Court, and therefore it deviates with explicit legal texts and diligence of the Court of Cassation from the original jurisdiction of the (subject) court, the Court of First Instance, which the law has specified to hear press and publishing cases. However, after the issuance of the Press and Publications Law No. (27) of 2007 and the addition of the phrase “despite what was stated in any other law” at the beginning of Article (41/A/1), the text clearly states that the Court of First Instance is exclusively competent to consider all crimes. Cases related to publications and publishing or crimes committed through publications.

⁶¹ Al-Rai, *Press and Publication Crimes*, 98.

It can be said that the criterion of jurisdiction in press and publishing crimes is “the nature of the right attacked.” If the journalistic misdemeanor is harmful to the public interest, the criminal court is competent to adjudicate the case that arises from it, such as insulting or insulting the head of state, attacking public morals, or insulting and insulting him. The Legislative Council or other government bodies or government employees, but if the journalistic misdemeanor is such as insult or slander against a person or insult committed against a public employee as an ordinary individual or someone of the same rank, then the competent court is the district court in accordance with the general rules.⁶²

2- Spatial or local jurisdiction

Regarding crimes related to press and publishing, the court that has jurisdiction is determined by the location of the crime, the accused’s residence or where they were arrested. Since publishing crimes are committed through the act of publishing, they are considered to have taken place in the jurisdiction of every court where the writing was published. Furthermore, since journalistic crimes are typically sequential or continuous, they are considered to have occurred in the jurisdiction of every court where continuity is established or any of the sequential acts took place.⁶³

4.13. Penalties for Press and Publishing Crimes

The penalty for press and publishing crimes in Jordan is determined by the Jordanian Criminal Code. The type of penalty is based on the severity of the crime, whether it is an aggravated, misdemeanor, or criminal offense. The punishments mentioned in Articles 14, 15, and 16 of the Criminal Code are applicable to these crimes. If the crime is a criminal offense, then the punishment is criminal as well. If it is a violation, then the punishment is an aggravating offense, and if it is a misdemeanor, then the punishment is a misdemeanor. All the penalties are financial in nature, including fines. It is important to note that the provisions

⁶² Ali Musaada, “Press and Publishing Crimes Harmful to the Public Interest” (PhD thesis, Amman Arab University, 2007), 264–265.

⁶³ Salem, *Towards a Criminal Code for the Press*, 248.

of the Criminal Code apply to publication crimes in Jordan, except for a few texts mentioned in the Publications Law.⁶⁴

Although there are various financial penalties stipulated by the law, the fine is the only original penalty. This means that the convict is obliged to pay a certain amount of money determined at the judge's discretion, which goes to the state treasury.⁶⁵ It is worth noting that there are supplementary or consequential penalties that are attached to the original penalties. Examples of these penalties include removal from the job, deprivation of rights, police surveillance, or confiscation of some prohibited items.

V. Examples of Crimes Committed by The Press

Crimes committed by the press, also known as publishing crimes, involve ideas and beliefs of various kinds, including political, economic or social beliefs. These crimes often occur due to the misuse of freedom of the press, resulting in criminal or civil liability, or both. It should be noted that these crimes may be committed against the state, such as inciting crimes like harming the dignity of the king and the ruling family, insulting religious beliefs, or spreading rumors and false news that undermine the state's prestige and national sentiment. These crimes can also be committed against individuals, such as defamation, slander, revealing secrets, and other similar crimes. Publishing crimes can be classified as a felony, a misdemeanor, or a violation. Among the most significant crimes that fall under this category are defamation, slander, and harming the dignity of the king and the ruling family.⁶⁶

5.1. Crimes of Slander and Defamation

Crimes of defamation and slander are considered to be the most severe offenses against honor, freedom, and prestige. Jordanian and Egyptian legislators have stipulated these types of crimes in their Criminal codes and have allocated special punishment for them.

⁶⁴ Sayed, *Procedural Provisions and Penalties for Press and Publishing Crimes*.

⁶⁵ Mahmoud Hosni, *Explanation of the Criminal Code, General Section* (Cairo: Dar Al-Nahda Al-Arabiya), 708.

⁶⁶ Al-Rai, *Press and Publication Crimes*, 111-115.

These crimes can take multiple forms. For instance, the perpetrator's slander and defamation may be directed toward the victim directly. This may occur when someone attributes a disgraceful material to another person in a gathering, leading others to despise them. This material may or may not be a crime punishable by law, and it may also be through publishing data or information that falls within the crimes of defamation or slander.

It is important to discuss the legal aspects of these crimes, the difference between slander and defamation, and the journalist's criminal responsibility for publishing material containing them. This is especially pertinent in Jordan, where the legislator has prohibited arresting journalists in cases related to expressing opinions and freedom of expression in accordance with the Press and Publications Law. We will also discuss the extent of the contradiction between the Press and Publishing and Criminal Laws, as well as the editor-in-chief's responsibility for these crimes.

These include:

- The definition of the crimes of slander and defamation, and their elements in the Jordanian Criminal Code,
- The journalist's trial on charges of slander and defamation.

5.2. Definition of the Crimes of Slander and Slander and their Elements in the Jordanian Criminal Code

The first paragraph of Article (188): Criminal Code No. 16 of 1960 stipulates the definition of defamation by saying that it is "attributing a specific material to a person - even in the context of doubt and questioning - that would undermine his honor and dignity or expose him to people's hatred and contempt, regardless of whether that material is Whether a crime requires punishment or not."

Through this definition, we notice that the interest protected by the law is human honor and regard. The second paragraph of Article (188) of the Criminal Code No. 16 of 1960 stipulates the definition of defamation as "an assault on the dignity, honor, or regard of others - even in the context of doubt and questioning - Without specifying a specific article."

Although the crime of slander is independent of the crime of defamation, which the first paragraph of the same article defines it as “attributing a certain material to another person, even in the context of doubt and questioning, and which would undermine his honor and dignity or expose him to people’s hatred and contempt, whether that material is a crime that requires Punishment or not, these two crimes are subject to common provisions.

These two articles are similar in their physical element, just as they are similar in assault, but what distinguishes them from each other is that the subject of attribution in the crime of defamation is more serious than in defamation, because defamation includes attributing a “specific substance,” as is clear from the definition, to the victim, which harms his reputation and status. Social defamation does not include the attribution of a specific article, but rather includes a general ruling that could harm the aggressor’s honor and prestige, and people tend to believe the attribution of the specific incident to the belief that there is evidence to support it more than they believe general statements that they often take as an expression of pure hatred or hatred.

If, when committing crimes of defamation and slander, the name of the assaulted person is not mentioned explicitly or the attributions made are ambiguous, but there is evidence that leaves no hesitation in attributing those attributions to the assaulted person or determining their nature, then the perpetrator of the act of defamation or slander must be viewed as if he were the name of the assaulted person was mentioned, and the slander or slander was clear in terms of its nature.

Article (39) of the Press and Publications Law of 1998 also stipulates that it is prohibited to publish any of the following: A. Anything that includes contempt, slander, or disparagement of one of the religions whose freedom is guaranteed by the Constitution, or abuse of it. B. What includes attacking or insulting the leaders of the laws, such as the prophets, by writing, drawing, pictures, symbols, or by any other means. C. What constitutes insulting religious feelings or belief, or inciting sectarian or racist strife. D. What includes slander,

slander, or contempt of individuals, or affects their personal freedoms, or what includes false information or rumors against them. Article (46) of the Press and Publications Law stipulates the penalty prescribed in the event of a violator of the aforementioned Article (39) by saying: “Anyone who violates the provisions of Paragraphs (A), (B), and (C) of Article (38) of this According to the law, he shall be punished with a fine of not less than ten thousand dinars and not more than twenty thousand dinars.”

Therefore, it is evident that the Press and Publications Law provides a comprehensive legal framework for regulating the journalism profession. The law explicitly outlines the ethical and professional responsibilities that journalists must adhere to. Additionally, it is essential to note the rights that journalists are entitled to while performing their duties.

In application of this, the Court of Cassation, in its criminal capacity, issued its ruling in Case No. 1482 of 2020, in which it stated the following: “With regard to the crime of spreading false rumors in accordance with the provisions of Article 38/D of the Press and Publications Law, and in accordance with Article 46 of the same law, repeated three times. Article 38 stipulates /d) of the Press and Publications Law stipulates that (it is prohibited to publish any of the following: d - (what harms the dignity and personal freedoms of individuals or that contains false information or rumors against them). Article (46/e) of the Press and Publications Law stipulates that (all Whoever violates the provisions of Paragraph (D) of Article (38) of this law shall be punished with a fine of not less than five hundred dinars and not more than one thousand dinars. This crime requires the presence of two elements, namely: - The material element, which is positive behavior represented by publishing what contains abuse For the dignity and personal freedoms of individuals or containing false information or rumors against them, the moral element means the will to commit the crime as defined by the law, so that the perpetrator’s will is directed toward committing the act despite his awareness of all the elements of this act and the consequences resulting from it.

It was not proven in court that the statements made in the press release were true or that the defendants, who had personal rights, had published facts based on what was actually happening on the ground. It was not shown that they had investigated the truth of the matter. Moreover, the evidence presented by the prosecution had proven that the information stated in the news was incorrect. As a result, their actions were considered the crime of spreading false rumors against individuals, who were represented by the current administration. This administration is headed by the Chairman of the Board of Directors, Amer Al-Majali, and the CEO, Shafiq Al-Ashqar. The defendants had accused the current administration of wasting the company's wealth and millions of dollars of its shareholders by selling phosphate to an Indian company at prices lower than those stated in the international phosphate price bulletin. During the era of the previous administration, led by Walid Al-Kurdi, the company was making profits in the hundreds of millions. However, currently, the company is experiencing a loss in sales.⁶⁷

5.3. Instances of Slander

Article (189/4) stipulates that in order for defamation or slander to require punishment, it is a condition that the defamation or slander be committed through publications, and its condition is that it occurs: A. Through newspapers and daily or timely newspapers. B. Any type of publications or publishing media. Therefore, Article (358) stipulates that anyone who slanders another in one of the forms specified in Article (188) shall be punished by imprisonment from two months to one year. Article (359) also stipulates that "insulting a person committed in one of the forms mentioned in Articles (188 and 189), as well as contempt occurring in one of the forms mentioned in Article (190), shall be punished by imprisonment from one week to three months or by a fine from five to twenty-five dinars."

It is clear from the above-mentioned texts that if newspapers publish something that would slander or slander a person, this represents a violation

⁶⁷ Case No. 1482 of 2020, Court of Cassation in its criminal capacity, issued on July 20, 2020.

of the morals and ethics of the journalistic profession stipulated in Article (7) of the Jordanian Press and Publications Law, which stipulates respecting the public freedoms of others, preserving their rights, and not Violating the sanctity of private life, and are considered crimes that require criminal liability for the perpetrator.⁶⁸

One of the judicial rulings that can be inferred in this context is from the Amman Misdemeanor Court. The ruling states that the broadcast on Nour Al-Urdun channel shed light on a dangerous phenomenon that negatively impacted the validity of the elections, which is political money. As a result, the broadcast is consistent with freedom of the press and its goals, as stated in Article 3 of the Press and Publications Law. This article guarantees the freedom of opinion for every Jordanian and their right to express their opinion freely in speech, writing, photography, drawing, and other means of expression and media. Article 4 of the same law also stipulates that the press has the right to provide news, information, and comments freely and contribute to the dissemination of thought, culture, and science within the limits of the law and within the framework of preserving public freedoms, rights, and duties while respecting the freedom and sanctity of the private life of others. Finally, Article 6 of the same law includes freedom of the press:

- A. Informing citizens of events, ideas, and information in all fields.
- B. Allowing citizens, parties, unions, and cultural, social, and economic bodies to express their ideas, opinions, and achievements.”⁶⁹

5.4. The Impermissibility of Proving the Validity of the Libel

Article (194) stipulates that “if the defamer requests permission to prove the veracity of what he attributed to the assaulted employee, his request shall not be granted unless what he attributed is related to the duties of that employee and the position of the slanderer shall cease, by converting the defamatory expressions into the form of a specific article, and then he shall be treated as “Slander.”

⁶⁸ Al-Rai, *Press and Publication Crimes*, 61.

⁶⁹ Case No. 775 of 2021 - Beginning of Penalty - Amman Misdemeanors issued on 03/03/2022.

When referring to the text of Article (192) mentioned above, we find that requesting permission for the defamer to prove the facts attributed to the public employee is obligatory in the event that what he attributes is related to the duties of his job or is a crime requiring punishment, and then it can be said that this is a fundamental defense accordingly. It is based on not accepting it unjustly that the ruling is flawed.

If the accused can prove the validity of what he attributed to the duties of the job, then the defamer is absolved. If he is unable, then he is sentenced to the penalty stipulated by the law for the defamer, according to the second paragraph of the text of Article (192) of the Jordanian Criminal Code, where it states: "If the defamation is related to the duties of the job only and its validity is proven." The blameworthy person will be absolved, otherwise he will be sentenced to the penalty prescribed for the blameworthy person." However, it is necessary to point out that the stupidity of proof falls on the blamer, in application of the rule that whoever claims something must prove it.

Among the rulings that can be inferred in this context is the ruling issued at the court of beginning of the Amman misdemeanor, where the court's decision stated the following: 1- Pursuant to Article 178 of the Criminal Procedure Code, declaring the suspects (accused) not responsible for crimes of defamation of an official employee, in contravention of Article 191 of the Criminal Code. In terms of Article 15 of the Cybercrimes Law, the defamation of an official employee, contrary to Article 191 of the Criminal Code, and in terms of Article 42 of the Press and Publications Law, and the licensee's violation of licensing obligations by broadcasting materials that would incite sectarian and ethnic strife, in violation of Article 20/L/1 of the Audiovisual Media Law, and in terms of Article 29/ B/1 of the same law and Article 42 of the Press and Publications Law, since their action does not constitute a crime and does not require punishment. 2- Pursuant to Article 52 of the Criminal Code and the meaning of Article 364 of the same law, the public right lawsuit shall be dropped from the suspects in relation to the crime of publishing data containing slander, defamation, or contempt via

the information network, in contravention of the provisions of Article (11) of the Electronic Crimes Law and in accordance with Articles 188, 189, and 190 of the Code. The Criminal Code according to the abolition of the personal right.⁷⁰

Interrogating a journalist regarding the crime of defamation and slander against a public employee or someone in his position

It can be said that the Jordanian Criminal Code only requires interrogation in specific cases, such as when arresting an accused person. The law also mandates interrogating the accused before ordering their arrest. In cases of journalism and publishing crimes, interrogation is subject to the same provisions and guarantees as many other crimes, meaning that journalists are subject to the same procedures as other defendants.

According to Article 192 of the Jordanian Criminal Code, it is not permissible to prove the validity of slander against an employee. The first paragraph of this article states that if a person who has defamed someone requests to prove the truth of their statement, their request will not be granted unless what they said is related to the duties of the employee's job or is considered a punishable crime.

If the subject of the defamation is a crime, and the employee is prosecuted for it, and it is proven that the defamer attributed it while knowing the innocence of the employee, then the defamation becomes slander. In this case, the legal articles related to slander must be applied.

1- *The crime of harming the dignity of the king and the ruling family*

The Jordanian law is strict about slandering the king and those in power, as stated in Article 195 of the Jordanian Criminal Code. This law punishes anyone who commits this offense with imprisonment for one to three years. Additionally, crimes related to publishing and journalism include those that harm religious beliefs through text, as per Article 38 of the Press and Publications Law. This article prohibits publications that denigrate, slander, or disparage any religion whose freedom is guaranteed by the Constitution. It also prohibits insulting or

⁷⁰ Case No. 1147 of 2019 - Beginning of Penalty - Amman Misdemeanors issued on 11/16/2022.

attacking religious figures, such as prophets, through writing, drawing, image, or symbol. It also prohibits inciting sectarian or racist strife, slandering individuals, or affecting their personal freedoms, or publishing false information or rumors about them.

One ruling that can be inferred in this context is the ruling issued by the Irbid Criminal Magistrate Court. This ruling states that anyone who publishes data through the information network that may incite sedition, strife, hatred, violence, or justify it, is guilty of violating Article 17 of the Cybercrime Law No. 17 of 2023. This is considered a crime of publishing statements containing false news that targets national security and societal peace, slandering, defaming, and humiliating state authorities and official information, in contravention of Article 15 of the Cybercrime Law No. 17 of 2023. According to Article 177 of the Code of Criminal Procedure, anyone who commits this crime is guilty of publishing false data that targets national security and societal peace, and defaming, slandering, and humiliating state authorities and official bodies, in violation of Article 15 of the Cybercrime Law No. 17 of 2023. The punishment for this crime is imprisonment for three months, and fees are calculated for the period of detention from the date of 11/12/2023 until 11/14/2023.⁷¹

Examples of press and publishing crimes include publishing news that affects judges and witnesses. Article (224) prohibits publishing news, information, or criticism that would influence any judge or witness or prevent any person from disclosing the information he has to those in charge. The punishment for such a crime is imprisonment for up to one year or a fine of not more than two hundred dinars, or both.

Article (225) punishes anyone who publishes the following with imprisonment up to three months:

1. A criminal or misdemeanor investigation document before it is read in a public session.
2. Trials in secret sessions.

⁷¹ Case No. 14533 of 2023 - Irbid Criminal Reconciliation issued on 01/28/2024.

3. Trials in defamation cases.
4. Every trial the court prevented.

Based on this, the Amman Criminal Magistrate Court issued the following ruling:

1. The defendant was convicted of the crime of influencing the course of justice in violation of Article 11 of the Contempt of Courts Law and sentenced to two months' imprisonment and fees. The court, for discretionary mitigating reasons, reduced the penalty to two weeks' imprisonment and fees.
2. The defendant was convicted of the crime of exposing the course of justice to doubt in violation of Article 15 of the Contempt of Courts Law and sentenced to imprisonment for three months and fees. The court, for discretionary mitigating reasons, reduced the sentence to two weeks' imprisonment and fees.
3. The complainant was convicted of the crime of defaming the courts in violation of Article 191 of the Criminal Code and sentenced to three months' imprisonment, fees, and the cancellation of personal rights. The court, for discretionary mitigating reasons, reduced the sentence to two weeks' imprisonment and fees.
4. The defendant was declared not responsible for the crime of sending insulting messages via telecommunications means, contrary to Article 75 of the Telecommunications Law.
5. The most severe punishment was implemented against the defendant, so the penalty became imprisonment for one month and fines.⁷²

VI. CONCLUSION

This paper aimed to promote freedom of opinion and expression for journalists while ensuring adherence to Jordanian legislation. It highlighted the constitutional guarantees and regulations that regulate freedom of the press and media. This paper yielded the following results: Firstly, the Constitution and the law establish freedom of the press as a means of expressing opinions. However, this freedom is not exempt from the law, and journalists must follow

⁷² Case No. 1366 of 2018 - Amman Criminal Reconciliation issued on 03/06/2018.

legal limits when practising their profession. Secondly, the Press and Publications Law contained a provision for protecting journalists from imprisonment for expressing opinions, but it was insufficient in achieving its goal. Thirdly, the Law on the Right to Access to Information stipulates many procedural restrictions on how to appeal the administrative decision issued to prevent the seeker of information from obtaining it, which requires amending these texts, which is what we recommend. Fourthly, the Jordanian Constitution underscores the importance of freedom of opinion and expression and connects it with freedom of the press. However, it does not grant unrestricted freedom of expression, as it restricts it to comply with laws, agreements. To regulate the work of journalists, the Press and Publishing Law No. 27 of 2007 was introduced, which outlines a set of provisions. Fifthly, while the Press and Publications Law specifies the rights of journalists, it also imposes duties and restrictions that limit freedom of opinion and expression. The Jordanian Constitution does not allow absolute freedom of expression, but instead restricts it to not deviate from the law, as other laws stipulate. Laws related to ethics and duties, such as Journalists Syndicate Law No. 15 of 1998 and the journalistic code of honor, are also imposed on journalists. Sixthly, although the Press and Publications Law prohibits the arrest of individuals based on their opinion and expression, it does not prevent the imprisonment of journalists for defamation and slander under the provisions of the Criminal Code No. 16 of 1960 and its amendments. The law does not permit the publication of defamatory and slanderous materials, except in specific cases, such as criticism, which serves the public interest, as stated by the legislator. In addition, the law assumes the editor-in-chief's responsibility in cases of defamation and slander, which is a point of disagreement. This violates the basic principles of criminal law, which state that "the accused is innocent until proven guilty," as the law assumes that the editor-in-chief participated in the crimes of slander and slander, and places him in the position of being accused. This also violates the principle that a person cannot be held accountable for the actions of others. Therefore, the editor-in-chief's responsibility exists only if he can prove that

the publication occurred without his knowledge in order to be absolved of the charges against him, as the Egyptian Court of Cassation has stated. Finally, in Jordan, there is a big number of laws that pertain to press freedom and media, both directly and indirectly. However, many of these laws are contradictory, and it would be better to consolidate them into one or two laws. This would provide a regulatory assurance for the journalism and media profession. At the end of this study, we can indicate some recommendations that the researcher sees as necessary and useful in this regard: the researcher recommends the necessity of reconsidering the definition of the legal texts regulating journalistic work through constitutional texts. Moreover, Amending the text of Article 42/H of the Press and Publications Law to stipulate that journalists shall not be imprisoned in print and publishing cases in general included within the Press and Publications Law. Furthermore, Amending the provisions of the Law Guaranteeing the Right to Access to Information to overcome the procedural restrictions imposed on journalists in obtaining data and information. Lastly, the paper recommends restricting press and publishing issues to the Press and Publishing Law only.

BIBLIOGRAPHY

- Abdel Majeed, Laila. *Freedom of the Press and Expression in the Arab Countries: In Light of Journalism Legislation, Reality, and Hopes for the Future*. Amman: Salman Arar Award, 2002.
- Abo Alsondos, Sawsan. "Freedom of the Press in Jordan: Regulatory Amendments or Restrictions to Online Speech?" December 20, 2021. <https://smex.org/freedom-of-the-press-in-jordan-regulatory-amendments-or-restrictions-to-online-speech>.
- Abu Younis, Muhammad. *Legal Restriction of Freedom of the Press: A Comparative Study*. Alexandria: New University House, 1996.
- Al-Amer, Mamdouh. "The Relationship between the Jordanian Press and National Security." Master's thesis, Middle East University, 2008.

- Al-Faouri, Fathi. *Explanation of the Criminal Code*. Amman: Wael Publishing House, 2021.
- Al-Fawa'ra, Muhammad. "Criminal Liability for Press Crimes." *Mutah Center for Research and Studies* 22, no. 3 (2007).
- Al-Ghazawi, Muhammad Salim. *Considerations on Democracy*. Amman: University of Jordan, 2000.
- Al-Jabour, Muhammad. *Crimes Against State Security and Terrorism Crimes*. Amman: Dar Al-Thaqafa, 2011.
- Al-Khasawneh, Maha. "Journalist's Civil Liability for Violating the Right to Image in the Jordanian Civil Law." *Sharjah University Journal for Sharia and Legal Sciences* 12, no. 2 (2015): 171–97.
- Al-Ma'mari, Ahmed Adel. "Criminal Liability Resulting from Misuse of Journalistic Freedom of Expression: A Comparative Study." Sharjah Police, Police Research Center Administration, 2017.
- Al-Qatawteh, Basel. "Criminal Protection of the Privacy of Digital Personal Data." PhD diss., World Islamic Sciences and Education University, 2022.
- Al-Qudah, Firas Suleiman. "A Study of Journalistic Responsibility in Jordanian Law: An Unpublished Study." *Legal Journal* (2008).
- Al-Ra'i, Ashraf Fathi. *Crimes of Journalism and Publishing – Defamation and Libel*. 1st ed. Amman: Dar Al-Thaqafa, 2010.
- Al-Rai, Ashraf. *Crimes of the Press and Publishing, Slander and Libel*. 2nd ed. Amman: House of Culture Publications, 2012.
- Al-Rai, Ashraf. *Freedom of the Press in Legislation and Its Compatibility with International Standards*. 1st ed. Amman: Dar Al-Thaqafa, 2012.
- Al-Rai, Ashraf. *The Right to Access Information*. 2nd ed. Amman: Dar Al-Thaqafa, 2012.

- Al-Rai, Ashraf. *Freedom of the Press in Legislation and Its Harmonization with International Standards*. 1st ed. Amman: House of Culture, 2014.
- Al-Rasheed, Ahmed. *Human Rights*. Cairo: Al-Shorouk International Library, 2003.
- Al-Shakhatra, Fayez. "The Right to Information." Unpublished study, National Centre for Human Rights, Amman, 2005.
- Ashraf, Mahmoud Bassiouni. *The Role of Communication Media in Decision-Making*. Beirut: Center for Arab Unity Studies Series, 1993.
- Bakr, Firas. "Memorandum on the Supreme Court of Justice and the Press and Publishing Law." Unpublished study. Amman: Jordanian Supreme Council for Media, 2005.
- Barafi, Jamal, and N. Georges. "The Legal Protection of Minorities from International Law and Arab Mashreq Perspectives." *International Journal on Minority and Group Rights* 27, no. 3 (March 2020): 555-79. <https://doi.org/10.1163/15718115-02704001>.
- Barafi, Jamal, Z. Jaffal, F. Alshawabkeh, and R. Al Ajlani. "Towards an Effective Legal Protection for Older Persons in the 21st Century: A Comparative Study of International Human Rights Law and Arab Constitutions." *Access to Justice in Eastern Europe* 7, no. 1 (February 2024): 198-221. <https://doi.org/10.33327/AJEE-18-7.1-a000106>.
- Barth, J. "Liberty of Conscience Is Every Man's Natural Right: Historical Background of the First Amendment." *Journal of Policy History* 35, no. 4 (October 2023): 435-53. <https://doi.org/10.1017/So898030623000234>.
- Bassiouni, Mahmoud Sharif, et al. *Human Rights Volume*. Beirut: Dar Al-Ilm li-Munayin, 1989.
- Bulmer, Elliot. *What Is a Constitution? Principles and Concepts*. 2nd ed. International IDEA Constitution-Building Primer 1. Stockholm: International IDEA, 2017. <https://www.idea.int/sites/default/files/publications/what-is-a-constitution-primer.pdf>.

- Bushnell, David. *The Making of Modern Colombia: A Nation in Spite of Itself*. 4th print. History/Latin American Studies. Berkeley: Univ. of California Press, 2003.
- Campbell, Jud. "Natural Rights and the First Amendment." *Yale Law Journal* 127, no. 2 (November 2016): 246–327. <https://www.yalelawjournal.org/article/natural-rights-and-the-first-amendment>.
- Constitution of Jordan. 1952.
- Constitution of the Republic of Indonesia. 1945.
- Constitution of the Republic of Indonesia (amended).
- Cuplikan dari Forum Rektor Indonesia [Excerpt from the Indonesian Rectors Forum]. "Rumusan Konvensi [Formulation of the Convention]." Accessed 14 May 2025. <http://fri.or.id/rumusan-konvensi>.
- Decision No. 2 of 2012, Special Interpretation Bureau for Laws (9 April 2012).
- Fahmy, Khaled Mustafa. *Freedom of Opinion and Expression in Light of International Agreements, National Legislation, Islamic Law, and Crimes of Opinion and Expression*. Alexandria: University Thought House, 2009.
- Fathi, Tariq Ahmed. *Criminal Protection of Individual Secrets in the Face of Publication*. Cairo: Dar Al-Nahda Al-Arabiya, 1999.
- Farisa, Fitria Chusna. "Empat Kali Wacana Presiden Tiga Periode, Sikap Jokowi Dulu dan Kini [Four Times the Discourse on a Three-Term Presidency, Jokowi's Stance Then and Now]." *Kompas.com*, 29 August 2022. <https://nasional.kompas.com/read/2022/08/29/10525661/empat-kali-wacana-presiden-3-periode-sikap-jokowi-dulu-dan-kini>.
- Hegazy, Abdel Fattah Bayoumi. *General Principles in Press and Publishing Crimes*. Cairo: Dar Al-Nahda Al-Arabiya, 2009.
- Hosni, Mahmoud Naguib. *Explanation of the Criminal Code, General Section*. Cairo: Dar Al-Nahda Al-Arabiya, 1962.

- Ibrahim, Muhammad. *Freedom of the Press*. 2nd ed. Cairo: Dar Al-Kutub Al-Ilmiyya, 1999.
- Idris, Junaid Mahmoud. "Journalist's Civil Responsibility." Master's thesis, Middle East University, 2019.
- Jordanian National Charter. 1991.
- Khaled, Nawaf Hazem, and Khalil Ibrahim Mohammed. "The Electronic Press and Its Lack of Responsibility." *Journal of Sharia and Law* no. 46 (April 2011): 211–302.
- Khalil, Abdullah. *Encyclopedia of Arab Press Legislation and Freedom of Expression*. Cairo: Cairo Center for Human Rights Studies, 2000.
- Khleifat, Hisham Mohammad. "Legal Restrictions on the Freedom of the Press Provided for in Jordanian Legislation: A Comparative Study". Master's thesis, University of Jordan, 1999.
- Maalouf, Louis. *Al-Munajjid fi Al-Lughah [The Lexicon of Language]*. 35th ed. Beirut: Dar al-Machreq, 1998.
- Muhammad, Abdullah Muhammad. *In Publication Crimes: Freedom of Thought, General Principles in Publication Crimes, Incitement Crimes*. Cairo: Dār alNashr lilJāmi'āt alMiṣriyah, 1951.
- Ouchen, Hanane. "Crimes of Publication between Sharia and Law." *Dirassat wa Abhath: Arabic Journal of Human and Social Science* 10, no. 2 (June 2019). <https://smex.org/freedom-of-the-press-in-jordan-regulatory-amendments-or-restrictions-to-online-speech>.
- Partlett, William. "Russia's Unconstitutional Zeroing Amendment." *IACL-AIDC Blog*, 16 March 2020. <https://blog-iacl-aidc.org/2020-posts/2020/3/16/russias-unconstitutional-zeroing-amendment>.
- Penetapan Presiden Republik Indonesia Nomor 1 Tahun 1960 tentang Garis-Garis Besar Daripada Haluan Negara [Presidential Stipulation No. 1 of 1960 on the Broad Outlines of State Policy]. Jakarta, 1960.

Press and Publishing Law. 1998.

Press and Publishing Law No. 30. 1999.

Press and Publishing Law No. 32. 2012.

Qistas Publications. *Judgment No. 1102 of 2014*. Amman Criminal First Instance Court, 2014.

Ramadan Abd alHamid, Ashraf. *Freedom of the Press in Egyptian Legislation (Hurriyat al-Sahāfah fī al-Tashrī‘ alMisrī)*. 1st ed. Cairo: Dar al-Nahdah al‘Arabīyah, 2004.

Salem, Omar. *Towards a Criminal Law for the Press, General Section*. Part 1. Cairo: Dar Al-Nahda Al-Arabiya, 1995.

Saqqaf, Talib. *International Standards for Press Freedom*. Unpublished study. Amman: Jordanian Supreme Council for Media, 2005.

Sorour, Tariq. *Lessons in Publishing Crimes*. Beirut: Arab Renaissance House, 1997.

Tap MPRS No. IV/MPRS/1963 tentang Pedoman Pelaksanaan Garis-Garis Besar Haluan Negara dan Haluan Pembangunan [MPR Decree No. IV/MPRS/1963 on Guidelines for Implementation of the Broad Outlines of State Policy and Development Guidelines]. Jakarta, 1963.

Tempo.co. “Pengamat Politik Qodari Jelaskan Alasan Mendukung Wacana Jokowi Tiga Periode [Political Observer Qodari Explains Reasons for Supporting the Jokowi Three-Term Discourse].” *Tempo.co*, 16 March 2021. <https://www.tempo.co/politik/pengamat-politik-qodari-jelaskan-alasan-mendukung-wacana-jokowi-3-periode-530695>.

Tilik Data. “Presiden Tiga Periode [Three-Term Presidency].” *LAB45*, 22 June 2021. <https://www.lab45.id/detail/95/presiden-tiga-periode>.

Versteeg, Mila, et al. “The Law and Politics of Presidential Term Limit Evasion.” *Columbia Law Review* 120, no. 1 (January 2020): 173–248.

- Waid, Mohamed El-Sayed. *Freedom of the Press from a Human Rights Perspective*. Cairo: Cairo Center for Human Rights Studies, 1995.
- Weld Ayte, Mohammed Abd Rahman. "The Criminal Responsibility of the Journalist in the Mauritanian Legislation." *Revue ganonak* 16 (July 2023). <https://www.ganonak.com/2023/07/Revue.ganonak.N-16.quatrieme-annee-1444.Avril-Juin.2023-Art-16.html>.
- Wilson, James. "Of the Natural Rights of Individuals." In *Collected Works of James Wilson*, vol. 2, ed. Kermit L. Hall and Mark David Hall, 1053–56. Indianapolis: Liberty Fund, 2007.