

The Right of the Jordanian Citizen in the Expressing Opinion in the Jordanian Legislation and the Word Decrees

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Abstract

The Jordanian state has witnessed since it was established appositve development on the level of protecting the different Kinds of human rights according to the guidelines of the Jordanian leaders since Prince Abdullah the first until King Abdullah II .There has always been a call and protection for human rights, dignity and opinion expressing freedom which is totally guaranteed in the legislation.Reinforcing human rights concepts and democracy issues have become the most prominent issues all countries are concerned with including Jordan because such issues are the key for any state progress and prosperity which also embody the real loyalty of the individual to his own home to push him forward to serve his country. On other hand, a country has no justice, no equality and no transparency certainly gets no loyalty or even honesty from its people.This research used the analytical descriptive method to study the Jordanian's right in expressing his opinion freely, in addition to clarify the guarantee, the limitations and the practice between theory and application.

Keywords: Jordanian opinion freedom, Jordanian legislation, Jordanian freedom of expressing opinions, Jordanian's right

1. Introduction

Human rights issue occupies an important place in the priorities of Jordanian public community because of the oppression of the Osmani administration in the Arab countries in particular, in the Jordanian country at its time years ago.

On (11/4/1921) the first official political cabinet was established in the history of the Jordanian state in the east of Jordan under the leadership of Prince Abdullah Bin AL-Hussein who ran the state successfully in a democratic way giving the citizens the chance to express their needs, opinions by establishing the first constitution on (16/4/1928) which included (72) items including (people rights in the items 4-15) and one of those items is the freedom of expression and expressing opinions.

In addition, on (8/1/1952), the new constitution of the Jordanian state that consists of (130) items, established by the second king Talal Bin Abdullah was activated. King Talal assured the Jordanian rights and their freedom in the items (5-23), including the freedom of expressing opinions, which has been reinforced over and over by being modified in favor of the public at the time of the third King AL-Hussein Bin Talal who took over the charge of the kingdom in the period (1953-1999) .

Based on all what has been mentioned, the rights and the basic freedom of the Jordanian citizen are protected and cared about including his right in expressing his opinion freely which has become a fixed, unlimited right without violating the law, the general system and the general ethics.

2. Problem of the Study

The problem of the study is originated from the complaints of the Jordanians from different levels about violating their rights and freedom of expressing their opinions. On the other hand, there are lots of voices talking about the rights and the freedom the Jordanian citizens are enjoying which are not exactly available for the citizens from other Arab countries.

In addition, the problem is to identify the extent of the rights and freedom of expressing their opinions freely that are texted by the Jordanian legislations which are originated from the heaven legislations and word decrees, in addition to the extent of applying such legislations in real life or identifying whether those legislations are merely written texts being as slogans.

Moreover, the problem is to identify also the extent of violating such rights and freedom, if there was real violation, In addition to identifying the guarantee that enables the violated right person to get application for such guarantee that keeps his rights and freed not only having it theoretically.

3. Significance of the Study

The study is significant from the perspective of the researcher because of Royal callings for activating and protecting the man's rights and the freedom of expressing his opinions since the establishment of the Jordanian state and by the sequenced cabinets and its legislations that are originated to the Islamic religion , the norms , the good traditions and the world laws .

Its importance also is related to the increasing number of the international regional and national reports that come from active organizations, institutions and centers who deal with man's rights which indicate some gaps. Moreover, the significance of the study is that it assures the demanding of bridging the gaps that upset the Jordanian citizen about his rights and freedom that are related to the freedom of expressing the opinions and points of views freely.

4. Objectives of the Study

The main objective of this study is about the rights and freedom of expressing the opinions that are licensed by the Jordanian legislations beginning with the basic law assigned in the year (1928) passing through the constitution of (1947) and (1952) and its modifications for the year (2011) that included (42) items from (131) and explaining the boundaries of such freedom and how much the theory and the practice are identical, in addition to revealing the right side of such rights and freedom and the how are they violated and the extent it is protected and reinforced.

5. Previous Studies

The researcher reviewed the related studies that dealt with man's rights in particular, the freedom of expressing opinions. The following studies have been reviewed.

1. Mohamad AL Tarawneh (2003) conducted a study about The rights of the Jordanian between the text and application dealt the Jordanian legislations and the extent of its effectiveness in achieving the concept of security and the attitudes of such legislations towards the concepts of man's rights and his basic freedom.
2. Faleh ALBadareen (2004) conducted a study about human rights in the Jordanian constitution between Islamic religion and world legislation. The researcher indicates that the unpublic (13) institutions and organizations concerned with human rights in Jordan played a big role in protecting the human rights and freedom side by side with the political parties, unions and the universities. This shows the caring of the wise Hashemite leadership and the good spirit of the Jordanian constitution, in addition to the unity of the Jordanian people that created a suitable atmosphere respecting the individual's rights and encouraging the application of everything related to man's dignity.
3. Mohammad Mufleh ALHusami (2011) conducted a study about the governor and man's rights in Jordan in which he assured that protecting and respecting human rights and basic freedom is considered a very important issue should be considered by the governor as being a political responsible of the direct application of the laws for keeping the security and system and protecting the citizens and the country in harmony with the individual and personal rights for all people with the assurance of the necessity to provide the community with security and stability. The governors should respect the human dignity and protect the individual's rights in all procedures and decisions taken to lead to stability and not violating others freedom and rights.
4. Saleh Ahmad Jaradat (1997) conducted another study about the Jordanian citizen's rights and freedom in which he showed the caring of such rights in Jordan since the establishment of the state. The people rights in equality, freedom, the right in sharing in politics, practising the parliament life, acknowledging the Jordanian citizens of their personal and political rights that are included by the laws and systems and guaranteed by the constitution, providing them with the basic and necessary information about the state and its constitution, institutions and laws in order to enable those citizens to enjoy a happy life within a democratic community based on humanity, equality and justice to let the citizens be effective and loyal to their country and life peacefully.

6. The first Topic: Freedom of Opinion Expressing for the Jordanian Citizen in the Jordanian Legislation

Freedom of thought is "the crucial kind of freedom an individual needs as it is related to his spiritual interests and forms the basis of his own complete personality and as this freedom is the core for the developing of man's character to enable him to absorb the principle of the personal responsibility".⁽¹⁾

The freedom of opinion and expressing is "the person freedom to express what s/he thinks of without being chased by the authorities and could also practice religion, education, journalism, transport because this kind of freedom is strongly connected with other thought freedoms".⁽²⁾

The freedom of opinion and expressing is defined as "the freedom of expressing opinions and thoughts through speeches, writings and arts without being observed or restricted but on a condition that such speeches

⁽¹⁾ Al – Tarawneh Mohamad Saleem. Human Rights and Guarantees, comparative study in International Law and Jordan Legislation. First edition. (1994). Page (164).

⁽²⁾ Swisal Mumtaz. A research: (Freedom of view, Expression and Gathering) published in Law Magazine, issued at Law Faculty at Kuwait University, (third edition) (seventh) year. September(1983). Page (367).

and writings do not violate laws and the norms of the state, such freedom is usually accompanied by the right of peaceful demonstrations, the religion and worship, and the freedom of journalism".⁽¹⁾

"The Jordanian constitutions and laws called for the freedom of thinking and expressing in words or actions and banned the calling against religion and morals or calling for suspicious destructive thoughts that affect people badly".⁽²⁾

According to what has been mentioned, "the freedom of opinion and expressing in the Jordanian legislations means the Jordanian man's right in choosing the suitable opinion, expressing his thoughts and emotions by his will and being honest in doing that without assaulting others' rights. Expressing one's opinion shouldn't harm others or conceal the truth or make scandals or rumors for interests".⁽³⁾

"The freedom of opinions and expressing is a legal right for all Jordanians and this doesn't necessarily mean violating others' rights, interests or public and private properties, in addition not to block the development in the country. In fact, the irresponsible behaviors in expressing opinions are not related to the Jordanians' traditions, norms or Islamic values."⁽⁴⁾

7. The Second Topic: Disturbing the Freedom of the Jordanian Citizen in Expressing Opinions

The freedom of expressing opinions is considered a busy and very sensitive issue because the limitations drawn by the Jordanian state is changing according to the security circumstances and the different religions. Sometimes external conditions might play a role in changing the limitations of freedom. Jordanians often understand such limitations changing as they are all behaving according to the law not violating it. Even in the countries of full democracy, sometimes there is limitation changing in the freedom of opinion expressing.⁽⁵⁾

Actually, there are some examples for the limitations of the freedom of opinion expressing. One of them was at the time of the first kingdom when Sulaiman AL-Nabulsi visited Palestine with Michael Halaseh protesting against a treaty done in (1945) with a Jewish company for mining. They were advocated by the parties and the Palestinian newspapers made campaign attacked that treaty. Whenever Nabulsi and Halaseh came back to Jordan, they were arrested and exiled to a village in ALSouback for one year.⁽⁶⁾

Another example at the time of the third kingdom, " the prime minister Haza' ALMagali arrested Sulaiman ALNabulsi, the secretary of national communist party for provoking and sharing the demonstration that took place in Jordan and in Palestine in (1955) protesting against the sharing of Jordan in Baghdad Ally that rejected the communism in the region backed up by Britain and America as it is an occupational act."⁽⁷⁾

The third example what happened at the time of the fourth kingdom "the attorney general arrested the religious preacher Eyad ALQaisi for two weeks because of provoking against the ruling system by publishing an article on his page on social media entitled "Jordan quick steps towards the hole" criticising the meeting of the American ambassador in Amman with the committees that organized trips for students to Israel. He found such acts are against Islamic religion instructions."⁽⁸⁾

The Jordanian legislative decided some limitations on the freedom of opinion expressing to keep the individual's dignity which in returns respect the state dignity and others' rights, dignity and freedom by not violating others' rights and freedom such limitations are legal and constitutional that in fact it makes the opinion expressing is not real.⁽⁹⁾

The opinion expressing freedom is limited; being within the law, respecting others' reputations, protecting the national security or the general system or the general interest or ethics.⁽¹⁰⁾

⁽¹⁾ Hindawi Mohamed Ahmad. Human Rights in Jordanian Constitution between Theory and practice. Comparative study. Jordan. Amman. Attorney / lawyer syndicate. (1996).

⁽²⁾ Al – Adayleh Amin. Al – Wajeez in Human Rights and his freedom in Islamic Canonical Law of Islam (Sharia), regional and International Charters / pacts, Jordan Constitution. First press. Jordan. Al – Karak. Dar Rand for Publication and Distribution (2001).

⁽³⁾ Jaradat Saleh Ahmad. The Rights of Jordan Citizen. First edition. Jordan. Amman. Al – Rozana Press. (1997).

⁽⁴⁾ Al – Ruud Mohamed. Al – Rai Jordanian Newspaper. Amman. Jordan. Issue No. (15039)- Sunday – data: 25/12/2011.

⁽⁵⁾ Dr. Bani Ata Malik. Jordan Encyclopedia for the Human Rights. Dan Amjad for Publication and Distribution. Amman. Jordan. First edition. (2016). Page (308).

⁽⁶⁾ Abu Ghanimeh Ziad. Tribal and Family Representation in Jordan Governments: 2nd part. 1st edition September(2008).Page(33).

⁽⁷⁾ Abu Ghanimeh Ziad. Tribal and Family Representation in Jordan Governments: 2nd part. 1st edition September (2008). Previous reference . Page (34).

⁽⁸⁾ Electronic Site for Rum News Agency. A piece of news: (The Cassation Court specify the political system and the curbing repressions of the freedom of speech and views). Dated (18/6/2015).

<http://www.rumonline.net/index.php?page=article&id=214777#sthash.aoeffqkfv.dpuf>

⁽⁹⁾ Asfour Mohamed. Freedom Between Democratic and Socialist ideas. First Edition. (Cairo) (1961). Page (147).

⁽¹⁰⁾ Sirhan Abdel- Aziz Mohamad. Lawful frame for Human Rights in the International Law. A comparative study in Islamic Sharia, Arab Constitutions, International Agreements, and International Control Systems to respect Human Rights. First Edition. Cairo. Dar El – Hana Press. (1983). Page (280).

8. The Third Topic: The Opinions of Thought Leaders in Jordan about the Freedom of Opinion Expressing for the Jordanian Citizen

Some Jordanian union figures criticized the big retreat in the freedom of expressing opinions considering "the violence the citizens who express their opinions about their demanding to reform are exposed to, is considered a dangerous indicator for the retreat of freedom and the freedom of expressing opinions is a guaranteed right for all citizens but should be within the law".⁽¹⁾

Jordan has signed world treaties to keep the individuals' rights which are not limited but Jordan is not in harmony with such treaties in keeping a good environment for protecting the freedom of opinions and the peaceful gathering of people. In fact, the opinion expressing freedom is a crucial base for any democratic system, but the view of the Jordanian authority implies that the judge in application such freedom is under the control of real decision of the country.⁽²⁾

The Arab group of observing media said⁽³⁾: "What happened to the freedom of opinion expressing in Jordan after the law of temporary organized data crimes in the year(2010) is considered a dangerous curve in the process of media and a retreat in the such freedom and also a violation for the human rights and for the right of exchanging information"⁽⁴⁾.

"There is a kind of icy situation and retreat in the freedoms in Jordan , in addition to a retreat in the politic participation"⁽⁵⁾.

On the other hand , "some leaders of thought and opinion and the leaders of the commissions of human rights in Jordan have agreed upon that the freedom of opinion expressing has reached to a very advanced situation in the lost previous years in giving the citizens a complete freedom to express their opinions freely. In addition , Jordan is the only country in the whole region that includes a protest party outside its borders and it is an advanced country relatively in respecting the human rights and the general freedoms including the opinion expressing freedom and their thoughts as it is in harmony with the state constitution"⁽⁶⁾.

"In fact , there is no absolute freedom because of the internal and external consideration of the country, in particular , the information and the opinions that insult some close countries or such opinions and information that harm the national security. Actually, there is a wide room for the freedom of opinion expressing in Jordan which is reflected on the different mass media that express political opinions representing all political types for each freedom"⁽⁷⁾.

"Jordanians have a big margins for their criticism in which they express their points of view and develop their general freedoms, in addition to the freedom of opinion expressing"⁽⁸⁾.

"The strikes , procession , protesting stands and the demonstrations in (2011) in Jordan have reached the number (4361) and in the last three months in (2012) were (1312). Some of them were licensed while others have violated the law through illegal calls and some insults that harmed some persons dignity and as a matter of fact it got out of the national fixed values ; in addition , it affected badly the security and the stability of Jordan . Moreover, it hurts the King and the Hashemite family"⁽⁹⁾.

⁽¹⁾ Muheisen Mohamed Al – Sabil Magazine – Jordan Electronic Sunday corresponding (25/12/2011) (19)yrs. Edition (1806). Page (2). www.assabeel.net.

<https://issuu.com/assabeel/docs.25-12-2011> .

⁽²⁾ The Electronic site of Ain Ala El – Alam, published on (4/4/2011) eyeonmediajo.net

⁽³⁾ The Arab group of observing media : Is an independent Arab group that includes organizations and individuals active in the field of media, freedom of expression and human rights in the Arab region. It seeks to promote freedom of expression and opinion through the provision of information resources and the exchange of experiences, information and effective educational curricula to enable its members and assist them in achieving their objectives based on the international references of human rights.

⁽⁴⁾The Electronic Site, Arab Net Information for Human Rights. Arab Working Group for Observing Information. Page (1), data (18/8/2010)- <http://www.awgmm.net>

⁽⁵⁾The Electronic Site for Jordanian Al–Ghad Newspaper. Page (2). Date (25/12/2011)
<http://www.alghad.com/index.php/article/62849.html>

⁽⁶⁾ The Electronic Site for Jordanian Al–Ghad Newspaper, An investigation: Journalists and Leaders of Thought: Freedom of View and Speech in Jordan reached into advanced stage. Pages (1-3). Date (25/12/2011)
<http://www.alghad.com/index.php/article/62849.html>

⁽⁷⁾ Electronic Site of Jordanian Al – Rai Newspaper. Investigation: Freedom of Expression: Means the commitment of Constitution and Law. <http://www.alrai.com/print.html>

⁽⁸⁾ The Electronic site Khaberni. Memory of the Release of Patriotic Movements: Marches and protests, date (3/3/2012)
<http://www.khaperni.com/more-71244-1-%AE%D8%A8%D8%B1%D9%86%D9%8A%2>

⁽⁹⁾ Electronic Site Alyoum Press. Al – Majali in a press conference: Security Systems are not society enemies. Date (16/3/2012) http://www.alyoumpress.com/more.php?this_id=266098this_cat=0

9. The Fourth Topic: The Guarantee of the Jordanian's Freedom of Opinion Expressing in the Jordanian Legislations

"The item (15) from the Jordanian constitution has guaranteed the freedom of thoughts including the freedom of opinion expressing. In addition, those also were guaranteed by the sequenced laws of publications, in spite of some regulations that are related to the state security and dignity and the individuals' dignity, safety and freedom. The text in the Jordanian constitution that is related to the thought freedom is in harmony with what is in the item (19) of the world announcement of the human right, in addition the item (19) is from the special world decree of the civil and political rights"⁽¹⁾.

Because of such freedom that is guaranteed by the basic law of the Kingdom for the year (1928) and its modifications, the item (11) assured in its text "all Jordanian have the freedom to express and publish their opinions"⁽²⁾.

Moreover, the Jordanian constitution no.(3) for the year (1947) and its modifications has also guaranteed this freedom in the item (17) which implied "the opinion freedom is guaranteed and each all citizens could express their thoughts in speech and in writing within the law limitations"⁽³⁾.

The Jordanian constitution for the year (1952) and its modifications for the year (2011) assured the high importance of such freedom in the item no.(15/1) that implied "the state guarantees the opinion freedom for all Jordanians in speech, writing, photography and in other means of expressing within the law limitations"⁽⁴⁾.

The item (3) from the law of publications no.(10) that is published in the official newspaper no.(3891).p.(713) on the (17/4/1993) and its modifications in the law no.(8) that is also published in the official newspaper no.(4300).p.(3162) on the (1st/9/1998) and no.(30) for the year (1999) and no.(24) published on the (16/4/2003) and no.(27) for the year (2007), that all assured that "journalism and publication are free in opinion expressing and this is guaranteed for all Jordanians to express their opinions in speech, writing, photographing in mass media"⁽⁵⁾.

In the item (69/1) of the Jordanian civil service system no.(82) for the year (2013) and its modifications until the date (17/4/2016) assured "the department should guaranteed the freedom of opinion expressing for the employees including the tasks of his work in the department according to the executive legislations"⁽⁶⁾.

10. The Fifth Topic: Restrictions Imposed on the Freedom of Speech and View for Jordanians in Jordanian Legislations

Although the Jordanian Constitution allowed this freedom for Jordanian citizen, guaranteed and legislated for him to express his views in any means, but was not given to him in an absolute manner, and was restricted in different restrictions like:

10.1 Security of the State

The Jordanian citizen is not allowed to express his view in speech, writing or publishing issues that concern or touch the security of the State, and in case of acting this, his punishment will be due to the materials Nos. (114+118/2+121+150) of Jordanian Penal Code No. (16) of the year (1960), and its amendments by Temporary Hard labors to (5) five years at least, if he tries in his work, speech, writings, or any other means to divide or separate any part of Jordanian lands to attach or join together to another foreign state. He might as well be exposed to detention for a period not less than (5) five years, if he practiced works, deeds, writings, or speeches not allowed by the state, that might expose the State into the perils of aggressive works, or disturbed its relations with a foreign state, or exposed Jordanians for stirring revengeful acts against them, or their properties.

He is as well imposed to be jailed for a period not exceeding (2) two years, and a fine not exceeding (20) twenty dinars for every agitation or provocation against the kingdom, or assist soldiers from foreign countries to flee or rebellion, And to be imprisoned in jail for any writings, speeches, acts publishing news that might affect negatively on national unity, or agitation on committing crimes, or planting hatred among the members of society, evoking racial and religious discrimination, harming members dignity, or offending their reputation, and their personal freedom, or promoting and encouraging deviation of good character, the agitation for strikes and adherences, hold public meetings against legislative regulations.

The penalty for that are materials No. (191 + 193) of the Temporary Penal Code No. (12) of the year (2010), issued on (1/6/2010). To be put in prison from (3 months – 2 years) for the act of derogation and rebuking, or a fine from (2000 – 10,000) dinars, if it was addressed to the House of Commons, or one of its

⁽¹⁾ Dr. Al – Tarawneh Mohamad, Human Rights between Theory and Practice. Amman Center for studying Human Rights. First edition. Amman (2003). Page (131).

⁽²⁾ Basic Law for East Jordan Emirate, material No. (11).

⁽³⁾ Jordan Constitution No. (3) (1947), material No. (17).

⁽⁴⁾ Jordan Constitution (1952), material No. (15/1)

⁽⁵⁾ Jordan Press and Publication Law No.(10) (1993), material No.(3).

⁽⁶⁾ Jordanian Civil Service Code No. (82) (2013), and its amendments until (17/4/2016). Material No. (69/A).

members during his duty, or any of the official committees, or public administrations, or army, or to any employee during practicing his duty, and to be put in prison for a period of (1-6) months for rebuking, and paying a fine from (500 – 1000) dinars if it is addressed to the courts, and if addressed to the members of the House of Commons, or army, or public employee a fine from (1000 – 2000) dinars.

Material No. (23) from Press and publishing Code No. (33), published in the official Magazine No. (2429) page No. (1236) dated (1/4/1993), emphasized on not allowing the press to threaten the national formation of the States, or threaten public interest, or the constitutional basis of the Kingdom, such negative acts would impose to cancel its license, or to close it for a period not less than a week, or a fine decided by the prime minister ranging from (150 – 500) J.D.

As for the material No. (68- G) from the Jordanian Civil Service Law No. (82) (2013), and its amendments until (17/4/2016), stipulated that:- "It is prohibited for the employee, and would face punitive and disciplinary responsibility to exploit and utilize his job to serve his party interests or objectives, or to participate in any demonstrations, or strike, or even agitate or provoke on it, or any act that would affect negatively on the security of the State and its interests, or the interests of citizens, society, and the State"⁽¹⁾.

And upon that, the Security of State Court as the highest judicial committee in Jordan decided to imprison the journalist Husam Alabdallat (1) one year decreased from (3) years, referring to the regulations of material (1/149) of the above mentioned Penal Code, which stipulated that:- "Anybody who acts to collapse the system of political rules in the Kingdom, or agitate to opposing and resisting it, and everyone who acts individual or group deed, in order to change the economic, or social, or the basic situation of the society"⁽²⁾, due to the accusation of agitating to oppose the political system through a television program in which he used terms and expressions, which confirmed by the State Security Court and the Court of Cassation that they are harmful to the army, law, and security departments. The Court of Cassation endorsed and supported this judgment, and put a group of limitations to the form of political system in Jordan, and curbing rules for the freedom of expression:- "The political system does not restricted to the king and the Throne Institution, but also is extended to groups of institutions in the three authorities. It should be obviously stated the meaning of the political system mentioned in this material". The political system is not meant It is Majesty, or the Throne Institution only, despite the fact that the king is the Head of the State. The judicial concept of the political system:- It is a group of political institutions that form the government, and organize its duties and acts, and among them the political decision – making is distributed. These institutions are:- legislative, executive and judicial. The sovereignty of the political, parliamentary, and hereditary royalty is represented in these three authorities. Any trial of violation or infringement in the judicial concept, is an agitation against the political system in Jordan, and these authorities are the instruments the whole system is run through, and that any act might lead into struggling against the political system is regarded a crime, on the condition that the criminal intention is implemented, and the personal intention of the does of the action to agitate people to oppose, in a free will, and knowing what he is doing.

And continue stated that the state's guaranty for the freedom of speech and expression, is not an absolute issue but restricted, within the limits of law, not to exceed it. The laws organizing freedom of expression, obliged the people to be committed to the honesty and purity principles, impartiality, and objectivity, and to avoid harming others, and to be committed to the national responsibility, and the national security, and the affairs of public interest"⁽³⁾.

10.2 The Government Dignity (State)

The Jordan Penal Code No. (16) (1960), and its amendments in the materials No. (130- 132) punish in Temporary hard works in jail, everybody during the war, or expecting the war plan any propaganda that might weaken the national feeling, or awaken the racialism or religious discrimination. If he passed the news, and thinking its truthfulness, he will be punished in jail for a period not less than (3) months. While if he passed false news, or exaggerated abroad, and will affect negatively on the esteem of the State, he will be punished in jail for a period not less than (6) months, and a fine not exceeding (50) J.D. His punishment in jail a period not less than (one year), if these news are addressed against His Majesty the King, or Crown Prince, or any of the prince regents.

The materials No. (195 – 197) of the pre – mentioned penal code, punished every Jordanian in jail from (1-3) years, in which his curse on His majesty was proved, or crowns prince or one of the prince regents, or the parliament committee, or who send a written letter or oral, or electronic, or any picture, or an ironic drawing to his majesty, or had put this letter, or the picture, or the drawing in a form that may cause or lead to harm the

⁽¹⁾ Jordanian Civil Service Code No (82) (2013), and its amendments until (17/4/2016). Material No. (68/G).

⁽²⁾ Jordanian Penal Code No. (16) issued (1960), Material No. (149/1).

⁽³⁾The Electronic Site for Rum News Agency. A piece of news: (Court of Cassation determine the political system. And control of the freedom of speech). (17/6/2015).

<http://www.rumononline.net/index.php?page=article&id=214777#sthash.aofekfv.dpuf>

king's dignity. The same penalty or punishment is also applied on those other than the previously mentioned if they practiced or acted the same, he should be jailed from (2 weeks – 6 months) or paying a fine from (5-30) J.D., or the two penalties if this contempt and degradation is addressed to an employee during his duty. The penalty will be from (one month – one year). If this contempt was orally in speech, or threatening a judge in his duty, the penalty will be from (3 months – 2 years). Also, everybody who tears and fragments the flag and who degrades the national emblem, or the Arab league Flag is put in jail from (6 months – 3 years).

"On this basis the Court of the State Security issued its legal Judgment jailing the previous parliament Representative Dr. Ahmad Uwaidi Al – Abbadi, who was arrested in the accusation of harming and disrespecting the dignity and esteem of the Jordan State, by spreading and circulating false news, and registered a membership in an illegal society, and published publications for illegal society" ⁽¹⁾.

And in another case, King Abdullah the 2nd decided to waiver from punishment and give amnesty on (18) Jordanians, detained and arrested on cases like using bad language, one of them was the student Hatem Al – shuli, who studies at Yarmouk University after days from criticism against him by Human Rights watch Organization to be transferred into State Security Court, the accusation of writing a poem. ⁽²⁾

The State Security court in Jordan also accused a Jordanian called udai Abu Issa harming the King's dignity to be Jailed a period of (3) years, the accusation was burring king Abdullah the 2nd picture which was hung on the building of Madaba Municipality. The public prosecutor decided to detent the young man for a period of (15) days for judicial inquiry. He confessed during the investigation that he had burnt the king's picture, protesting against the burning of the citizen Ahmad Al – Matarneh himself. His Majesty the king decided to forgive him and grant him amnesty and release him"⁽³⁾.

10.3 The Dignity of Individuals, their Security and Freedom

The Jordan Law punishes any Jordanian who tries to insult and disdain the individuals and their dignity, in speech or in writing, or in any other way. Therefore the Jordan citizen should respect others in expressing their views .The acts of threatening, disdaining, or insulting the others, are regarded as disgraceful acts in the Jordan Law, and anybody who practices these insults, he / she is faced a specific penalty in the law⁽⁴⁾.

Materials No. (358 – 360) of the Jordan Penal Code No. (16) (1960) and its amendments, Punished everyone who disdains or insults other's dignity in Jail from (2 months – one Year). Also those who insult and disdain others either face to face or in absence, or in written a period reaches (one week – 3 months), or paying a fine (5-25) J.D. And, or if somebody has insulted others, other than what was mentioned above, he should be put in jail (one month), or a fine (10) J.D.

The material No. (349) punished everyone who threatened others in weapon to be put in Jail for a period of time not exceeding (6) months, and a period in jail from (2 months – one year) if the weapon is used is a fire gun.

As for the materials No. (350 – 354) punished in putting in jail (6 months – 3 years), punished in putting in jail (6 months – 3 years), everyone who threatens others by execution punishment, or perpetual hard labor, or temporary (15) years, whether this threatening was in writing, or through a third person, if this threatening was in action or to refrain practicing it.

If threaten was oral without the engagement of a third party, the punishment would be from (one month – two years). And is punished in jail until (one year) for a threat in a simpler felony than the other felonies. He is punished in jail for a period not exceeding (6) months, if the threat was in a misdemeanor included something in written or through a third party. Also one is punished in Jail for (a week), or paying a fine not exceeding (5) J.D. for everyone who threatens others in speeches, or in written, and affected deeply inside the aggrieved injured party.

Jordan Civil Service Code No. (82) (2013) and its amendments until (17/4/2016), as one of the Jordan State Legislations, was careful to emphasize the importance of security, and stabilization of the homeland and the citizens. The material No. (68/H) stipulated the following: "It is prohibited for the employee and will be under the responsibility of punishment, if he writes or declared the mass media anything that might harm the state or those who work in it or reveal the secrets of work"⁽⁵⁾.

⁽¹⁾ The electronic site for Al – Ghad Magazine. Two years in jail for the previous parliament representative Ahmad Uwaidi Al – Abbadi.

<http://www.alghad.com/index.php?news=205756>

⁽²⁾ Electronic site Ain News. Skies Organization in its report review the situation of the freedom of Information in Jordan. 9/10/2010 – <http://www.ainnews.net>

⁽³⁾ The Electronic Site for the International Truth. Conveying and allocating a charge of disdain and burning his Majesty's picture. <http://www.fact.jo.com/pages/newsdetails.aspx?id=10076>

⁽⁴⁾ Munib Al- Madhi and Suleiman Al – Musa. Jordan History in the Twentieth Century. First edition. December (1959) p. (289)

⁽⁵⁾ Code of Jordan Civil Service No. (82) (2013), and its amendments until (17/4/2016) material No. (68/H).

The protection Code of the Secrets and Documents of the Jordan State No. (50) (1971), did not form the hopeful step to facilitate the outflowing of information, and did not change the culture of the prevailing secrecy in the governmental institution, in spite of that, this forms a complete system for secrecy, this and others of laws of secrecy, and applying them is meant to consolidate the national protection and security when danger hovers around.

The Jordan Courts in their different degrees issued many regulations, where Jordan judicial resolutions win the race for the sake of the freedom of speech and view, due to the belief of the rule that law and jurisdiction is the natural guard of rights and freedoms. A cassation and penal decree No. (1118/2004) stated the following: The state according to the material (15) of the Jordan Constitution guarantees the freedom of view and expression in speech, writing, photography, and all other means of distinctions, as long as they are within the limits of Law⁽¹⁾.

11. The Sixth Topic: Guarantee of International Charters for the Freedom of View and Expression

As long as the Jordan national legislation protect the freedom of view and expression, the international legitimacy also protects it in its charters, manifestations and declarations, we state the following:

What was mentioned in the material No. (32/1+2) of the Arab Charter for Human Rights:— This charter guarantees the right of information, thoughts, to receive them and convey them to others in any means, regardless to geographic borders. These rights and freedoms are practiced in the frame of basic constituent factors of the society. These do not subjugate to restrictions other than those who respect others rights, their reputation, protection of national security, public rules, public health and public ethics⁽²⁾.

What was mentioned in material No. (9/1+2) of the African Charter for the Human Rights:— "It is the right of every individual to obtain information. It is the right of every human being to express his ideas, and to spread them within codes and programs"⁽³⁾.

And what was mentioned in the introductory lines of the International Proclamation for Human Rights, specifically material No. (19), which stipulated that: "It is the right of every human being to express the freedom of view and expression ... this right includes the freedom of adopting views without any intervention, and to obtain news, ideas and then to recirculate them in any means, without restricting oneself to any geographic borders"⁽⁴⁾.

It was also guaranteed by the International Covenant regarding the civil and political rights in the material No. (19/1+2), which stipulated that:— "Every human being has the right to adopt ideas and views without any obstruction or disturbance. Every man has the right for the freedom of expression in any means – in written, typing, artificial form, or any other means he chooses. These all are conditioned to stick and be limited to the texts of law, and to respect other rights and reputation, and to protect national security, public system, public health, and public ethics"⁽⁵⁾.

The International Covenant regarding economic, and social and cultural rights, issued in (1966) in the materials No.(2/2+3+5), guaranteed that the parties states would not allow the rights stipulated free and far from any racial, colour discrimination sex, language, religion, political views, or the national origins, or social, relationship, or fortune or any other reasons. The parties states in this covenant would also guarantee the equality between males and females in all economic, social, and cultural rights. In this Conviction it is not allowed for any person to interpret or explain that there is no right for any state, group, or person to practice any activity, or to practice any action that aims into issuing any of the rights, or any of the acknowledged freedoms in this conviction, or to impose restrictions wider than what is stipulated within it, and not to accept any restriction on any of the basic human rights in the pretext that this conviction does not acknowledge it, or the acknowledgement is the narrowest limit⁽⁶⁾.

It was also guaranteed by the European Agreement for the Protection of Human Rights and the Basic Freedoms in the material No. (10):— "Every person has the right in the freedom of expression and views, and the freedom of receiving information, or ideas, and casting them without the intervention of public authorities, and without limitations or obligations of geographic borders. The states are allowed to subjugate the institutions of broadcasting activities, or cinema, or televisions to license applications, within the procedures, conditions and restrictions and fines stipulated by the law to protect the security of the country, its lands, public security, system security, eliminating crime, protecting health and ethics, protecting others rights and their reputation, and to forbid revealing secretive information, and to guarantee the honesty of judicial authority"⁽⁷⁾.

⁽¹⁾ Jordan Cassation Penal Decision No. (1118/2004).

⁽²⁾ The Arab Charter for Human Rights issued in (2004) material No. (32).

⁽³⁾ African Charter for Human Rights, issued in (1981), material No. (9).

⁽⁴⁾ International Proclamation for Human Rights issued in (1948) material No. (19).

⁽⁵⁾ International Covenant regarding Civil and Political Rights in (1966) material (19).

⁽⁶⁾ International Conviction regarding Economic, Social and Cultural Rights issued in (1966), materials (2/2+3+5).

⁽⁷⁾ European Agreement for Human Rights, issued (1948) material No. (10)

It also was guaranteed by the Proclamation of Human Rights and the French citizen issued in (1789) in the materials No. (10+11), which emphasized that it is not allowed to oppose or object to any person who expresses ones opinions even in religious matters, provided that these ideas should not violate public security.

Also it was guaranteed by The American Agreement for Human Rights in the material No. (13) which stipulated that:— "The man has the right in the freedom of thinking and expression, and to search for variety types of information, and thoughts, and to receive and convey them to others without regarding the limits, either orally, or writing, or typing, or in formal frame, or any other means he chooses. It is not allowed that this right to be enforced except through lawful channels, and to guarantee the respect of other's rights, or their reputation, and the protection of national security, or public system, or public health, or public ethics"⁽¹⁾.

On (21/12/2010), a Joint proclamation had been issued for stipulators in the U.N., and the Security Organization and European Cooperation, and American States Organization, emphasized in it that the freedom for information access that are available with the public authorities is a right of human rights, and is subdud to some restricted exceptions.

In spite of the importance that freedom of view and expression gains, we find that the Islam Religion, and the different international charters and stipulations these did not leave this freedom absolute and unrestricted. They restricted it with a group of curbing rules, in order to protect public system, public interest, then the ambiguity will be limited through the lawful frame for the freedom of view and expression"⁽²⁾.

12. The Seventh Topic: An Evaluation of International Agreements Texts Regarding the Freedom of View and Expression

In investigating precisely in the mentioned text in the International Agreements regarding the freedom of view and expression, I remark the following:—

1. The rights mentioned in these agreements, are absolute and not restricted concerning the geographical scale. This freedom is regarded as a necessary rule to any democratic system.
2. The material No.(19/2) of the International Proclamation of Human Rights, and material No.(19) of the International Pact regarding civil and political rights, included publishing and sending information, since the freedom of asking for news, ideas, and receiving them, and then sending them to others and in any means, without any regard to boarders, are regarded important factors for rights of expression.
3. Material No.(19/3) of the International Covenant, concerning civil and political rights, put conditions which are not allowed to exceed or go beyond. Practicing the freedom of view and expression require duties, and special responsibilities, it is allowed to subdue this right into some restrictions that is related to others interests, or with the interest of society as a whole. Therefore when some party imposes restrictions on the practice the freedom of view and expression, it is not allowed for these restrictions to impose the essence of this right into danger. These restrictions are:—
 - A. The law should openly stipulate these restrictions, these are: To respect others rights, and their freedom, and to respect the principles of public system, and the standards of national security, and the private rules of public ethics.
 - B. It is not allowed to impose restrictions except for respecting others rights and their reputation, protecting national security, public system, public health or public ethics.
 - C. Restrictions should be justified for it is a necessary entity for the state.
4. The European Agreement for Human Rights is regarded as a good model to be followed on the national regional and international levels, since their texts in general, those which are related to the freedom of view, speech and expression, finds its way in practical applications, the practical practices certify this, and the regulations of the European Courts for Human Rights, which affirmed the individual right expressing his view freely in many items of its regulations.

13. The Eighth Topic: Evaluation of the Jordan Government Situation of Granting Jordan Citizen the Right to Practice his Right in Expressing the Freedom of his View and Expression.

Those who follow up what is going around on the Jordanian ground regarding the right of the Jordanian citizen to practice his right in freedom of expression and speech. The following noticed:—

1. The severe procedures of the government in imposing punishment, and the restrictions imposed on the freedom of view and expression was due to a reaction on certain developments in the society, to a degree that those who practiced this freedom exceeded the frame of freedom or the ceiling, that the national legislations and the international standards allow.
2. The motives of the restrictions put on the freedom of view and expression is not always necessary, and is not always legal, since the purpose can be achieved in another ways.

⁽¹⁾ The American Agreement for Human Rights, issued in (1959) material No. (13).

⁽²⁾ Omar Al – Arabi Dawaji: A research: Lawful Restrictions for freedom of view and expression). Law and Business Magazine www.droitentprise.org

3. The absence of the democratic condition from the Jordanian Society in the freedom of view and expression, does not necessarily mean that Jordan Society is not democratic.
4. The existing controversial in the Jordanian Society about the dual restrictions on the freedoms of expression by the name of national security, and the conditions imposed on using this license by the authority is judged by the Jordanian political and social systems.
5. The procedures adopted by the Jordan Government regarding the organizing legislations for right in freedom of expressing speech and expression. These are no more existed in Jordanian Laws, for the reason that those who violated their freedom in practicing their speech and expression, those were referred to the Court of State Security, and their misdemeanor was wider and converted into a crime in more than one accusation, like cases of the illegality of crowding, trying to collapse the ruling regime and evolving unrest and disturbance.
6. Disciplinary procedures, and reserved procedures taken by the government on the freedom of speech and expression, might be sound and perfect form a principle point of view, but it needs some reconsideration in the practice and application.

14. The Ninth Topic: Evaluation of the Situation of the Jordanian Legislator for the Freedom of Speech and Expression for the Jordanian Citizen from the Text and Practice

Jordan dealt with the freedom of speech and expression with the text and practice like the following:

1. The Jordanian Legislator raised the freedom of speech and expression to the level of constitutional rights, the material No. (15/1) of the Jordan Constitution stipulated:— "The state guarantees the freedom of speech and view, and for every Jordanian to express his view in speech, writing, photography, and all means of expressions, provided that he / she does not exceed the law"⁽¹⁾.
2. The Jordan Penal Code affirmed the respect of the freedom of view and expression, the material No. (198/1) stipulated:— "In fulfillment to the meant objective of this division. The publication of any material which can be a reproach, rebuke, defamation or impairment, regarded as illegal publication, unless if the reproach and defamation was right, and its publication reflects positively on public interest."⁽²⁾.
3. The law of Press and Publication assured and confirmed on its guarantee the freedom of view and expression for Jordanian citizens, where material No. (3) had stipulated the following:— "Journalism and Press are free, and the freedom of view and speech is guaranteed for every Jordanian, and can express his views in speech, writing, photography, drawing, and others from the means of expression, and in formation"⁽³⁾.
4. The laws that organize practicing the freedom of citizen in most cases it lacks obviously, besides it is not simplified to be understood by the owner of the right, and to know where from begin his rights, so as to begin himself from, and where does it end to stop there.

15. Conclusions

I conclude the Following:

The Constitution, and the Jordan Legislations in spite of its guarantee to the right of speech and expression for the Jordanian citizens, but it does not make it absolute, but made some restrictions for the sake of reorganize it, for the interest and stability of the State and Public System, and not to be a reason for threatening the national existence, and not to expose the dignity, safety, and the State security to danger.

Jordanian legislator has included some restrictions on freedom of opinion and expression, and the right of individuals to dignity, and this restriction is to respect the dignity of the state, respect for other's rights, dignity and freedoms, and not infringed upon.

16. Recommendations

I recommend that the Jordanian State procedures to go on in dealing and treating with its citizen regarding his rights, specially the freedom of his peach and expression to safeguard the security, safety and the stability of Jordan National Security, in his land and human citizens, By this, I am on the side of the Jordanian legislator who emphasized on the importance of the security, safety, stability of Jordan Security, his land and men. To keep and conserve the Jordanian body represented in its national security, the freedom of its citizens, for what it contains from a basic and lively value.

⁽¹⁾ The Jordan Constitution issued in (1952) and its amendments, Material No. (15) paragraph(1).

⁽²⁾ Jordan Penal Code No. (16) issued in (1960) Material No. (198) item No. (1).

⁽³⁾ Jordan Press and Publication law No. (8) issued (1998) and its amendments. Material No. (3)

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