

The Historical Development of Criminal Legislation in Jordan

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Abstract

The Jordanian state system, its organs and functioning attract attention as an example of the Middle East. Another aspect that makes it attractive to us is that this state was subject to Ottoman rule for about 400 years, which lasted until the end of the First World War. The country, which remained within the borders of the Damascus Vilayet during the Ottoman period[1], soon came under the rule of the British and could only declare its independence in 1946[2]. However, Ottoman legislation in Jordan continued to have long-term influence. It is also known that this effect, although very small, still continues. Mecelle remained in force in this country until 1977[3]. Despite this, Mecelle, as mentioned in the introduction to the Arabic edition,[4] contains provisions that are still in force in Jordan, and Jordanian jurists remain in need of it. In addition to Mecelle, the Ottoman Penal Code remained in force in Jordan until 1951, the Code of Criminal Procedure until 1961, the provisions of the Land Code until 1953, the Land Commercial Code until 1966, the Maritime Trade Code until 1970, the Code of Civil Procedure until 1952[5]. Some articles of these laws have been amended over time. However, in Jordan, law enforcement has applied the provisions of this law until the end of their effective period in disputes that come before them. In this article, literature research on Jordanian criminal law was conducted.

Keywords: Jordanian criminal law, the Code of Criminal Procedure, Jordan

Criminal Law

Jordanian criminal law is based on the Ottoman Code of 1858, based on the French Penal Code of 1810. This law was strongly influenced by the Lebanese Penal Code of 1943, which borrowed the provisions of the French Penal Code relating to penalties for crimes against women (art. 562). [24] With the amendment made to Article 98 of the Turkish Penal Code in 2017, light punishment will not be applied to those who commit honor crimes. However, there is a loophole in Article 340 that allows for light sentences for the murder of a spouse found to have committed adultery on the merits. [25]

Jordan

Criminal Code

The penal code, adopted in 1956, contained the bulk of Jordanian criminal law. In addition, it has also prescribed penalties for some coded actions. Individuals could not be punished

except for acts that were considered crimes due to the penalties prescribed by law. Except in the cases indicated, a person cannot be punished for committing a criminal act, both of which constitute a criminal offense without criminal liability or intent as defined by law. As a guarantee of personal freedom, the government had the burden of proving both that the accused had committed the act and of the defendant's acceptable intentions before guilt could be established.

The penal code treats criminal offenses in three categories according to the severity of the applicable penalties. The penalties for the offences range from death by hanging to imprisonment with periods ranging from three years to life. Penalties for misdemeanors include imprisonment for periods ranging from three weeks to three years, and various fines. In cases involving minor violations, a judge may also take preventive measures, such as detention for a psychiatric examination, loss of material property, or closure of a workplace.

He was authorized for a wide range of serious crimes, defined as the death penalty, assassination (or attempted life), and threats to the security of the state. The act of selling land in the West Bank to the occupying Israeli authorities is considered treason and therefore a crime of capital. Executions are rare in Jordan.

Data as of December 1989

<http://www.country-data.com/>

Article 328 of the Criminal Code According to its article: The death penalty is a punishment for deliberate killing if it is committed in a premeditated manner. Premeditated as defined in Article 329 of the same Act (a decision to commit a misdemeanor or offence before the murderer whose purpose is to harm a particular person or any unspecified person whom he has found or encountered). While this definition is specific to misdemeanors and crimes of injury, it logically refers to the preliminary preparation for intentional killing, since it is stipulated in Article 329 of the Criminal Code, which follows Article 328 and includes pre-planned murder (NAMUR, 2015).

Whoever commits a crime reveals a dangerous criminal personality, unlike the one who kills him in a state of anger that takes him out of his nature. From the definition of pre-thinking it is clear that there are two elements: the first element is the temporal element (OMAR, 2019). This is confirmed by one of the decisions of the Palestinian courts, which ruled that the accused committed his crime with a calm mind (ALHADITHI and AL-ZOUBI, 2009). The second element: the psychological element (AHMED, 2016). If the court is based on proving the murder on the basis of the grounds of murder, for example to get revenge, the justification is considered only an element of criminalization.

Criminal Law Procedure

Usually, people arrested by the police are brought before a magistrate within 48 hours of being arrested and charged with a crime. However, prosecutors may decide to detain suspects indefinitely in connection with an ongoing investigation. Such arrests may be challenged by the defense, in which case some reasons for continued imprisonment must be shown by the prosecutor.

People accused of a crime do not have to say anything to the authorities. They are usually warned before their statements are taken that what they say can be used against them and that they have the right to see a lawyer. Defendants may have a lawyer representing them (this is a rare occurrence in Magistrates' Court).

Defendants have the right to cross-examine witnesses and present their own witnesses. Since there is no jury trial in Jordan, all cases are heard by judges. Cases can be appealed by the defendant or the prosecutor.

Charges of mistreatment by a defendant are taken into account by the court when adjudicating a case or setting a sentence. When confessions were found to have been made under pressure by the court, they were at times not taken into account. When an allegation of ill-treatment is made, a prisoner is examined by a doctor and his report is evaluated by the court.

Except in a magistrates' court, where a police officer usually presents evidence against the accused, a case against a person is always presented by one of the prosecutors. The Attorney General, who oversees all prosecutors, handles the government's case at the Court of Cassation. The Attorney General, the government's highest legal advocate, represents the government in the Supreme Court.

Reforming Jordan's legal framework on violence against women

While there are no updated official figures on violence against women in Jordan, they confirm that violence against women is still a major problem in Jordanian society. In Jordan, many women are reportedly banned from working by their families and that working women cannot control the money they earn. Violence against women is also a taboo topic in Jordanian society, and many women choose not to report cases of violence. Even if they complain, they may not be adequately supported by the justice system. (BM Kadınları, 2015[27]).

What is reform and how did it come about?

In 2015 and 2016, several protests were organized by women's rights activists calling

for an end to violence against women. The situation in Jordan was also increasingly criticized internationally. Human Rights Watch has warned of the rise of honour killings in Jordan and called for a national strategy to combat them (Coogle, 2016[28]). The CEDAW committee called on Jordan to address the alarming rise in honour crimes and domestic violence (EuroMed Rights, 2018[29]). A CEDAW report clearly recommends legal reform (AWO/Mosawa Network, 2017[30]).

Violence against women in Jordan is dealt with by two different laws: the Family Protection Act and the Penal Code. Following protests and international outcry, both frameworks were revised in 2017 to draw more attention to violence against women. As explained in detail below, amendments to the family protection law provide additional protection to women victims of violence, increase penalties for perpetrators of violence, provide greater procedural safeguards, and protect witnesses. Amendments to the penal code provide for greater punishment for those who commit honor crimes in some cases, and rapists can no longer escape punishment by marrying their victims.

Jordan's Family Protection Law 36 was published in 2017 and focuses on domestic violence. Although the law does not contain a specific definition of domestic violence, it does recognize that domestic violence occurs when it is committed by a family member against another member of the family (Article 2). The law defines family members to include husband and wife, children and other relatives, provided that they reside in the family home at the time of the act of violence (Article 3). Therefore, the law does not cover violence against women who are not part of this predefined family structure and links the protection to marriage. This can lead to the disregard of other forms of domestic violence that may occur outside of domestic law (UN Department of Economic and Social Affairs, 2010[31]).

- **Protection:** The Family Protection Act outlines mechanisms to protect victims of domestic violence, such as a 24-hour helpline and, if necessary, transporting the victim to a hospital (Article 6). When the Family Protection Department becomes aware of a

case, it can transfer the victim to a safe home in coordination with the Ministry of Social Development. The law allows police to detain suspected abusers for 24 hours if there is no other way to ensure the protection of the victim or a family member (Article 11). The law also gives the court the right to issue a protection order for a period not exceeding one month at the request of the victim or any family member (Article 14). In addition, the Family Protection Department protects witnesses or other stakeholders who arise. If court orders are violated, the perpetrator may be sentenced to up to one month in prison and/or fined (but not more than 100 Jordanian dinars – JOD). Violating court orders more than once results in stricter sanctions.

- **Suppression Measures:** The Court shall base its measures on expert reports (psychologists, medical personnel) and may order the perpetrator to perform public service not exceeding 40 working hours or to participate in psychological and social rehabilitation programs not exceeding six. In addition to the prohibition of the perpetrator from visiting any place that requires contact with the victim for a period not exceeding six months. Failure to comply with these prescribed measures may be punished with imprisonment for a period not exceeding three months (Article 11). The law also provides for a requirement of complete confidentiality (Article 18).

Criminal law reform for honour offences. Article 98 of the Turkish Penal Code was amended to increase the penalties to be given to those who commit honor crimes (Roya News, 2017[32]). Article 98 stipulated that the perpetrator of violence could benefit from "mitigating conditions" if he or she had a "violent temper tantrum" due to a wrongful and dangerous act of the victim. Without specifying what a wrong and dangerous act might be, the law was invoked to justify honour offences. The amendment means that perpetrators can no longer escape punishment using the mitigating pretext of Article 98. However, Article 340, which provides a reduction in sentence for a man who kills his wife, daughter, grandson, mother or grandmother. The clause is still in force. After finding them in a "state of adultery" (Albawaba, 2017[33]). If the woman finds her husband in adultery in the marriage bed, she can also benefit from a reduction in

punishment. Article 308 of the Penal Code was repealed in 2017, which means that rapists can no longer escape punishment if they marry their victims (Husseini, 2017[34]).

- In addition to legal reform, the Government of Jordan has also initiated policy reforms and administrative steps to ensure the protection of women victims of violence:
 - In 2016, the Government of Jordan established a national framework for the protection of the family against domestic violence, covering violence against women, children and the elderly, if not domestic violence against men. The objectives of the framework are: coordination between all relevant stakeholders (health, education, police and judiciary) to provide well-rounded services; guiding principles for the prevention of domestic violence and protection against it in a multi-institutional approach; a monitoring and evaluation mechanism for the implementation of the framework; and effective case management by creating a common language on protection from domestic violence. In addition,
 - VAW-related communication . A Communication Strategy on Gender-Based Violence (TBV) was published by the Ministry of Social Development in 2014. 37 Its functions are to prepare brochures and campaigns to combat TCDŞ, to establish cooperation between government and civil society stakeholders, and to correct such misunderstandings. legitimizing violence against women. The Sham'a Network also regularly organizes campaigns against violence, as well as training and awareness raising activities for law enforcement personnel and the judicial system.
- Enhanced protection for female victims. Because there were not enough government-run women's shelters, women seeking state protection against an imminent danger of an honour crime (e.g., after a rape) were often detained along with convicted offenders because they had to take advantage of the Crime Prevention Act. These were called "administrative detainees" (Immigration and Refugee Board of Canada, Directorate of Investigation, 2000[35]). The Minister of Social Development announced that the detention of women at risk will end completely by the end of 2018, emphasizing the possibility of replacing administrative detention with

rehabilitation, integration and reconciliation (Luck, 2018[36]). There are some safe houses in Jordan, but more are needed. The Family Reconciliation House in Amman was the first shelter for victims of domestic violence (Husseini, 2010[37]). In 2018, a shelter called Dar al Amina was opened based on Jordan's System of Shelters for Vulnerable Persons under Law No. 171 of 2016 (UN OHCHR, 2017[38]). The Jordanian Women's Union (JWU) also operates safe houses.

What are the impacts, implementation challenges and factors of success?

Recent reforms are mostly the result of the enormous efforts of civil society and the JNCW, which have advocated reform for decades. When civil society formed the necessary political will, and with the help of international attention, the reforms were able to continue. The Women and Family Affairs Committee (Box 5.1) also played an important role in putting violence against women on the agenda of parliamentary debates and putting forward **the right** arguments.

Despite these significant efforts, Jordan's legal framework is not yet compatible with international standards for legislation on violence against women, as set out in the UN Handbook on Violence Against Women Legislation (Box 4.4):

Although the family protection law focuses on domestic violence, the law does not include a definition of this concept. Enforcement of the law is limited only to abuses committed by certain family members and only in certain places. For this reason, it cannot adequately protect women from violence.

The current legal framework for violence against women in Jordan does not include provisions for the prevention of violence.

The added value of family protection law in addressing violence against women may be limited compared to the penal code. The law on the protection of the family deals only with certain cases of domestic violence, while the penal code covers all other forms of violence.

Justice experts do not establish an adequate link between violence against women as defined in the penal code and the family protection law and violence against women are

usually a result of gender dynamics in the home and are therefore covered by the personal status law (dealt with in Sharia courts). . A report shows that Jordan does not treat violence against women as a human rights issue, but does address the issue in a siloed manner (UN Women, 2015[27]).

Women's rights activists are well aware of these gaps in the legal framework. Under the leadership of the JNCW, lists of proposed legal reforms to address violence against women are regularly developed and presented.

The Jordanian Judicial System

The Jordanian judicial system has developed in parallel with the political developments in Jordan. In this sense, since it was once a part of the Ottoman Empire, it has aspects that intersect with our history. Before the First World War, Ottoman laws and regulations were naturally applied in the courts in Jordan. In the Ottoman courts, the single-judge system was essential since time immemorial¹

However, counsellors were appointed to some courts and they were given the power to render judgments. In addition to the woman, there were also second-level officers in the trial. At the beginning of these were the regents who served as the deputies of the qadis. There were also officials such as clerks, mubasirs and muhzi²

POWERS IN THE CONSTITUTION OF JORDAN

Jordan is an Arab state, according to its constitution[6], in which the form of government is a hereditary parliamentary monarchy (art.1). In the section on the powers in the state, the nation is shown as the source of the powers and exercises its power as specified in the constitution (art.24). The form and structure of the state is arranged in such a way as to reflect the monarchical style. The

¹ “İslam adliye teşkilatında mahkemelerin tek hakim usulü ile çalışması kaidesi yaygın olmakla beraber, doktrinde toplu hakim usulü münakaşa edilmiştir.” Bk. Fahrettin Atar, İslâm Adliye Teşkilatı, Ankara 1991, s. 151.

² Bk. Abdülaziz Bayındır, İslam Muhakeme Hukuku (Osmanlı Devri Uygulaması), İstanbul 1986, s. 95; a. mlf., “Osmanlı’da Yargının İşleyişi”, Osmanlı (Editör: Güler Eren), Ankara 1999, VI, 435-436.

legislative power belongs to the National Assembly (Majlis'l-Umma) and the King. The National Assembly consists of the Assembly of the Appointed (Majlis-al-Ayan) and the House of Representatives (Majlis'n-Nuvvab) (art.25). Executive power belongs to the King. The king exercises this power through ministers in accordance with the provisions of the constitution (art.26). Judicial power is exercised by courts of different types and degrees. All the provisions of the Court shall be published in the name of the King by law (art.27). The Constitution leaves the details of the judiciary to the laws and has also set some principles.

BASIC PRINCIPLES OF JUDICIAL ORDER

1. Independence of the Judiciary

With the Constitution and legal regulations, the independence of the judiciary was tried to be ensured and guaranteed, and any power, including the legislative and executive, was prevented from interfering in the judicial affairs[7]. Indeed, according to the current constitution, judges are independent. In judicial office, they are not subject to authority except by law (art. 97). In this regard, again, the courts are open to all and protected from interference in their affairs (art. 101/1). In connection with the realization of the independence of the judiciary, a law called "Kanun-u İstiklâl-i Kazâ"[9] was published in order to ensure that judges are at peace of mind when applying and making decisions[8]. With this law, a committee called "Meclis-i Kazâ" was established for the administrative affairs of judges (art. 4). 2. Publicity of Court Hearings According to Article 101/2 of the Constitution, court sessions are public, except that the court decides in accordance with public order and custom.

II. COURTS

According to Article 99 of the Constitution, courts are of three kinds: 1. Regular Courts 2. Religious Courts 3. Special Courts The types, grades, parts, powers and administrative procedure of the courts shall be determined by special law (A.Y.m.100).

1. Regular Courts

A. General Principles and Jurisdiction

The term Nizamiye Courts; "It is inherited from the Ottoman period. This concept of nizamiye had a meaning in the Ottoman Empire that distinguished these courts from the Şer'iye Courts, the Non-Muslim Religious Community Courts and the Special Courts." This determination of the Jordanian researcher[10], which points to the distinctive use of this concept in the Ottoman Empire, is generally correct and the meaning it still expresses in Jordan is similar to the Ottoman usage[11]. The Jordanian legislator also uses the term in a field that covers matters under the civil and criminal code, with the exception of matters in which religious and special courts have jurisdiction, and the regulations in which the state is a private law person.

Based on the fact that the Constitution indicates that some issues related to the courts will be regulated by special law, the "Law on the Establishment of Regular Courts" was published[12]. According to Article 102 of the Constitution and Article 2 of this Law, the Court of Order; Hashemite shall exercise jurisdiction in the Kingdom of Jordan to all persons in matters under civil and criminal laws, including lawsuits brought by and against the state, except in matters in which such power is transferred to religious or special courts by the constitution or any applicable legal regulation. To put it in a nutshell, the Courts of Ordinance are the courts of general jurisdiction in matters where religious and special courts are not authorized by any legal regulation – within the scope of criminal and civil laws. The Regular Courts shall exercise their jurisdiction in civil and criminal jurisdiction in accordance with the provisions of the law applicable in the country. In addition, the Regular Courts may also be competent in matters of law relating to foreigners or in commercial and legal affairs to which international customs and traditions allow the application of this law.

B. Types of Regular Courts

The Law on Nizamiye Courts introduced regulations regarding the duties and jurisdiction of the Nizamiye courts.

Courts of First Instance

The courts of first instance and the matters in which they are competent are as follows[13]:

- Magistrates' Court.

It is possible to establish it in provinces, livas, accidents or in places deemed appropriate. Their authority is limited to their area of duty. It shall serve where the Act of the Court of Peace or any other legal regulation authorizes that court to hear the case. It consists of a single judge called a magistrate (NRC, art.3).

- Court of First Instance Bidayyat.

It is possible to establish it in provinces, livas or any other place deemed appropriate. Jurisdiction is not vested in other courts; is competent in all civil and criminal cases. It consists of the head of the court and members (NRF, art. 4/1).

-Heavy Penal Court.

It consists of the chairman and members. It is authorized in certain crimes such as killing and extortion regulated in the penal code. The prosecution authority is assumed by a panel of prosecutors in these cases[14].

b. Courts of Second Instance

The courts of second instance are as follows:

- Court of Allegiance in the capacity of Isti'nâf.

It is the court of competent jurisdiction in cases where it is designated as a court of appeal by the Magistrates' Court Act or by any other law. It consists of more than one judge (NRC, art. 4/2, 5/3).

- Court of Appeal.

It is located in the main cities of the country such as Amman, Irbid, Maân. It consists of the head and sufficient judges according to the need. It is the court of competent jurisdiction in the execution of any judgment of the court of appeal when it is designated as a place of appeal by the Magistrates' Court Act or any other law (NRC, art.6,8).

Court of Appeal

It is located in the capital Amman. It consists of the head and judges in proportion to the need. The ordinary committee meets with five judges. In some special cases, it convenes with eight members under the chairmanship of the

head. Court decisions are published by alliance or by majority (NRC, art. 9).

The Court of Appeal deals with cases in two ways: criminal and civil court. The criminal appellate court shall have jurisdiction in the appeal of decisions and judgments of the court of appeal in criminal proceedings or when it is designated as a place of appeal by any law. As a court of civil appeal, it is authorized in the decisions and judgments of the court of appeal concerning cases which are valid from the court of appeal and which have reached a certain value including the conditions specified in the law (Article 10/2-a of the Criminal Code).

2. Religious Courts

According to Article 104 of the Constitution, the Religious Courts are divided as follows:

Sharia Courts

Other Religious Community Courts Shari'iyah Courts

a. General Principles and Jurisdiction

According to their special laws, the Shari'a Courts have sole jurisdiction in the following matters (A.Y.m.105):

1. On the issues of the ahwāl-i şahsiyah of Muslims.
2. In cases where both parties are Muslims or one of the parties is non-Muslim and both parties consent to the jurisdiction of the Shari'a court.

3. In the works related to Islamic foundations.

Article 103/2 of the Constitution states that matters of the person shall be determined by law. According to the Ahwal-i Şahsiye Law[15], these issues are determined as follows:

Marriage, Engagement, Marriage Contract, Types of Marriage, Velayat, Kefâet, Muharremât, Mihr, Spouse's Alimony, Provisions on Talaq, Muhâlaa, Tafrik, İddet, Neseb, Hidâne, Relative Alimony .

Shari'a provisions shall be applied in the proceedings of the Shari'a Courts (A.Y.m.106).

The manner in which the affairs of Islamic foundations are arranged, the management of their financial affairs and other similar affairs shall be determined by special law (A.Y.m.107).

Types of Shari'iyah Courts

According to Article 21 of the Law No. 19 of 1972 on the Establishment of Sher'iyah Courts[16], the Shar'iyah court consists of the Ibtidaiyya and Isti'nâf courts.

The Ibtidaiyya Shar'iyah Court may be established in livas, or elsewhere. It consists of a single judge.

The Court of Isti'naf Shar'iyah may be more so if one or a council of ministers deems it necessary and the king considers it appropriate. It consists of the head and members. It meets with the chairman and two members. Their decisions are often valid and final. Pursuant to Article 135 of the Shari'iyah Procedure Code[17], the Court of Appeal shall resolve the provisions to be appealed from the Shari'iyah Courts. The period of appeal is 30 days from the date of the judgment (art. 136).

B. Religious Community Courts (Assemblies)

a. General Principles and Authority

Under Ottoman rule, as in other regions, the lands including today's Jordan were inhabited by communities belonging to different ethnicities, religions and sects as well as Muslims. The Ottomans, as reflected in the provisions of Islamic law regarding non-Muslims, freed the non-Muslim communities living in their lands to regulate their religious affairs within the framework of the "nation system" practice. These communities organized and managed their civil rights such as marriage, divorce and will according to their own religious and legal systems. The religious institutions of non-Muslim communities in the Balkans, Anatolia and Syria had even broader privileges[18]. These communities, inherited from the Ottoman period[19] to the newly established Jordan[20], are still substantial today. These communities living in the region since the Ottoman Empire have been recognized by the legislator and their religious-legal status and the institutions they have established for this purpose have continued to

be protected. In addition, the legislator has given the state the opportunity to recognize and protect new communities of this nature. As a matter of fact, according to Article 108 of the Constitution; The Religious Community Courts (Assemblies) are meant by the communal courts established in Jordan, which are recognized by the state, known as non-Muslims. Religious community courts shall be formed in accordance with the provisions of special laws. The powers of the aforementioned courts regarding the matters of the person and the foundations established for the benefit of these communities shall be determined by the legal regulations. The *ahvâl-i şahsiye* issues of these communities are the *ahvâl-i şahsiye* issues appointed for Muslims within the scope of the Shari'a courts. In these laws, the procedures to be subject to the courts of the religious community are also determined (A.Y.m. 109, 110). In the law on non-Muslim communities[21], nine recognized religious communities were enumerated. In this list; Orthodox Greek, Catholic Greek, Armenian, Maronite and Orthodox Assyrian communities attract attention as the community names we are familiar with.

b. Trial Procedure

According to Article 4/1 of the Law on Non-Muslim Religious Community Courts, the president and the members of the court (assembly) shall be determined for each religious community by the decision of the Council of Ministers upon the approval of the highest spiritual leader of each community. The Court shall hear cases concerning the person and the foundation among the members of the community in matters to which it is authorized by law. In a case concerning a foundation established for the benefit of the religious community, if the other party is from another community or a Muslim, the Court of Regulation shall hear and decide this case. But if the parties agree that this case shall be heard within the jurisdiction of the community court in which it was established for the benefit of the foundation, then the case shall be heard there (art. 6). Matters of personal affairs between non-Muslim religious communities and Muslims fall within the jurisdiction of the Court of Order. In the event of an alliance between the parties, the case shall be heard in the Shari'ia Court (art.7). In the absence of community courts of non-Muslim religious

communities, the Nizamiya courts shall be authorized. In this case, the Nizamiya court resolves the case in the light of the beliefs of this community with the rules of justice and mercy (art. 9).

Decisions duly rendered by the courts of the religious community shall be carried out by the Enforcement Office in accordance with the manner in which the decisions of the Nizamiya court are applied (art. 14). It is possible that the decisions rendered by these courts may be heard in the *Isti'nâf* courts established in accordance with the procedure of these courts (art. 16).

C. Special Courts

There are various and numerous special courts in Jordan. Some are related to specific jobs and are subordinate to the Ministry of Justice. Some of them are not affiliated with the Ministry of Justice. In addition, those who are affiliated to the ministry from these courts are subject to the general legislation to which other courts are subject, while those who are not affiliated to the ministry may be subject to exceptional and different regulations[22]. Because these special courts exercise their jurisdiction in accordance with the provisions of special law (A.Y.m. 111).

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[19] Osmalı döneminde bu bölgedeki gayrimüslim topluluklarla ilgili bilgi için bkz. Samur, Sebahattin: “Osmanlı Devletinde Islahat Çabaları ve II. Meşrutiyete Kadar Suriye”, Yeni Türkiye Dergisi, Yıl 6, Sayı 31, Ocak-Şubat 2000, s. 181 vd.

[20] Helsâ, age, s. 137.

[21] Kanun, 02/04/1938 tarih ve 594 sayılı Resmi Gazetede yayınlanmıştır.

[22] Helsâ, age, s. 146.

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