



RESEARCH ARTICLE

Section: *Sociology and Community Development*

Vote buying in Jordanian electoral law: A critical legal analysis of the 2022 legislation

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ABSTRACT

The present article aims to analyze vote-buying as a crime under Jordanian Election Law Number 4 of 2022 by studying the relevant legal texts that regulate it, defining its elements, and evaluating their adequacy for preventing this sin. This crime can also fall under the most serious categories of manifest manifestations of political corruption because it directly corrupts the popular will and jeopardizes the legitimacy of the electoral process. The article's concern is whether the current text of law confronts the phenomenon of vote-buying with the required efficacy, given the evolution of the ways of committing it and the bounds of judicial interpretation. The research is descriptive and analytical while making a comparison with the earlier legal texts and analyzing the relevant decisions of the Jordanian Court of Cassation. The current law does possess important advancements, particularly not requiring the status of a candidate for the commission of the crime and introducing a penalty of disqualification from candidacy. However, there are still deficiencies in some respects, such as the failure to criminalize attempts and a lack of awareness of electronic images of the crime. The research recommends amending the text to include attempts, increasing penalties in organized cases, expanding liability to include electoral lists, and updating evidence tools to enhance the effectiveness of the enforcement of the legal text and ensure the integrity of elections.

KEYWORDS: civil rights, electoral crimes, election integrity, Jordanian law, rule of law, vote-buying

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1. Introduction

The study of law and legal issues was the theme of different studies (Alkhatib & Haider, 2024; Haider, Al-Salman, & Al-Abbas, 2022; Haider & AlKhatib, 2024; Weld-Ali, Obeidat, & Haider, 2023). The phenomenon of vote buying is one of the most prominent hazards threatening the integrity of elections in the Hashemite Kingdom of Jordan. The last parliamentary elections held in 2024 witnessed a clear continuation of this phenomenon, as the number of vote-buying cases recorded by the Independent Election Commission reached 87 (Independent Election Commission 2024).

The Independent Election Commission received 163 complaints during the 2020 elections alleging the use of “black money.” Most of the complaints were dismissed by the verification committee that investigated them; some were taken to court only in a few cases (Independent Election Commission 2020).

In this respect reports the oversight bodies, mainly the National Center for Human Rights, that indicated this phenomenon has worsened in successive parliamentary elections and that positive legal provisions have proved ineffective against vote-buying offenses leading to the persistence of such practices with impunity to their perpetrators. Such conduct distorts voter intent and suggests serious concern over the seriousness of addressing this issue (National Center for Human Rights 2020; National Center for Human Rights 2024).

Somehow, in the 2024 parliamentary elections monitoring report, “Rasid,” continued electoral and party bribery were traced. Besides the buying of votes, they also involved bribing candidates with cash to get them listed favorably on national party lists. These acts lessened much of the integrity of the electoral process and undermined public confidence in political parties and the Jordanian electoral system in general (Al-Hayat Center - Rasid 2024).

Definitely, the bribing of people is contrary to the principles of electoral liberty. It brings about disparities in opportunities accorded to different candidates and renders the entry of undeserving candidates into parliament, threatening indeed the efficiency of the legislative institution in discharging its constitutional duties. Following the same argument, Article 67 of the 1952 Jordanian Constitution establishes the principle that electoral laws shall stipulate the punishment of any person found guilty of tampering with the will of voters (Jordanian Constitution, Article 67).

Jordan has issued various electoral laws, starting from the Law for the Election of Members of the Legislative Council in 1928 and ending with the current Election Law No. 4 of 2022, which was drafted according to the recommendation of the Royal Committee for Modernizing the Political System. All of these laws contained clear text prohibiting vote-buying acts, taking measures to punish the perpetrators.

This article will analyze and critique the provisions concerning the offense of vote buying set forth in Article 63 of the Election Law of 2022. This would be done with descriptive and analytical methods set against new texts and older pieces of legislation. The purpose behind this is to analyze the efficiency of the current law in forbidding such act since there seem to be overwhelming indications that points to deficiency in the previous law.

2. The Concept of Vote Buying

Vote buying is essentially when an individual or an organization gives a voter some kind of pay off in cash or kind in exchange for the latter's promise to vote for a specific candidate or ask them not to vote at all for a certain amount of time (Hasen, 2000). The definition relies on the idea of exchange made between the voter (the seller) and the party who provides the benefit (the buyer), which is understood to be a contractual arrangement and mutual gain (Umbers 2018).

According to law, vote buying is an electoral crime in most parts of the globe, yet it happens occasionally; indeed, often observed particularly in new or fragile democracies. The ongoing behavior suggests a serious trust crisis in the secrecy of voting since those glorious voters who accept offers to buy their votes become very doubtful that their votes will remain secret such that they are now only too willing to respond to these offers (Ascencio & Chang 2024).

While some researchers argue that vote buying can be socially legitimated, such extreme cases are not necessarily viewed that way by everyone or in all social contexts. Sometimes it is seen as part of the portfolio of reciprocal relationships that may involve trust and social solidarity and become part of a broader sociality network that is based on mutual benefits (Hatz, Fjelde, & Randahl 2024). The empirical field studies also

illustrate that voters' social networks have a pivotal role in potential targeting methods among voters, whereby such individuals who have extensive social linkages are the most targeted by the intermediaries for power buying because of the ease with which their votes are monitored and commitment verified (Cruz 2018).

Materials document the practice as one of the critical threats to democracy, with the most severe adverse impacts on the integrity of elections and genuine realization of voter interests. The democratic process is thus converted into a mere commercial transaction, as opposed to the expression of free will (Breeding 2007). In addition to this, vote buying is indicated by institutional fragility and pervasively political corruption. This practice particularly has arisen owing to the weakness of political parties generating ambiguous electoral platforms, which in turn causes distrust between voters and candidates as it relates to commitment towards the promises made in electoral campaigns (Keefer & Vlaicu 2017).

As a concept, there is still significant academic debate regarding the boundaries of the definition of vote buying. Some have defined the term narrowly to include only direct exchanges, whether cash or in-kind, while others have defined it more broadly to include promises of future services or indirect rewards (Nichter 2014). These conceptual disagreements are indicative of the disagreement on a single definition and the challenges confronted in combating or addressing this phenomenon.

The crime of vote buying is defined by the Jordanian Election Law of 2022 as any person giving, directly or indirectly, a sum of money, a material benefit, or any other consideration to a voter, or making a promise to do so, with the intent of inducing the voter to vote in a specific manner, abstain from voting, or influence others to vote or refrain from voting. The definition also includes the voter accepting or requesting a sum of money, a benefit, or any other consideration, whether directly or indirectly, in exchange for committing to vote in a specific manner, abstaining from voting, or influencing others to vote or not vote (Jordan House of Representatives Election Law No. 4 of 2022, Article 63).

In this regard, the Jordanian Court of Cassation has confirmed in its decisions that the concept of vote-buying encompasses the offering of any kind of benefit, whether material (like cash or gifts) or moral (like promises of employment or services), and that it is illegal to do so simply by providing such a benefit to the voter (Jordanian Court of Cassation, Ruling No. 2141 of 2021).

3. Criminalizing Vote Buying Between Supporters and Opponents

Vote buying is an electoral offense that has evoked intensive uproar among researchers and experts in legal-social and political studies. Some view the act as one which deserves outright criminalization, while others perceive it as one of those behaviors which may be warranted under certain circumstances.

The current legal and political literature leans heavily towards establishing laws against vote buying as one of the most visible evils in undermining democracy and constitutes a serious violation of electoral integrity. According to Schaffer (2007), vote buying is a form of pure political corruption that has transformed the relationship between voters and candidates into a monetary basis, atmosphere of profit rather than that which is based on political programs and the public interest. That view was supported by Nichter (2014), who also argued that vote buying renders democratic meaning to the electoral process and transforms it into a purely economic enterprise that deprives voters of their free will and violates the principle of electoral fairness. Vote buying, as claimed by Ascencio & Chang (2024), destroys voters' trusts over the secrecy of the ballot and augments voters' sense of external supervision; therefore, they will be more likely to have less freedom in making their electoral choices freely and independently.

Al-Amari (2009) stated in the Arab context that vote buying is one of the most serious electoral crimes as it takes advantage of the financial inducement to distort voter will leading to the election of dishonest and unqualified parliamentary representatives whose first agenda is to recoup their money spent to attain the parliamentary seat. Brahimi (2008) claims that vote buying erodes societal morals with money as the predominant factor influencing electoral outcomes, and this, in turn, erodes democratic institutions and nurtures a culture of political corruption.

According to Khalifa (2018), allowing money to control elections not only leads to corruption and lowers the credibility of parliamentary representation but also empowers wealthy pressure groups to operate outside the law and obstruct candidates with sincere political platforms for the public good who cannot afford to contest elections. In concurrence, Al-Obaidi (2018) affirms that voting is a national obligation, not a commodity

that can be bought or sold. Money should not interfere in any of these matters regarding voter choices and election outcomes concerning justice and equality, as one considers or walks into other conflicts.

In contrast, some studies hold that, for example, in certain instances of vote buying, we might witness a socially and politically acceptable interaction seen through the lens of prospect theory (Bahamonde & Canales 2022). In certain social settings, vote buying may be conceived as totally acceptable, if not morally justified, in countries that are visibly impoverished or under extreme economic or cultural deficiencies or where trust-eroded in state and official institutions is fragmentary (Hatz, Fjelde & Randahl 2023; Alhasan & Awaisheh 2024). Cruz (2018) explains that vote-buying operates through social networks that render an economic transaction between candidates and voters, and so it is understood as an acceptable part of the political culture in certain societies. Umbers (2018) supports this view, stating that vote buying can be viewed as a voluntary transaction between the voter and the politician, arguing that, under certain circumstances, the voter may have a genuine interest in such an exchange.

Most importantly, the arguments against the decriminalization of vote buying have little or no legal backing because, in most countries, the election laws are direct and strict against vote buying by punishing whoever offers monetary, material or moral incentives for this change of view of the voter. An example of this is the Jordanian Law No. 4 of 2022.

Despite concerns raised by ongoing discussions among researchers related to how serious an issue this practice is, and under what conditions it occurs, the more dominant legal, political, and academic trend is to point out that votes must be strictly treated as not only going under-the-table but also resulting in dire consequences for offenders who disrupt entire elections, democracy, and society as a whole.

4. Legal Developments in Criminalizing Vote Buying

The criminalization of vote-buying under Jordanian law was legislated relatively early, well back in 1928. The first law in this regard was thorough and included several forms of bribery in the Electoral context, such as giving away money, material benefits, or promises of jobs or other positions in return for votes or abstentions. Penalties included imprisonment or fines as well as deprivation for a relatively long time of political and employment rights, an early recognition of the importance of electoral integrity and the dangers of vote-buying indeed. A similar offense with the 1947 Act, as it imposed penalties and five years' disenfranchisement, indicated the continuity of ideology of punishment by deterrence and stressed the honesty of voters exercising their political franchise rights.

With the 1960 law, the legal text became much more specific and precise, with a clear bias toward penalties (imprisonment and fines), but that deprivation of political rights was no longer explicitly stated, as in the earlier laws (Al Zubi et al. 2024), somewhat loosely indicating a mitigated view of some of the political consequences of the crime while still being content with imposing the same old-fashioned criminal penalty.

The law in 1986 and 2001 require legislating in Jordan for a clearer and more specific definition of the crime, including electoral propaganda as part of the definition, and stating penalties in more certain and more specific terms from a criminal point of view. All the while, it must keep a deterrent level without proceeding to severe criminal punishments, indicating that this is the effort for balancing deterrence and avoiding undue severity.

But under the interim law of 2010, Jordanian legislation underwent a marked and unprecedented change, since it raised the punishment under penalty of hard labor for up to seven years. This change indicates a clear and firm legislative intention to deal with this phenomenon after it was realized that previous relatively stringent penalties were insufficient to deter those involved in vote-buying.

The laws enacted in 2012 and 2016 continued maintaining or keeping the punishment of hard labor for a period of three to seven years. Further, the law introduced in 2016 has added fresh motivational clauses, including exemption from punishment of a person who reports or confesses to a crime in addition to punishing those maliciously reporting. Such a change was a qualitative departure from the penal legislation in that it recognized encouraging citizens to cooperate with the relevant authorities in uncovering these crimes and preventing the misuse of these provisions.

The penalty was maintained so that it was a lesser punishment than hard labor and was now imprisonment for a term not less than six months or more than two years, plus an additional punishment to disqualify the

convicted candidate from running for one or more terms. The amendments are an indication that the legislator realizes that political sanctions (disqualification from running) are comparatively a more effective deterrent and, therefore, a greater guarantee of electoral integrity. It also reduces the rigors of criminal penalties according to the nature of the act and provides a greater chance for the practical application of legal texts.

Comparison of the above-mentioned legislations would make it apparent that the Jordanian legislator gradually progressed from moderate to extremely severe punishments and looked into their effectiveness before reaching a present law. That is the one of 2022, which is a mild formula that does have a deterrent and a balance of sorts and emphasizes much more clearly direct political punishment (disqualification from candidacy). This, thus, shows that the legislator learned from the mistakes of yore and realized that the legal battle against vote-buying will require flexibility and precision in defining penalties and procedures so that the elections are fair and have integrity.

5. Elements of the Crime

Article (63), of the Jordanian Election Law No. 4 of 2022, states:

“Anyone who:1. Directly or indirectly gives, lends, offers, or promises to supply a voter a quantity of money, a reward, or any other consideration to convince the voter to vote in particular, abstain from voting, or influence others to vote or abstain from voting;

2. Accepts or demands a quantity of money, a loan, a reward, or any other payment for himself or another person with the intent to compel a vote in particular, to abstain from voting, or to persuade others to vote or not vote.

Shall be punished by imprisonment for no less than six months and no more than two years.”

From this text, it becomes clear that this crime is based on two elements: the material element (*actus reus*) and the moral element (*mens rea*).

5.1 *Actus reus*

Under Article 63 of Jordanian Law No. 4 of 2022 of the year 2022, vote-buying is treated as a material element of the offense by engaging in one of those criminal acts. The two parties involved in such acts may be termed as follows: first, the seller, who offers or provides money or benefits in an action aimed at influencing the voter's decision; second, the buyer, the voter who neither solicits nor accepts such benefits.

In the case of the first party (the seller), the material element is satisfied by the action of providing the voter with any benefit, monetary or otherwise, directly or indirectly, or even by promising or pledging to provide such benefit or money in the future. Currently, Jordanian legislators have broadened the scope of persons who can be perpetrators of this crime. Previously, candidate status was regarded as a bar to criminal liability, but this is no longer the position of the law today. Such a clear expansion in the law arises from the fact that it is recognized that the crime may be committed by someone other than the candidates in question, such as intermediaries, brokers, or persons who have no direct connection with the electoral campaign.

In this context, the Jordanian Court of Cassation found that it is not necessary for the perpetrator to hold the status of a candidate; it is sufficient for him to have made an offer or given a benefit with the intent of influencing the will of voters (Jordanian Court of Cassation, Ruling No. 2141 of 2021). The Salt Criminal Court followed suit, considering the mere promise of future benefit sufficient to constitute the material element of the crime, whether or not actually given (Salt Criminal Court, Decision No. 70 of 2013). The same perspective was corroborated by the Irbid Criminal Court of First Instance, which ruled that merely announcing an offer of electoral benefit was sufficient in itself to fulfill the material element of the crime (Irbid Criminal Court of First Instance, Decision No. 543 of 2020).

As for the act of the second party (the voter or the buyer), the crime is committed once the voter accepts or requests a benefit or money in exchange for influencing their electoral behavior. It is the same whether the request or acceptance in this case is for the person himself or for the benefit of someone else. Here, Jordanian

law clearly emphasizes that the voter's responsibility is no less than that of the first party; the voter bears full criminal consequences when accepting or requesting an illicit benefit. In this regard, the Jordanian Court of Cassation confirmed this, which clearly indicated that the material element of the crime on the part of the voter is fulfilled merely by the voter's request or acceptance of money or benefit, without requiring proof of actual influence or the tangible realization of the criminal result (Jordanian Court of Cassation, Ruling No. 2251 of 2021). The Amman Criminal Court of First Instance also considered the voter's request or acceptance of the benefit sufficient in itself for the crime to be established (Amman Criminal Court of First Instance, Decision No. 38 of 2021).

There is a clear debate in legal jurisprudence about the nature of vote-buying, specifically whether it is a formal offense, which occurs simply by engaging in a conduct that does not require an actual result, or a material offense, which requires three elements: the conduct, the result, and a chain of causation. This is, therefore, a matter of simple conduct, of merely proposing, promising, or accepting an offer or reward as a crime, according to the majority of legal works, as endorsed by Jordanian legislators and the judiciary. This approach has been upheld by the Court of Cassation in several rulings. This crime is largely deemed to be a material crime, which must be proven with illegal results in terms of actual and palpable influence on the voter's will (Abu Al-Maati 2013). Mere offering or promising a benefit is insufficient to establish the crime unless the unlawful outcome is proved as well (Al-Asadi 2011).

Despite the theoretical availability of the latter view, Jordanian practice and legislation seem to consider vote-buying as a formal offense; the reasoning behind this is that actual influence on the will of the voter is difficult to prove, and so lawmakers sought to protect extensively the electoral process from any attempt that might sabotage its purity. This enhances the efficacy of the legal text in deterring and preventing violations. From a comparative study of previous legal texts, the 2022 law may be taken to have inserted a clearer definition and adjective-affected (comprehensively) formulation and deleted conditions that formerly restricted the scope of criminalization. This marks a clear legislative advancement in the fight against vote trading and the preservation of election integrity.

Hence, it seems readily discernible that the material element of the crime of vote buying under the law in force in Jordan is clearly defined, sufficiently extensive, and made more effective by well-established judicial precedents and academic opinions, and thus improves its efficacy in safeguarding democracy and free and fair elections.

5.2 *Mens rea*

Essentially, from the moral aspect of the crime of vote-buying, it involves the intent to commit a crime; it is an intentional crime that occurs under the condition that the accused has the knowledge as well as willingness to conduct the legally criminalized act. Therefore, one can speak that criminal intent is accomplished if two specifically defined essential elements are contained: such as knowledge meaning that the offender knows the nature of the conduct in which he engages, and will meaning that his will is freely directed to commit and actually carry out such conduct. Unless the law requires a special intent, the convergence of these two elements establishes a crime (Abu issa & Al Shibli 2022; Abu Issa & Khater 2023).

However, a jurisprudential dispute exists regarding the adequacy of general intent in establishing this crime. Some researchers believe that this crime requires a special intent. They argue that the criminal intent in the crime of electoral bribery consists of two parts: the general intent embodied in knowledge and will, and the special intent represented by the intention to influence the will of voters, whether by voting for a particular candidate or abstaining from voting. This implies that establishing the crime requires the presence of both the general and special criminal intents (Ahmad 2017).

Some think that special intent is a necessary part of this crime. The term refers to the intent to specifically influence the result of the election. This means that the perpetrator must have offered or promised a benefit with the aim of directly influencing the voter's will in favor of a candidate or list or abstaining from voting. Furthermore, the voter must have resolved to accept this benefit in exchange for a specific vote. Therefore, mere acceptance or offer alone does not complete the crime; rather, it requires a specific intent to influence the electoral process. (Ahmad 2002; Qamar 2005; Al-Amari 2009).

There are those who believe that the necessity of a special intent depends on who commits this crime. If

the perpetrator is the candidate or his representative or an intermediary, then it requires a special intent, which is to influence the will of the voter to vote or abstain from voting or to vote in particular or to influence others to do so. However, if the voter commits it, then the general intent is sufficient for this crime to be committed (Al-Adaileh & Alhrerat 2020).

The opposite jurisprudential approach maintains that the intent in this offense is just general, with no necessity for a special intent. It believes that the voter's mere awareness of the act and desire to get a reward in exchange for voting or abstaining is enough to establish the crime, even if he did not intend to carry out the agreement. The commission of the crime is not dependent on the will being oriented toward a specific outcome; rather, general intent is sufficient to establish criminal liability (Khalifa 2018).

Jordanian judicial jurisprudence, particularly its Court of Cassation decisions, has firmly held that criminal intent in vote-buying is a general intent, that is, there is no need for a special intent or motive directed to the achievement of a specific result. The Court of Cassation affirmed that it is an intentional crime, with knowledge and will alone being sufficient for a perpetrator to commit it (Jordanian Court of Cassation, Ruling No. 2141 of 2021). Again, according to Decision No. (2251/2021), the moral element of this crime need not demonstrate that the accused possessed a specific intent to influence the ultimate outcome of the election (Jordanian Court of Cassation, Ruling No. 2251 of 2021). The element of purpose only requires that the agent commit the act with knowledge of its nature and will to execute it.

In light of this disagreement, it appears that the position adopted by the Jordanian judiciary is leaning toward adopting general intent. This matches the type of crime that is considered a formal offense, where just committing the act and having knowledge and will is enough without needing to show actual influence or special intent about the election results. This trend is due to the challenge of showing specific intent in this kind of crime, and the aim is to make sure the law can effectively discourage and prevent issues that could harm the fairness of elections. This line of reasoning really reflects an ideal casement between the evidentiary requirements on the one hand and the legislative objective of protecting the will of voters on the other hand.

6. Penalty for the Crime

Article 64 of the Jordanian House of Representatives Election Law No. 4 of 2022 stipulates that the penalty for vote-buying is imprisonment for a minimum of six months and a maximum of two years. This indicates that the offense is classified as a misdemeanor, and given that the law does not prescribe a penalty for its attempt, no penalty exists (Khater, Issa, Alsheyab, & Alwerikat 2023).

The Jordanian legislator has left the judge with discretionary power to determine the appropriate period of imprisonment within the minimum and maximum limits referred to. The law also did not prevent the application of the discretionary mitigating factors included in the Jordanian Penal Code. Therefore, the judge is entitled to apply Article 100 of the Penal Code, which states that “1-If the court takes into account the mitigating factors in favor of the person who committed a misdemeanor, it may reduce the penalty to at least its minimum limit stated in Articles 21 and 22. 2-It may convert imprisonment into a fine or—except in the case of repetition—convert the misdemeanor penalty to a violation penalty. 3-The decision granting the mitigating factors must be fully justified, whether in felonies or misdemeanors” (Jordanian Penal Code No. 16 of 1960). In addition, the Jordanian legislator has introduced an additional penalty, namely disqualification from standing for parliamentary elections. Article 63/b of the current Election Law stipulates that anyone convicted of vote-buying shall be denied the right to run for membership in the House of Representatives. The penalty reaches into the electoral cycle during which the conviction occurred and into the subsequent electoral cycle, demonstrating the legislator's desire to enhance electoral integrity and deter candidates from vote-buying (Article 63 of the Jordanian House of Representatives Election Law No. 4 of 2022).

In fact, the sanctions disqualifying persons from running for elections were not expressly new in Jordanian legislation, as they had previously appeared in several previous laws, such as Election Law No. 22 of 1986, which stated that anyone convicted of this crime shall be disqualified from standing for election for a period of five years. This penalty represents part of an ongoing legislative effort to curb electoral misconduct and possibly restore credibility to the democratic process.

The legitimacy of this punishment has engendered a great amount of dispute in law jurisprudence. Some consider it a necessary punishment to uphold electoral purity and guarantee genuine representation of

the people, while others see it as an affront to one of the fundamental political rights, namely, the right of candidacy and suffrage, which may possibly conflict with the fundamental rights and freedoms entrenched in the Constitution (Birch 2011; Muhtadi 2019; Alfawaer et al. 2023). Schaffer (2007) contends that restraining political rights is a strong countermeasure against vote-buying; however, it requires applicants for a stringent judicial review so as not to violate the core political rights.

Garnett & Zavads kaya (2019) have suggested that an excessive imposition of this sanction may in reality work to deter confidence in the electoral process itself and develop a sense of political exclusion, whereas Norris & Nai (2017) stress the imperative of keeping such sanctions within defined parameters and well-established criteria.

7. Conclusion

An exhaustive study on the buying of votes under the laws of Jordan and legal texts, case law, and jurisprudential opinions has opened up a large avenue of advancement for Jordanian lawmakers concerning the hard-core issue of electoral misconduct in Election Law No. 4 for 2022. Thus, this text has broadened the scope of construed punishable actions that constitute vote buying and does not confine the same to the term ‘candidates’ as some previous laws did. Here, the text has additionally carried the extension beyond just the punishable acts of vote buying: The specificity of this text relates further to the presence of a well-specified penalty that combines imprisonment and fine, in addition to disqualification from standing for parliamentary elections which serves as a very important subsidiary penalty for safeguarding the integrity of the electoral process.

Nevertheless, there still remains some substantial aspects in the legal text that require review and development. The study unraveled that there are no provisions providing for an offense of attempts at this crime, even if it is a special offense that features numerous attempts that fail to amount to full implementation. Besides, the prescribed penalty period (six months to two years) may not be sufficiently deterrent, considering the grave effect that such a crime has on the will of voters and legitimacy of election results, spend on cases in which it is multiplicity of vote-buying affecting the results of an entire electoral district.

Meanwhile, the practical difficulties encountered by judicial implementations have created difficulties regarding proof of evidence, particularly where, in practice, the very nature of the crime invites the perpetrator to use intermediaries or indirect means to hamper the judicial authorities’ ability to track evidence. Moreover, the legal framework in place does not clearly stipulate the liability of the list or political party of which the candidates or representatives are proven to be involved in this crime, thus raising the question of whether such a framework is adequate to secure total electoral equity.

Some modern styles of vote buying have not been discussed in detail in the current text, especially electronic vote buying or through social media applications, which are increasingly emerging forms brought about by the modern election campaign tools.

Last but not the least, far beyond the simple enactment of penal laws, the battle against vote-buying requires effective institutional will and a concerted effort from the judiciary, the Independent Election Commission, civil society, and political parties in order to protect the popular will and ensure its free and fair expression.

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