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The Legal System for Political Parties in Jordan in Light of Law No. 7 of 2022

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Abstract. Law No. 7 of 2022 represents a significant shift in the legal framework for political parties in Jordan, aiming to modernize the political environment and enhance democracy. This new law sets out the conditions for the establishment and membership of political parties, regulates their financing and activities, with a strong emphasis on transparency and accountability. Additionally, it seeks to enhance active citizen participation in political life by simplifying registration procedures and providing government financial support contingent on adherence to legal standards. The law also includes provisions to protect the rights of political parties and their members, and aims to strengthen the role of parties in parliament by encouraging alliances and presenting comprehensive political programs. Despite potential challenges in its implementation, Law No. 7 of 2022 provides a comprehensive legal framework aimed at developing the party system in Jordan, thereby promoting political stability and democratic development.

Keywords: Financial Resources, Party, Political Activity, Political Organization, Political Parties Law, Political Parties.

1. INTRODUCTION

The legal system for political parties in Jordan has witnessed fundamental transformations, especially in light of Law No. (7) of 2022, which represents a pivotal step towards strengthening the political and organizational environment in the Kingdom, as it aims to modernize the legal framework that governs the work of political parties, which reflects Jordan's commitment to strengthening Democracy and political participation.

The aforementioned law also includes a set of provisions and measures aimed at facilitating the process of establishing parties, ensuring transparency in their financing, and enhancing their role in political life. Despite the challenges the law faces from a practical standpoint in terms of application and practice, especially within the framework of achieving a balance between party freedom and the requirements of security and stability.

Accordingly, this study constitutes an analytical picture of the political party system in the Hashemite Kingdom of Jordan, or is it directed towards the necessity of understanding its potential effects on the Jordanian political arena, especially in the opportunities provided by parties in the areas of party development and civic participation in the political arena, and the resulting effects.

1.1. Study Problem

Considering that parties constitute one of the political tools practiced by a group of individuals that aim to practice political democratic work in a peaceful and constitutional manner, this work is entrusted with a set of controls and conditions in view of the effects that the party arranges, and accordingly, the problem of the study arises by raising The general question is the effectiveness of Parties Law No. (7) of 2022 in exercising the constitutional political right through the formation and establishment of political parties What legal developments did the new law add to partisan political work and the effects resulting from it?

1.2. Study Questions

A group of sub-questions branch out from the general question of the study:

1- What is meant by political parties?
2- What is the constitutional and legal basis for political action through political parties?
3- What are the controls and procedures for forming political parties?
4- What are the consequences of forming political parties?
5- What is the legal and financial organization of political parties?

1.3. The Importance of the Study

The importance of the study is highlighted from a legal and objective perspective by defining the legal framework for political parties, and the extent of the constitutional guarantee for the practice of party work through the establishment and formation of political parties in accordance with the provisions of the regulating laws and in a manner that does not conflict with constitutional rules, as well as addressing the substantive and procedural provisions related to political parties and their organization in terms of Legal and financial, and the extent of its independence as an independent entity The importance of the study is also highlighted by shedding light on the Political Parties Law in accordance with the amendments of 2022, and in accordance with the

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provisions of the Jordanian Constitution of 1952 and its amendments.

1.4. Study Objectives

The study aims to explain the legal system of political parties, their nature, their constitutional and legal basis, the mechanism for their formation, the nature of the founding procedures and the effects of forming a political party, as well as a statement of the party's controls and obligations imposed on it, and a statement and announcement of the sources of funding on which the party depends.

1.5. Study Methodology

The study followed both the descriptive and analytical approach by clarifying and interpreting the nature of political parties, their constitutional and legal support, and the controls for their formation legally and procedurally, while analyzing the obligations imposed on the party, and the effects resulting from its formation, in light of the provisions of the Jordanian Constitution of 1952 and its amendments, and the Political Parties Law No. (7) of 2022, highlighting the position of Jordanian jurisprudence and judiciary on this.

1.6. The First Section

1.6.1. The Nature of Political Parties

Political parties are considered one of the pillars of the democratic system in any country, and within their legal framework they are due to legislation that works to organize, form and operate parties, and the Jordanian Constitution is considered the constitutional basis for the legitimacy of the formation of political parties by individuals (constitution of Jordan).

The role of political parties in practical life is highlighted by crystallizing political awareness and creating it among individuals, especially since they are considered a link between the people and the government, and they also work to strengthen the connection between political units, as the roots of political parties go back to the founding of the Emirate of Transjordan in 1921 (Asoly 2023).

In order to determine the nature of parties, as they are considered the basic building block for exercising the constitutional right to establish and join political parties, it is necessary to explain their nature in the first requirement, and to explain the basis for forming political parties in the second requirement, as follows:

1.7. The First Requirement

1.7.1. The Concept of Political Parties

The concept of parties has been known for a long time, as it is not a spur of the moment, especially since individuals have become aware of the importance of parties, their formation, and the basic pillar they represent in political work and consolidating the idea of democracy in the state, as well as their effective contribution to strengthening the aforementioned idea and its effects.

The right to establish parties is considered a constitutional right through which the constitutional legislator intended to regulate the mechanism for forming parties and their goals, which must be legitimate and peaceful, and not conflict with the provisions of the Constitution, which works to monitor their formation on the one hand, and monitor their resources and organization on the other hand (Nasraween.2017).

In order to understand this in some detail, it is necessary to take a look at the historical emergence of parties, and then define them through the following two sections:

1.8. First Section

1.8.1. The Emergence of Political Parties in Jordan

The emergence of political parties in Jordan is due to the extent of recognition of the legitimacy of establishing and joining political parties, especially since they are among the most important rights mentioned in international agreements, charters and declarations, most notably the Universal Declaration of Human Rights (), the International Covenant on Civil and Political Rights, and the International Convention on the Elimination of All forms of racial discrimination.

In general, party life was not new to Jordanians, as it began before the announcement of the establishment of the Emirate of Transjordan in 1921, and in 1919, during the period of the Faisalid government and after the end of World War I and the revelation of the Sykes-Picot Agreement and the Balfour Declaration, some Jordanians joined the Syrian Independence Party, When the Emirate of Transjordan was established, a branch of this party was established in Jordan Some of its members participated in the first Jordanian government headed by Rashid Tali' in 1921 .

During the emirate period (1921-1946), the legal framework was based on the Ottoman Associations Law issued in 1909, according to which political parties worked in Jordan until the issuance of the Jordanian Associations Law of 1936, which dissolved the parties formed under the Ottoman law, which prompted the political parties – Then – to correct its situation in accordance with the new law.

This stage was followed by the post-independence period until 1957, during which the Constitution of 1952 was issued, which explicitly stipulated the right of Jordanians to form parties within the framework of a

legitimate purpose and not to violate the provisions of the Constitution, and then the legal framework for party establishment developed when the Law Regulating Political Parties No. (3) was issued) of 1954, and then the Political Parties Law No. (15) of 1955.

In this regard, some have indicated that the aforementioned laws considered the political party to be considered In this regard, some have pointed out that the aforementioned laws considered the political party to be a body composed of ten or more people, aiming to organize and unify its endeavors in political work, but the difference lies in that the law of 1954 was more democratic than its counterpart of 1955. Because he linked the right of the Council of Ministers to refuse the party's license with justification The party has the right to appeal the aforementioned Council's decision before the Court of Cassation as a Supreme Court of Justice, while in the 1955 law, the Council's right above is to grant or reject the right to license, and the decision is final (Rentawe .2016).

We can consider that the Political Parties Law No. (7) of 2022 was more constitutional than the laws that preceded it, especially in the issue of strengthening the constitutional right to form parties in support of Article (16) of the Jordanian Constitution of 1952 and its amendments, especially in the initial procedural issues in submitting applications Establishment, in which Article (9/C) of the 2022 Law stipulates that:The Registrar may not refuse to receive requests to establish parties, refuse to confirm changes to them, refrain from delivering notice, or disrupt procedures without a legal reason, under penalty of legal accountability (Mseedeen.2018).

1.9. Section Two

1.9.1. Definition of Political Parties

Jurisprudence did not agree on setting a single definition for the political party, but rather differed according to the perspective that each of them viewed separately, which created a broad definition of the political party, as: "a political organization of certain social forces united by a single general view or ideology, whose ultimate goal is to obtain power." Or keep it" (). He also created a narrow definition, which among his supporters is that a political party is: "a political organization that brings together individuals on the same intellectual foundations and common goals, the most important of which is reaching power or participating in it, whether through or without elections" (Robiee.1990).

What is noticeable between the broad and narrow definitions is that the latter, despite its treatment of the ambiguity and ambiguity that marred the broad definition through its reference to the availability of the human element, human and ideological organization, and the definition of its goals and means, is criticized for the liberal thought that influenced it, and the primary focus on reaching power and reserving it. In addition to not making elections the only means of sharing power, since party members hold public positions by appointment or direct selection In the event that the party is the sole holder of power (Handal.2003).

These definitions prompted jurisprudence to find a third definition, which is: "a group of individuals linked by common interests and principles within an organized framework for the purpose of reaching or participating in power to achieve their goals in the service of the public interest and through constitutional means" (jawd.2002).

Commenting on this definition, he supported that what distinguishes a political party is its reliance on constitutional methods to reach power, as it differs from other organized groups through the goal that is largely linked to governance and the application of the programs that the party has embraced to apply to political work, as well as the means Legitimate and followed to reach power () The political party is considered an optional and consensual gathering of a group of individuals revolving around specific goals and principles, to try to achieve these goals, which should not be limited to mere participation in political life, as it is not considered the "individual" party participating in political life and which the ruler establishes by force and oppression to support his policies and trends from Such as political parties (homaid.2012).

As for the definition of the Jordanian legislator, he defined a political party as: "The party is a national political organization, consisting of Jordanians united by the values of citizenship and common goals, programmes, visions and ideas, and aims to participate in political life and public work in peaceful, democratic ways for legitimate purposes and by running in elections of all kinds, including Including parliamentary elections, and forming or participating in governments in accordance with Article (35) of the Constitution" (Basionee.2004).

We can consider that the party is an organization composed of a group of individuals united by a specific thought and orientation, aiming to achieve certain goals at the level of political action, in a way that enhances the political participation of individuals, and within the framework of controls, legitimate and constitutional means, and peaceful methods, provided that its members are From Jordanians.

In response to this, a decision by the Jordanian Court of Cassation stated: "Therefore, in order for any group to be called a political party, it must consist of Jordanians only and in order to participate in political life, and its means must be peaceful".

1.10. The Second Requirement

1.10.1. The Basis for Forming Political Parties

The formation of political parties is based on multiple and complex processes due to a set of legal, political and social foundations, aiming to organize political life, enhance democratic participation, and exercise by

individuals the constitutional right to political organization and participation through it in political action in the state.

This basis is due, starting with the provisions and rules of the Constitution that recognized the right of individuals to form and form these parties, and then approving and organizing them with other legal legislation, to which several amendments were made in accordance with what we explained previously in terms of historical origins and legal developments, leading to the Political Parties Law in its current form for the year 2022.

This basis can be explained by examining the constitutional basis for forming political parties in the first section, and the scope of the right to establish political parties in the second section.

1.11. First Section

1.11.1. The Constitutional Basis for Forming Political Parties

Article (16) of the Jordanian Constitution is considered the constitutional reference for the right of individuals to establish political parties, which in turn singled out the methods of organizing them through laws specific to that purpose, and what is noted from the text of the aforementioned article is that it considered political parties, unions, and associations to be a form of the "right to meet" granted to Jordanians, as It stipulated: "1- Jordanians have the right to meet within the limits of the law" 2- Jordanians have the right to form associations, unions, and political parties, provided that their goals are legitimate, their means are peaceful, and they have systems that do not violate the provisions of the Constitution, 3- The law regulates the method of forming associations, unions, and political parties and monitoring their resources.

Accordingly, the constitutional legislator has granted individuals the right to exercise the "right to meet" through the establishment of parties, provided that they do not conflict with the provisions of the Constitution and that their means, goals and objectives are legitimate and peaceful, as any conflict between them and the aforementioned controls constitutes one of the reasons for rejection of their establishment, in order to preserve The constitutional legislator must protect public order, the security, safety and prestige of the state, and not use the aforementioned right for ends that conflict with the security of the state.The legal legislation clarifies the mechanisms for organizing political partie

1.12. Section Two

1.12.1. Scope of the Right to Establish Political Parties

The political party is considered subject to the practice of political activity and its work in accordance with the provisions of the Constitution and that it does not conflict with its rules or the rules of public order, and from the procedural aspect, the means used in practicing party work must not have been carried out illegally or non-peacefully.

Regardless of who are the founding persons of the party or those applying to establish it; That is, they are ordinary individuals, or employees in the public or private sector, and with reference to the position of Article (16) of the Constitution mentioned above, the constitutional legislator did not stipulate a specific status in the persons who have the right to form parties or associations, except in terms of the legitimate purpose and peaceful means, as well as that the individuals therein be "Jordanians." And not to violate the provisions of the Constitution.

The basis for this can be considered due to the constitutional and legislative rules in the Kingdom on the one hand, and what is stipulated in international charters and declarations, as the employee –, for example –, does not acquire the right to form the party, unlike the ordinary individual, and the subordination of the public sector does not grant that right, unlike the private sector, and so on.

In this regard, the Jordanian Constitutional Court ruled that: "Employees in any ministry, department, body or government institution may establish their own union even if they are employees of the civil service system" Regardless of whether they have a counterpart in the private sector outside the framework of the government or not, provided that this is done in accordance with legislation or legislation issued for this purpose in accordance with what the legislative authority that has inherent jurisdiction in legislation deems appropriate (Rwabdeh.1999).

Whereas the basis for exercising any of the constitutionally guaranteed rights is not absolute, but rather is entrusted with a set of controls and standards that oblige the right holder to submit to them, which is not to violate the provisions of the Constitution, the law, public order, and public morals, and since the right to meet and establish political parties is a form of exercising These rights, These controls had to be precise so that they would not be exploited to achieve goals that conflict with general provisions and rules, and that they would not be misused.

In terms of the objective scope, it is stated in Article (5) of the Political Parties Law of 2022 that: "A- The party shall be established on the basis of citizenship, equality among Jordanians, commitment to democracy, and respect for political pluralism, B- The party may not be established on religious, sectarian, ethnic, or Sectarian foundations, nor on the basis of discrimination based on gender or origin".

It has been pointed out that limiting the framework for establishing the party to the foundations that deviate from what was stated in Clause (B) of the previous article excludes religious parties, especially Islamic parties, as

part of the jurisprudence explained what the legislator intended in the aforementioned article, that the party, whenever its membership is Open to anyone who believes in the principles and ideas proposed by the Islamic Party, so it is valid and unambiguous Membership in it should not be only for those who embrace Islam as their religion, especially since the Islamic religion does not establish discrimination between citizens, but rather equality in its general sense, and that there is nothing preventing the establishment of an Islamic party that aims to implement the provisions of Islamic Sharia within declared programs directed to all, as it is decided These programs are for everyone who is satisfied with them and their ideas without delving into the religion the member embraces (Djanee.1998).

Considering that the right to form parties is a constitutional right, it is surrounded by constitutional protection and guarantee, which prohibits attacking any Jordanian because of his party affiliations or the affiliations of his relatives, as well as not attacking students of higher education institutions because of those affiliations, and even the exposure that occurs because of those affiliations motivates the right of those who signed it

1.13. The Second Section

1.13.1. Establishment of Political Parties

The establishment of political parties has a number of effects, the most prominent of which is related to receiving financial support and carrying out the work that it has disclosed, within the framework of political action, and for the formation of political parties, a set of formal and objective conditions stated in the laws regulating that must be met, in addition to the constitutional conditions represented by With legitimate goals and peaceful means and not conflicting with the provisions of the Constitution.

This can be explained by highlighting the conditions for establishing political parties in the first requirement, and the consequences of forming political parties in the second requirement.

1.14. The First Requirement

1.14.1. Conditions for Establishing Political Parties

The conditions for establishing political parties are represented by two basic types of conditions: objective conditions and formal conditions, which can be explained as follows:

1.15. The First Section

1.15.1. Objective Conditions for Establishing Political Parties

The most important condition for forming a political party is that it be based on citizenship, equality among Jordanians, commitment to democracy, and respect for political pluralism, and that it not be founded on religious, sectarian, ethnic, or factional foundations, nor on the basis of discrimination based on gender or origin.

Each party must also clarify the goals and principles on which it is based and seeks to achieve them, the means through which it works to achieve its goals, and its commitment to the principles and provisions of the Constitution and the Political Parties Law. Just as the party's principles have been defined, its financial resources and the budgets that it prepares and approves must be determined.

The party must have specific leaders; As party secretary, they are appointed through periodic elections in a democratic manner for all levels of its committees (), and this is done through the formation of at least (300) Jordanians who wish to establish the party and submit an application for its establishment to the party registry secretary established in the Independent Election Commission, provided that the founding member is Jordanian for at least ten years He has completed eighteen years of age, has legal capacity, has not been convicted of a felony against honor, morals or public morals, and is not affiliated with a non-Jordanian political party or organization, and is not an individual prohibited from belonging to parties (Nasraween.2017).

It is understood from the provisions of Article (7) of the Political Parties Law of 2022 that there must be a competent authority in the party to issue final decisions related to violations by party members and disputes between party members, its executive leadership and its committees, and to consider requests to join the party, procedures for merging the party into another party, and procedures for dissolving it. Optional for the party, and the provisions for liquidating its funds, provided that these funds go to the parties item in the state's general budget.

The Law Regulating Political Parties of 1954 stated that each party must have a statute that includes a set of data, and these data are: "1- The name of the party, its main business center, and its branches". 2- Names of its founding members, provided that their number is not less than ten people. The age of each of them must not be less than twenty-one (21) years, and he must not have been convicted of a felony or moral misdemeanor. 3- The purposes for which the party was established 4- The conditions for joining the party, the members' subscriptions to it, and the methods for revoking their membership, 5- The method of selecting the executive body that undertakes Managing the party's work, supervising its affairs, and clarifying its powers. 6- How to hold the party's general assembly .7- How to monitor the party's financial affairs .8- How to dissolve the party, 9- How to dispose of the party's funds when it is dissolved By extrapolating both the Political Parties Law of 2022 and the Political Parties Regulation Law of 1954, we find that the age of election

1.16. The Second Section

1.16.1. Formal Conditions for Establishing Political Parties

One of the most important formal conditions for establishing the party is the submission of an application for establishment (license) by (300) Jordanians to the Secretary of the Parties Register, who meet the conditions stipulated in Article (6) of the Parties Law of 2022, stating the initial principles and ideas of the party, signed by the founders and attaching The necessary data for this.

The data that must be attached to the license application is:

1- A draft of the party's bylaws signed by the founders.

2- An authorization document signed by the founders in favor of three of them to submit an application for incorporation, and to follow up on all necessary procedures before the official, judicial and other authorities until the announcement of the founding of the party and the completion of the formation of its leadership, in accordance with the model approved for this purpose.

3- A list that includes the name of each founder from four sections, his national number, profession, job, place of work, if any, his residence address and signature, accompanied by a copy of the ID card of each founder and authenticated by one of the authorized founders.

4- A certificate signed by the three authorized founders before the Registrar confirming the authenticity of the founding members' signatures on the documents referred to in this article.

5- The address of the headquarters of the party intended to be established, provided that this headquarters is within the Kingdom, announced, and approved for sending any notification in accordance with the provisions of this law.

The founders must elect from among themselves a temporary leadership of seven people to manage the founding phase, and its duties will end after the founding conference is held.

It can be noted that Article (11) of the Political Parties Law of 2022 stipulates that a founding conference must be held by the founders within a period not exceeding one year from the date of fulfilling the requirements stipulated in the aforementioned law, under penalty of the party being considered "under establishment" in light of the failure to Holding the founding conference .

After completing the conditions for holding the conference, electing its executive leaders, approving its political system, and providing the parties' registry with the decisions resulting from the held conference, there is an obligation that the party, in the event that it is under establishment, must provide the Authority's Board of Commissioners with the following documents .

1- Decisions of the founding conference, and a list of the names of the founding members attending the conference, their ages, the gender of each of them, the governorates in which they reside, and their signatures.

2- The party's statute.

3- A list of the names of members of the party's executive leadership and elected committees.

In general, what is noted about the formal conditions is that they relate to the fact that the party and its founders met the legal conditions in its formation, and were licensed to carry out its work and achieve its goals, and that their achievement was consistent with the provisions of the Constitution in the first place, and the legal rules regulating the work of parties and their establishment from an objective and formal standpoint in the second place, whether in terms of founding requests or the founding conference, and the documents that must be submitted if the party is held or remains under establishment.

1.17. The Second Requirement

1.17.1. Consequences of Forming Political Parties

The formation of political parties carries within it a set of important results that affect various aspects of political, social and economic life in any country, especially in terms of strengthening democracy, political pluralism, and the political participation of individuals, as well as achieving the goals and objectives for which the party was founded, in its peaceful and compatible form and in accordance with the provisions of Constitution and regulating laws.

Among the most prominent results resulting from the formation of political parties are those related to Section Two.

1.18. First Section

1.18.1. Enjoying The Legal Personality of the Political Party

The Jordanian legislator stated that the party, after announcing its establishment, has an independent legal personality, and has the right to own the movable and immovable funds necessary to enable it to carry out its duties and any other actions in accordance with the provisions of this law.

This personality represents a legal recognition of the existence of the party and its ability to carry out any tasks and work, litigate and dispute with others, and follow up on any judicial and official procedures related to the party, through the management of this legal personality through its executive leadership, which is formed in accordance with the provisions of its statute, so that it represents The Secretary-General of the Party or whoever

is in power represents the Party before the official and judicial authorities and any other party, or through the appointment of lawyers.

Through the independent legal entity that the party represents, it carries out the actions and activities for which it was founded, with the need to emphasize commitment to the provisions of the Constitution and respect for the rule of law, the foundations of democracy and respect for political pluralism in thought, opinion and organization in accordance with the provisions of the Constitution and the law, preserving the independence and security of the nation, and preserving National unity, non-discrimination between citizens, and achieving equal opportunities among citizens when assuming responsibility or participating in it Maintaining the neutrality of public institutions in performing their duties, not having organizational or financial ties to any non-Jordanian party, or directing party activity based on orders or directives from any country or external party, and refraining from party organization and polarization in the categories specified in accordance with Clause (6) of Paragraph (B) of Article (6) of the Political Parties Law of 2022 mentioned above Not resorting to violence or incitement to it in all its forms, refraining from establishing any military or paramilitary organizations, ensuring opportunities for the effective participation of its members in managing its executive leadership, taking into account the principles of good governance, transparency, accountability and accountability, and ensuring the right of its members from the women and youth categories to assume leadership positions in it, and attracting People with disabilities, empowering them, investing their energies in serving the party's goals, and providing arrangements, facilitating facilities, and access to carry out their activities And spreading awareness and education about the importance of parties and their role in political participation (Asoly.2017).

The party must have a specific address, through which the party can be notified of any decisions, notices, or actions taken in accordance with the provisions of the Political Parties Law of 2022, unless the Secretary notifies the Registrar of the adoption of a new address for this purpose, which is attached to the application for establishment.

Some have pointed out that the burden of proof falls on political parties to convince Jordanians of the importance and necessity of party work through comprehensive party programs from economic, political and social aspects, which work to serve individuals and solve their problems, and the effective element they represent in democratic political systems in developing political fields (Nasraween.2018).

We find that granting legal personality to the party would contribute to presenting the party's ideas and goals publicly in a way that is not linked to the personal standard of the founders, but rather in accordance with the objective standard that the party enjoys in terms of considering it a legal organization managed by a group of people, so it is like commercial companies and institutions in this way. Public and private, and this characteristic makes him capable of initiating legal and judicial procedures, appointing lawyers, following up on cases, issuing documents, etc In addition, the party enjoys financial independence, which will be explained in the second section

1.19. The Second Section

1.19.1. Financial Organization of Political Parties

Political parties need funds in order to be able to carry out their work and tasks that they were established to achieve, and the absence of sufficient funding would prevent the achievement of those goals and objectives, taking into account that "financing political parties" entails danger in the event that they are linked to external foreign parties, which may It takes advantage of providing funds to the party in the form of donations or donations so that it can enter the affairs of the political party and then the internal affairs of the state.

The Jordanian legislator stated in Article (24) of the Political Parties Law of 2022 that: "The party must rely entirely for its financial resources on legitimate, declared and specific Jordanian sources of funding in accordance with the provisions of the law, and it may accept wills, gifts and donations in cash and in kind from natural and legal Jordanian persons." Provided that the donation whose value exceeds (5,000) dinars is paid by check drawn on a Jordanian bank".

Political parties are also supported by allocating a special item in the state's general budget as a contribution to political parties from public treasury funds, in accordance with the Financial Contribution to Support Political Parties System No. (15) of 2023, which clarifies the value of the party's financial contribution and fulfills the conditions that must be met to be eligible for that. Contribution.

Accordingly, the Party's financial resources are ():

1- Annual subscriptions for affiliates and founders.

2- Gifts, bequests, and cash and in-kind donations.

3- Returns from the exploitation of his real estate.

4- Revenues from newspapers and publications belonging to him and his website.

5- Returns from his bank accounts.

6- The annual financial contribution made to him in accordance with the provisions of this law and the regulations issued pursuant to it

However, the legislator has prohibited some sources of funding for parties, such as gifts, cash or in-kind donations, or funding if their source is ():

1- Any non-Jordanian country, entity, or non-Jordanian person.

2- Any unknown source.

3- Official or public institutions or companies in which the government owns (51%) or more of their shares.

The party must appoint a chartered accountant to audit its accounts and annual financial statements, and send a copy of its annual budget and final approved financial statements for the previous year in accordance with the provisions of its statute, and a statement signed by the Secretary about the party's financial resources in detail, a detailed list of all donations, gifts and bequests that the party received during The previous fiscal year, within three months from the end of the fiscal year, and submitted to the parties registry in the Independent Election Commission.

Accordingly, the support that political parties receive is represented by two sources: the first is public support, through direct support by allocating a direct financial allocation in the state's general budget, as well as indirect public support represented by exempting party headquarters from all taxes and government fees that result from the party's immovable funds.

As for the second source, it is the special support generated by natural and legal persons in the form of gifts and donations, in addition to the party's various investments; Such as specialized study centers in accordance with its goals and objectives, provided that they are not funded by non-Jordanian sources, issuing periodicals and any other publications, or owning any of the available media and using them to express its principles , opinions, positions, literature, and any other media objectives in accordance with the provisions of applicable legislation (Nasraween.2018).

We find that the party may extract from funding sources any funds that contribute to achieving its goals for which it was founded, provided that they do not violate the party's enjoyment of legal personality and financial liability, which will be explained through:

The study dealt with the nature of political parties, their definition, and the conditions for their establishment in accordance with the Political Parties Law No. (7) of 2022, with an overview of the historical origins of the life of political parties in the Hashemite Kingdom of Jordan and the laws that refuted its provisions.

The right to establish parties is considered a form of the "right to meet", which is a right guaranteed in the Jordanian Constitution of 1952 and its amendments, which granted Jordanians the right to form parties in accordance with the provisions and rules contained in applicable legislation.

The study reached a set of results and recommendations, which we explain as follows:

2. RESULTS

1- The political party is considered an organization that brings together a group of Jordanian individuals and aims to practice political work through legitimate and peaceful means and in accordance with the requirements and provisions of the Constitution.

2- Political parties, their establishment and formation are not considered the result of their emergence, but rather many changes and transformations have occurred in them, especially in the legislative field through the developments contained in the Parties Law up to its current version No. (7) of 2022, which is considered one of the laws that intended to reform Political in the field of party formation.

3- The right to establish parties is a constitutional right entrusted with a set of conditions that must be met for the purposes of its establishment, including objectivity related to the nature of the party and its composition, and formality related to license applications and the necessary procedures for that.

4- The financial resources of political parties are linked to explicit and clear means in accordance with the provisions of the law, and the party's violation of these provisions makes it vulnerable to judicial dissolution following the filing of a lawsuit to dissolve the party before the competent court of first instance.

5- If the party fulfills the legal conditions and announces its establishment, it enjoys legal personality, and its founders or members may not be attacked in any way due to political affiliations or party membership, except in the event that it conflicts with the provisions of the Constitution and public order.

3. RECOMMENDATIONS

1- Due to the modernity of the Political Parties Law of 2022, many Jordanians are immune from learning about these new amendments and the provisions regulating the formation of parties, and for the purposes of strengthening the democratic political interactive role in the state, the law and the new amendments must be disseminated to that segment through the available media.

2- The necessity of carrying out strict control measures on the financing and expenditures of political parties, and enhancing financial transparency by the party by presenting and publishing financial reports and making them available to the public.

3- Strengthening the role of the state in terms of public financing of political parties, within the framework of enhancing the political participation of individuals, in implementation of oversight of the parties' financial resources on the one hand, and on the other hand not providing any opportunity for financing from prohibited sources for the party.

4- Spreading awareness through national educational and media programs to enhance and develop political participation and the role of parties in political work.

5- Facilitating the procedures for establishing political parties to push individuals to form parties more

flexibly and strengthening legal controls for political action, while emphasizing the legitimacy of the means, goals and objectives on which parties are built.

6- Political parties are subject to a set of model rules in their establishment and formation, without prejudice to the goals and objectives because they are linked to the people of the founders in the first place, and are linked to the party as a result, which regulates the establishment and formation of parties on the one hand, and contributes to formation in a more flexible manner.

REFERENCES

Khaled, Hamid, Political Systems, Al-Sanhouri Library, Beirut, 2012.

Al-daoudi, Muhammad, and Al-Dajjani, Munther, The Jordanian Political System – Its Pillars and Concept, without a publishing house, Jordan, 1993.

Al-rubaie, Tariq Ali, Political Parties, Higher Education Press, Mosul, 1990.

Al-rantawi, Oraib, and others, The Development of Party Life in Jordan – Historical Analytical Study (1921-2016), Al-Quds Center for Studies, 2016.

Al-rawabdeh, Abdul Raouf, and others, Political Parties and Pluralism in Jordan, Arab Foundation for Studies, Publishing and Distribution, Lebanon, 1999.

Al-tamawi, Suleiman, The Three Authorities in Contemporary Arab Constitutions and in Islamic Political Thought –, a comparative study, fifth edition, Dar Al-Fikr Al-Arabi, Egypt, 1986.

Abdullah, Abdel-Ghani Bassiouni, The Mediator in Political Systems and Constitutional Law, Al-Saadani Press, Egypt, 2004.

Al-kadhim, Saleh Jawad, and Al-Ani, Ali Ghaleb, Political Systems, Al-Hikma Press, Baghdad, 1991.

Jawad, Sattar Kazem, Political Parties in Iraq and their Role in Protecting Basic Freedoms, Journal of Legal and Political Sciences, Volume (11), Issue (2), Part (2), Diyala University, Iraq, 2022.

Handal, Maitham Sharif, The Constitutional and Legal Organization of Political Parties in Iraq, - A Comparative Study, Doctoral Thesis, University of Baghdad, Iraq, 2003.

Al-asouli, Salim Abdel Rahman, and Al-Amawi, Ahmed Ali, Party life in Jordan in light of the constitutional amendments of 2022 and the oversight of the administrative judiciary between reality and ambition, Al-Zaytoonah University of Jordan Journal for Legal Studies, Volume (4), special edition, Jordan, 2023.

Al-musaydin, Youssef Salama, The Impact of the Political Parties Law of 2015 on Party Participation in the Eighteenth Jordanian Parliament Elections in 2016, Journal of the Faculty of Economics and Political Science, Volume (19), Issue (1), Cairo University, Egypt, 2018.

Nasraween, Laith Kamal, The Legal System of Political Parties in Jordan – A Comparative Study, International Law Journal, Volume (3), Issue (25), Qatar University, Qatar, 2017.

The Jordanian Constitution of 1952 and its amendments

Universal Declaration of Human Rights of 1948.

International Covenant on Civil and Political Rights of 1966.

International Convention on the Elimination of All Forms of Racial Discrimination of 1965.

Law Regulating Political Parties No. (3) of 1954.

Political Parties Law No. (7) of 2022.

Financial Contribution System to Support Political Parties No. (15) of 2023.

Date of founding of the parties: The website of the Ministry of Political and Parliamentary Affairs, Hashemite Kingdom of Jordan, is available on the website: (https://www.moppa.gov.jo/AR/Pages/%D8%AA%D8%A7%D8%B1%D9%8A%D8%AE_%D8%A7%D9%84%D8%A7%D8%AD%D8%B2%D8%A7%D8%A8_%D8%A7%D9%84%D8%B3%D9%8A%D8%A7%D8%B3%D9%8A%D8%A9)

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