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Effect of the 2022 Constitutional Amendments on the Three Branches of Government in Jordan

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Abstract

This article investigates the effect of the 2022 constitutional amendments on the three branches of government in Jordan and the degree of their impact on the rights and duties of Jordanian men and women and some independent constitutional institutions and bodies. The descriptive and analytical research approach is used to expound on the constitutional amendments incorporated into the Jordanian constitution in 2022 and their impact on the formation and work of the authorities and their efficiency in building a stable democratic constitutional system. Answers to questions related to the impact of the 2022 constitutional amendments on political parties and parliamentary governments are also provided, as the majority of the constitutional amendments can be a prelude to parliamentary governments in Jordan. The results indicate that achieving parliamentary governments requires developing the foundations and mechanisms of the electoral process, which enhances the role of Parliament in the Jordanian political system, strengthens its relationship with the executive authority based on oversight and balance, achieves positive results on the rights and duties of Jordanian men and women, and activates the role of women and youth in political and constitutional life.

Keywords: Amendment, constitution, government, parliament, powers.

1. Introduction

The need for a constitutional amendment in Jordan is a necessity due to the emergent changes on the national scene to accomplish political, social, economic, and administrative reforms required by the nature of the stage. On June 10th, 2021, His Majesty King Abdullah II entrusted His Excellency Samir Rifai to chair a royal committee called “Royal Committee to Modernize the Political System” concerned with modernizing the political system in the Hashemite Kingdom of Jordan. Headed by His Majesty King Abdullah II as a head of state, the tasks of this committee are reflected in developing new draft laws for elections and political parties, considering constitutional amendments related to the two laws and parliamentary work mechanisms, providing recommendations related to developing legislation regulating local administration, expanding the base of participation in decision-making, and creating a legislative and political environment that guarantees the role of youth and women in public life (Abdel Wahab, 2011).

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With a work period lasting more than three months, the results of the committee's work and recommendations have been presented in the form of a package of documents, including proposals, policies, and steps leading to the development of the Jordanian democratic model (Patrick, 2023). These documents comprise the proposed constitutional amendments related to the draft electoral law and the political parties law, and to the mechanisms of parliamentary work, the drafts of new draft laws on elections and political parties, the recommendations for developing the local administration legislation system, and the recommendations related to women's empowerment and youth empowerment (Almajali et al., 2023; Abdul Rahman, 2015).

With attaining the approval of these recommendations and proposals in their constitutional course, the Royal Commission's proposals have been provided to the government to submit them to the Jordanian Parliament in the form of a draft law to amend the constitution to pass them in accordance with constitutional principles. The draft amendment includes twenty-five constitutional articles, along with the name of a chapter (Al-Awdat, 2021). Reasons for amending the constitution, as presented by the government in 2021 are the consolidation of the principle of the rule of law, enshrining the principle of separation of powers, strengthening the independence of parliamentary work in a way that ensures the effectiveness of the programmatic parliamentary blocs, ensuring the constitutional oversight role of members of the Parliament, developing, strengthening and advancing legislative performance, empowering women, youth, and people with disabilities, and enhancing their role and status in society (Al-Adayleh, 2020).

Other key reasons include developing parliamentary work mechanisms to keep pace with the political and legal developments that the Jordanian constitutional system has witnessed since the issuance of the constitution in 1952, in a method that strengthens the party work system and political life in general, alongside unifying the jurisprudence issued in appeals submitted regarding the validity of the representation of members of the House of Representatives. Of the related reasons are enshrining the principle of transparency and equal opportunities among candidates for parliamentary elections, preserving the rule of no conflict of interest, and tightening restrictions on the actions that members of the Senate and House of Representatives are prohibited from carrying out during their membership (Manor, 2003).

Moreover, the reasons are reflected in establishing a National Security and Foreign Policy Council to handle all issues related to the defense of the Kingdom, national security, and foreign policy and giving members of the House of Representatives the right to select the Speaker of the House and evaluate his or her performance annually, and granting two-thirds of the members of the House the right to dismiss the Speaker. Another important reason is fortifying and protecting political parties from any political influences and entrusting the authority to supervise their establishment and follow up on their affairs to the independent body, as it is a neutral and independent body from the government in a method that enhances the principles of justice, equality, equal opportunities, and distancing itself from any government influences (Schneijderberg, 2019).

Speaking of the amendments, the last recent constitutional amendments made to the Jordanian constitution before the 2022 amendments are the 2016 amendments, amending six articles in the constitution. There are also the 2014 amendments, noting that the 2011 constitutional amendments are the most extensive constitutional amendments passed by the parliament, as they are the largest constitutional amendment to the 1952 Jordanian Constitution (Abdelhafez, 2023). The remainder of the paper is structured as follows: Section two provides an overview of the research problem. Section three presents the research significance, while section four presents Research Terms and Definitions. Section five presents the research limitations, while

a review of the method adopted is given in section six. Section seven provides discussion, while section eight offers results. Subsequently, section nine makes concluding remarks, while section ten provides recommendations. Ministry with government

2. Research Problem

The amendments had been approved in 2022 and published in the Official Gazette in Issue No. (5770) on January 31st, 2022. The amendments are considered effective one month after their publication in accordance with the provisions of Paragraph (2) of Article (93) of the Jordanian Constitution. Since the subject of the amendments is considered recent, no studies or research have been conducted to explain these amendments and their impact on the three authorities, the rights of Jordanian men and women, and the functioning of the government system.

Additionally, these amendments have of late introduced new constitutional bodies and competencies for authorities, bodies, and some institutions, affecting the Jordanian constitutional and legal system. In addition, this research contains responses and answers to some questions and inquiries posed by official and unofficial interested parties and persons.

In the same context, the impact of the constitutional amendments on political development in Jordan over the previous years is also of high significance. The degree of the constitutional amendments' contribution to raising the level of political awareness and political development among Jordanian citizens needs to be properly addressed. Accordingly, the research problem is reflected in investigating the effect of the 2022 constitutional amendments on the three branches of government in Jordan and the degree of their impact on the rights and duties of Jordanian men and women and some independent constitutional institutions and bodies.

3. Research Significance

The significance of the research is reflected in being a rapid scientific initiative that sheds light on the impact of the 2022 constitutional amendments on the three authorities. One key point that demonstrated the significance of this research is that at a time when the Jordanian Law Library - until now - is devoid of research regarding the said amendments, this research provides the scholars, researchers, and specialists with a scientific research reference commensurate with the importance of Jordanian constitutional developments, as they can benefit from the future suggestions and recommendations incorporated into this research.

More tellingly, what makes this research of high significance is that it is the first research work conducted at the Jordanian level hinting at the fact it can contribute to current legal scholarship and knowledge.

4. Research Terms and Definitions

In this research, several terms are mentioned, and their procedural definitions are as follows:

Constitution: It is a set of legal rules that explains the form of the state, its system of government, and its public authorities, i.e. executive, legislative, and judicial in terms of the structure and competencies of each of these authorities. Within general frameworks, "the Constitution specifies the relationship between these public authorities and the rights and freedoms of the individuals, which the existing authorities shall not violate or deprive" (Keshty, 2023; Al-Khalayla, 2020, p. 31).

Legislative Authority: The Parliament and the King, as the Parliament consists of the Senate and the House of Representatives.

Executive Authority: The king exercises it through the appointed ministers in accordance with the provisions of this constitution.

Judicial Authority: It is the courts of all types and levels, as all rulings are issued in accordance with the law in the name of the king.

5. Research Limitations

The findings of this study can be generalized in light of the following spatial and temporal limitations:

1. Spatial Limitations: Those familiar with these constitutional amendments, like other constitutional amendments, may believe that they are specific to Jordanian territory, where the Jordanian state extends its sovereignty over it concerning the three authorities only. However, the specialized and in-depth researcher finds that its effects and dimensions extend beyond the borders of the country to wherever the Jordanian citizen resides. The Jordanian citizen has the right to the political and diplomatic protection that accompanies him or her within the framework of the provisions of public international law, some of the rights and freedoms stipulated in Chapter Two of the Jordanian Constitution and international agreements and treaties, such as the right to movement, expression of opinion, education, and scientific research, and even political rights such as the right to vote, run for office and join political parties (Ginsburg & Melton, 2015).

2. Temporal Limitations: There is constant controversy and discussion about the importance of the 2022 constitutional amendments and the effects of these amendments between supporters and opponents of these amendments. After the approval of the 2022 constitutional amendments by the Council of Ministers, the Senate, and the House of Representatives, His Majesty the King, and the passage of the necessary period for these amendments to enter into force, Article (93), Paragraph (2) of the Constitution stipulates "A law shall come into force after its promulgation by the King and the lapse of thirty days from the date of its publication in the Official Gazette unless it is specifically provided in that law that it shall come into force on any other date" (Article (93), Paragraph (2) of the Jordanian Constitution). The new amendments stipulate that some articles will apply with future effect, namely: (76/2), (84/3), and (112/1).

6. Method

Analyzing the information and main and secondary sources relevant to the subject of the research, the descriptive and analytical research approach is adopted to describe, discuss, and analyze the 2022 constitutional amendments and their impact on the three authorities and the concerned parties.

7. Discussion

The nature of the research requires structuring the conceptual framework in four sections as follows: Section one discusses the effect of constitutional amendments on the executive authority, while section two discusses the effect of constitutional amendments on the legislative

authority. In section three, the effect of constitutional amendments on the judiciary is analyzed. Subsequently, section four gives an insight into the effect of constitutional amendments on some provisions related to the three authorities.

7.1 The Effect of Constitutional Amendments on the Executive Authority

Article 26 in the Jordanian Constitution stipulates “The Executive Power shall be vested in the King, who shall exercise his powers through his Ministers in accordance with the provisions of the present Constitution”. Some of the effects of the 2022 constitutional amendments are reflected in the executive authority, especially the provisions contained in Chapter Four of the Constitution, which consists of two sections, the first section is vested to the king and his prerogatives, and the second section is vested to ministers (Elkhatib, 2023; Allaymun, 2016).

One of the well-known issues is that the executive authority possesses broad powers in the Jordanian constitution. With that being said, have the constitutional amendments restricted or expanded the powers of the executive authority? First of all, it must be noted that the section relating to the king and his prerogatives contained in Section One in Chapter Four of the Constitution, Section is not subject to any amendments except for the amendments enclosed in Article (40) of the Constitution. This section, therefore, addresses the effect of the constitutional amendments on the king’s unilateral powers in the first subsection, and the effect of the constitutional amendments on the government’s political responsibility in the second subsection (Al-Baz, 1982).

7.1.1 The Effect of the Constitutional Amendments on the King’s Unilateral Powers

The 2022 constitutional amendments include provisions that expand the powers of the King, which he exercises through the unilateral royal will and without the approval of the Prime Minister and the competent minister, as new powers to appoint, accept resignation, and terminate services are added to several positions in the state. On the other hand, the constitutional amendments of (2016) and (2014) grant the King unilateral powers by amending the text of Article (40) of the Constitution and adding Paragraph (2), as these powers are expanded by the constitutional amendments of (2022). Also, the constitutional amendments to the text of Article (122) related to the National Security Council give the King the authority to appoint two members of the Council by unilateral royal will (Al-Hanaina, 2014).

Moreover, Article 40, Paragraph (2), after the amendment, stipulates that the King has the authority to select the Crown Prince and appoint the Viceroy, in addition to appointing the President of the Senate and its members, dissolving the Council, accepting the resignation or terminating any of its members from membership, appointing the President of the Judicial Council, the President of the Constitutional Court and its members, and accepting their resignations. Furthermore, the King has the authority to appoint the Commander of the Army, the Director of Intelligence and Public Security, the Chief Justice, the Head of the Sharia Judicial Council, the General Mufti, the Head of the Royal Hashemite Palace, the Minister of Royal Palace, and the King’s advisors, accept their resignations, and terminate their services, along with appointing two members of the National Security Council, as stated in Article (122), paragraph (1) clause (h) (Al-Husban, 2011).

As this constitutional amendment related to amending the text of Paragraph (2) of Article (40) comes into force, a great controversy and discussion has arisen about amending the text of this article. Some thinkers argue that expanding the king’s powers by unilateral will is not consistent with the parliamentary system and violates the principle that the nation’s “people” are the

source of powers, as stated in the text of Article (24) of the Constitution. It is also added that this amendment contravenes the text of Article 26, which indicates that the king is the head of the executive authority and assumes power through his ministers (Al-Jagoub, 2022). Some denounce this amendment, saying that this amendment would transfer the royal parliamentary system to absolute monarchy, limiting Parliament's power to monitor and hold the executive authority accountable (Al-Jazi, 2022). Some criticized this amendment, saying that governments cannot submit draft constitutional amendments in which they give up their general jurisdiction, and demand that the appointment of these positions remain in the hands of the government so that the House of Representatives can hold them accountable and hold them accountable in the event of negligence in their duties (Zink & Dawes, 2015).

A group of scholars, on the other hand, maintain that this amendment is consistent with the Constitution, and the text of the amended article must be read with the text of Article (45), Paragraph (1), stipulating that the Council of Ministers shall assume the management of the state's internal and external affairs, except what is entrusted to it under this Constitution. The recommendations and proposals of the Royal Commission have also emphasized the necessity of having parliamentary governments with a party majority, as the parliamentary governments are the governments formed by the party that wins the majority of seats in the House of Representatives (Burdeau, 1986).

Likewise, the Constitution stipulates the right to form political parties in Paragraph (2) of Article (16), and the Political Parties Law is amended in sync with the recent constitutional amendments. Since the constitutional amendments of 2022 establish parliamentary governments, we are on the cusp of stages that give the partisan majority the right to assume governments. The amendment expands the powers of the King through unilateral appointment to protect these positions and keep them away from partisan tensions, preserve these positions, and keep them away from political and partisan competition without imbuing those who hold these positions with any political character (Abu Aisheh, Elkhatib, & Abu Moghli, 2023).

However, there is a question here about the benefit of talking about parliamentary governments that do not have the right to appoint and dismiss senior positions in the state. The answer to this question lies in the fact that the concept of parliamentary government does not deprive the head of state of all constitutional powers, and transfer these powers to the elected prime minister. The existence of a government elected by the people and a head of state who exercises his powers specified by the Constitution related to protecting the highest interests of the state and ensuring its national security is fully consistent with the constitutional definition of parliamentary government. Since some view the British constitutional system as the best model for application in Jordan as it symbolically takes the position of king, the king in Britain exercises his constitutional rights and is unique in exercising them despite the presence of a parliamentary government with a partisan majority. One of the most important aspects exercised by the king in Britain is the appointment of the commanders of the army and police and the British Prime Minister, as the power to appoint the king in Britain is not absolute, but is restricted to appointing the Prime Minister from the winning party (Nasraween, 2016; Elkhatib, 2021).

In the same context, other criticisms raised concerning the constitutional amendment are that this amendment is considered early and premature (Jennings, 1997). With the Royal Commission announcing that there will not be full parliamentary governments for twenty years, the road towards implementing parliamentary governments in their full sense in Jordan is still long. The constitutional system still needs a comprehensive and extensive review of its legislation and constitutional and legal texts to implement parliamentary governments in their

full form, which justifies removing the right to these new appointments from the authority of the Council of Ministers and deciding them as the unilateral authority of the King (Al-Adailah, 2020; Elkhatib, 2019).

In the absence of effective party life that qualifies the leader of the majority party to form the ministry, if the king's jurisdiction to appoint the ministry is one of the king's discretionary powers from a theoretical constitutional standpoint, from a practical standpoint the fate of the ministry is taken into account when it is formed because it depends on the decision of the House of Representatives to grant or denies confidence within one month from the date of its formation in accordance with the provisions of Paragraph (3) of Article (53) of the Jordanian Constitution, stipulating "If the vote of no confidence concerns an individual Minister, he shall resign his office" (Nasraween, 2023). Paragraph (4) states "If the House of Representatives is not in session, it will be called for an extraordinary session, and the ministry must submit its ministerial statement and request confidence in that statement within one month from the date of its formation". Paragraph (5) also adds "If the House of Representatives is dissolved, the Ministry must submit its ministerial statement and request confidence therein within one month from the date of the new Council's meeting" (Al-Tamawi, 1979; Elkhatib, 2022).

Importantly, the constitutional amendment to give the King the right to appoint by unilateral will without the need for a recommendation from the Council of Ministers has of late raised many questions about the political responsibility that may result from this appointment, as it is exercised through a constitutional mechanism different from the general mechanism accepted by the King in exercising his powers by a signed royal will from the Prime Minister and the competent minister (Biaggi, 2014). Another key issue is the King's lack of responsibility before the House of Representatives for the consequences of the appointment decision is in accordance with the provisions of Article (30), which indicates "The King is the Head of the State and is immune from any liability and responsibility" (Nasraween, 2013).

On the other hand, this research finds that the Ministry's political responsibility remains in place even if the individual royal will is not accompanied by the signature of the Prime Minister and responsible ministers. This is consistent with the cases stated in Paragraph (2) of Article (40) of the Constitution because "The King's verbal or written orders do not excuse ministers of their responsibility in all cases," whether it is a joint or individual responsibility decided by the House of Representatives by an absolute majority of the total number of its members whether the confidence session is held at the request of the Prime Minister or the request of a signed number of not less than a quarter of the members of the House of Representatives (Zuraikat, 2014; Jabali, 2018).

7.1.2 The Effect of the Constitutional Amendments on the Government's Political Responsibility: Grant Confidence or Deny Confidence

Primarily, the text of Article (53), Paragraph (1), is amended to increase the number of members of the House of Representatives regarding the request to hold a session of confidence in the Ministry or any of its ministers from at least ten members to a quarter of the number of members of the House of Representatives. The justifications for this amendment are reflected in maintaining the stability of the relationship between the Ministry and the House of Representatives without prejudice to the right of the parliamentary minority to exercise its oversight role and strengthen the work of the parliamentary blocs in the House of Representatives, taking into account the steady increase over the past decades in the number of its members.

To elucidate, the constitution gives the right to a confidence session in the ministry or any minister from it in the year (1952) when the constitution was established when the number of members of the House of Representatives was forty. This amendment, thus, aims to keep pace with the numerical increase in the number of members of the House of Representatives, as the number of members of the House is currently (130) members, in addition to ensuring the best practice of these important oversight constitutional guides (Jennings, 1997). The oversight role of the House of Representatives is also strengthened by amending the text of Article (53) by adding a new paragraph, Paragraph (6), stipulating “Any ministry must submit its ministerial statement to any House of Representatives elected during its term and request confidence in that statement within one month from the date of this Council’s meeting”. Article (53) after adding Paragraph (6) is read as follows:

1. The session of confidence in the Ministry or any of its ministers shall be held either at the request of the Prime Minister or at a request signed by several not less than a quarter of the members of the House of Representatives.
2. The vote of confidence shall be postponed for one time, not exceeding ten days, if requested by the competent minister or the ministry body, and the Council shall not be dissolved during this period.
3. Each ministry that is formed must submit its ministerial statement to the House of Representatives within one month of its formation if the House is in session and requests confidence in that statement.
4. If the House of Representatives is not in session, it will be called for an extraordinary session and the ministry must submit its ministerial statement and request confidence in that statement within one month from the date of its formation.
5. If the House of Representatives is dissolved, the Ministry must submit its ministerial statement and request confidence in that statement within one month from the date of the new Council’s meeting.
6. Any ministry must submit its ministerial statement to any House of Representatives elected during its term and request confidence in that statement within one month from the date of the meeting of this House.
7. For paragraphs (3), (4), (5), and (6) of this article, the Ministry shall obtain confidence if an absolute majority of the members of the House of Representatives votes in its favor (Royal Committee to Modernize the Political System, 2021).

Additionally, among the amendments affecting the Ministry’s political responsibility and the Parliament’s oversight role is amending Paragraph (2) of Article (54), which stipulated that “If the Chamber of Deputies casts a vote of no confidence in the Council of Ministers by an absolute majority of all its members, the Council of Ministers shall resign” by adding a new phrase, saying “It is not permissible to assign its president to form the next government”. This amendment aims to respect the desire of the majority of the House of Representatives, which casts a vote of confidence in the government, and strengthen the oversight role of the House of Representatives, which represents the will of the nation as a source of powers, as stated in the text of Article (24) of the Constitution, because the phrase “a vote of confidence in the government” means, in form and content, a vote of confidence in the Prime Minister.

Hence, it is not permissible to assign him or her to form the next government out of respect for the will of the people “the House of Representatives”, specifically the one who denies confidence in him or her due to their dissatisfaction with them and their government for any personal reason, or the ministry’s policy and performance in general.

7.2 The Effect of Constitutional Amendments on the Legislative Authority

Legislative authority is vested in the Parliament and the King, and the Parliament consists of the Senate and the House of Representatives. Most of the 2022 constitutional amendments affect Chapter Six of the Constitution, which concerns the legislative authority, as it includes twelve articles related to the legislative authority. This section, thus, is divided into subsections as follows: The effect of constitutional amendments on the development of parliamentary work procedures and the effect of the constitutional amendments on the Independent Electoral Commission and the independence of political parties (Jennings, 1997).

7.2.1 The Effect of Constitutional Amendments on the Development of Parliamentary Work Procedures

The constitutional amendments related to developing parliamentary work procedures affect three articles. This effect can be elucidated by delving into the following three subtopics: The effect of constitutional amendments on amending the rulings and rank of some laws, the effect of constitutional amendments on the combination of the parliament and the ministry, and the effect of constitutional amendments on the conditions and validity of membership in the House of Representatives.

First: The Effect of Constitutional Amendments on Amending the Rulings and Rank of Some Laws

Paragraph (2) of Article (84) in the Constitution stipulates that the decisions of both the Senate and the House of Representatives shall be issued by a majority of the present members, excluding the President, unless the Constitution stipulates otherwise. To explain, amending laws or approving draft laws requires a majority vote of the members present from the relevant council. However, the recent constitutional amendments have introduced a new paragraph into the text of Article (84) that includes several exclusive laws that cannot be amended except by the majority required by the Constitution for amendment, which is a two-thirds majority of the votes of the total number of members of both the Senate and the House of Representatives.

Therefore, these laws are consistent with the Constitution in the majority required for amendment. However, it remains lower in rank than and higher than ordinary laws with the important consequences that result from this, as it may not be affected “repealed or amended” by temporary laws, nor suspended by defense orders, but in all cases, it remains subject to the oversight of the Constitutional Court. The Constitution has specified these laws, as their amendment requires a two-thirds majority of members exclusively, which are: Election Law, Political Parties Law, Judicial Independence Law, Law of the Independent Electoral Commission, Audit Bureau Law, 6. Integrity and Anti-Corruption Commission Law, Nationality Law, and Personal Status Law.

In this regard, it is noteworthy that the level at which the Jordanian judiciary has recognized international treaties and their content, as international treaties whose issuance procedure fulfills all constitutional procedures are ranked higher than ordinary laws, does not apply to this type of law, and the treaty may not violate these laws or conflict with any provision contained therein, given that these laws are basic and complementary to the Constitution, as the Egyptian Constitution called them (Debaasch et al., 2006).

After Article (84) addresses the majority necessary to amend these laws and the laws amended by a two-thirds majority of members of both the Senate and the House of Representatives in the same paragraph, it stipulates at the end of the paragraph that the provisions of this

paragraph shall take effect from the Parliament that follows this House. The legislative wisdom in postponing the entry into force of this constitutional text regarding the requirement of a special majority to amend these laws of a constitutional nature is to enable the current Parliament to approve the political parties and election laws presented by the Royal Committee to Modernize the Political System and approved by the Council of Ministers before starting to implement the special majority. Accordingly, these two laws will not be included in their latest amendment with this strong majority in this legislative term of the current Parliament to facilitate and expedite their approval and issuance in line with the relevant constitutional amendments

Second: The Effect of Constitutional Amendments on the Combination of the Parliament and the Ministry

In this regard, Article (76) of the Constitution was amended with a text prohibiting the combination of membership in the Senate or House of Representatives and the position of the Ministry, noting that this article is limited to prohibiting the combination of membership in the Senate or House of Representatives and a public job, and combining membership in the Senate and the House of Representatives as was previously stipulated (Georges & Droit, 2016). With the amendment of the text of Article (76), the text of Article (52) of the Constitution is also amended to fit this text by canceling the old text and replacing it with another text. To explain, the old text does not prohibit combining the membership of a representative and a minister. On the contrary, the position of a minister, who is a Representative or a House member, is organized, arranged, and given the right to speak before all members of the Council and the right to vote in the House of Representatives or the Senate, which means there is no objection to combining the position of representative and the position of minister.

Furthermore, the phrase contained at the end of this article before the amendment stipulates "A minister who receives a salary from the ministry does not at the same time receive membership allowances in either council". Indeed, the amendment made to Article (76) affects amending Article (64) of the Constitution itself, which permitted the combination of membership in the Senate and the position of Prime Minister and ministers because they belong to the classes from which members of the Senate may be selected, including "the Prime Minister and the former and current ministers" where the phrase "the current ones" was deleted, while the phrase "the former ones" was undeleted.

With this constitutional amendment in mind, it is noted that we follow the principle of separation of powers, enhancing the independence of parliamentary work, guaranteeing the Constitution's oversight role represented by the Parliament, and avoiding any political conflict resulting from the overlap of the legislative and executive functions. For example, if the minister is a member of one of the two chambers, how can a minister who is a member of the House of Representatives vote for himself or herself or their colleagues, especially on the issue of prosecuting the minister to the Public Prosecution or granting or denying a vote of confidence, i.e. criminal liability and political liability?

Significantly, the abolition of the combination of the prosecution and the ministry aims to enable the House of Representatives to exercise real political oversight over members of the Council of Ministers. In practice, it is difficult to imagine the representative monitoring himself or herself and their colleague ministers when the ministerial and parliamentary capacities are combined at the same time. This amendment would also give room for a larger number of members of the winning party to gain access to and representation in the legislative and

executive powers. This ban may be a temporary stage because the parliamentary representative system and the parliamentary government require another situation in the future, as the parliamentary government means the government formed by the party that wins the majority of seats in the House of Representatives, alone or with another group of parties that support it in obtaining the confidence of the House of Representatives in the hope of a ministerial coalition.

Third: The Effect of Constitutional Amendments on the Conditions and Validity of Membership in the House of Representatives

To study the effect of the constitutional amendments on the conditions and validity of membership in the House of Representatives, it is necessary to examine the effect of the constitutional amendments on the conditions of membership in the House of Representatives represented by amending Article (70) of the Constitution and the effect of the constitutional amendments on the body deciding on the validity of membership in the House of Representatives in amending Paragraph (1) of Article (71) of the Constitution.

A. The Effect of the Constitutional Amendments on the Conditions of Membership in the House of Representatives

At first, Article (70) of the Constitution was amended to reduce the age of a member of the House of Representatives to twenty-five years instead of thirty years, in addition to the conditions stipulated in Article (75) of the Constitution. The conditions for membership in the House of Representatives or the conditions for a candidate for the House of Representatives differ from the conditions for a voter. The conditions for the candidate or the conditions for membership in the House of Representatives are explicitly stipulated in the Jordanian Constitution in Articles (70) and (75), in addition to conditions specified by the Election Law. Regarding the conditions for the voter, they are fully stated in the Election Law for the House of Representatives No. (4) Of 2022. (19).

The constitutional amendment related to reducing the age of a member of the House of Representatives to twenty-five years may have positive and negative effects, as the reasons for the amendment were the development of the party and political life by introducing the youth component to the House of Representatives. This constitutional amendment may coincide with the amendment of Article (6) of the Constitution by adding paragraph (7) stipulating the empowerment of youth in political life, and the vision of His Majesty the King regarding youth, as His Majesty, on more than one occasion, has called for the participation of youth in political life represented by the government and Parliament. It is believed that this amendment is the largest amendment that allows young people to participate in political life and join Parliament, especially after amending the Election Law for the House of Representatives No. (4) Of (2022) and the Political Parties Law No. (7) Of (2022), and encouraging the practice of partisan activity in universities (Badawi, 1964).

Paragraph (A) of Article (20) of the Political Parties Law No. (7) Of 2022 stipulates that “Students of higher education institutions that are members of the party have the right to practice party activities within the campuses of those institutions without any restrictions or prejudice to their rights, provided that a special system will be issued to regulate these activities”. A draft system was prepared for this, and a system was issued under the name “The System Regulating the Practice of Student Party Activities in Higher Education Institutions” and published in the Official Gazette on 12/6/2022 to take effect 180 days after the date of its publication. The negative aspect of this issue, however, is the introduction of people with less

political experience into the House of Representatives, which may lead to delaying the political reform process, as the political experience that a person who is thirty years old can have is different from that of a person who is twenty-five years old (Baradat, 1979).

B. The Effect of the Constitutional Amendments on the Body Deciding on the Validity of Membership in the House of Representatives

The House of Representatives is competent to consider matters related to the validity of the representation of members of the House of Representatives before the amendments of the year (2011), which made the Court of Appeal the competent court to decide on the validity of the membership of the representative before the constitutional amendments of the year (2022). After the amendments (2022), the Court of Cassation is the court with jurisdiction to decide on the validity of the representation of members of the House of Representatives, while all procedures and duration scheduled before the amendment remained unchanged.

What is more, the justification for this amendment is that the Court of Cassation is the highest judicial authority among the regular courts, as its rulings are final and not subject to appeal. Moreover, this amendment is to unify the jurisprudence issued in appeals filed regarding the validity of the representation of members of the House of Representatives by assigning the validity of the decision on membership of the House of Representatives to one court, which is the Court of Cassation though there are three courts of appeal. However, there are demands that this task be assigned to the Supreme Administrative Court as it is closer to the general law governing elections than the Court of Cassation.

7.2.2 The Effect of the Constitutional Amendments on the Independent Electoral Commission and the Independence of Political Parties

At the start, Article (67) related to the Independent Election Commission was amended by adding clause (b) to Paragraph (2), which relates to the Independent Election Commission considering requests to establish parties and following up on party affairs. The primary mission of the Independent Election Commission before this amendment is to supervise parliamentary or municipal elections or any other elections assigned to them by the Council of Ministers. Before the constitutional amendments of 2011, Article (67) of the Constitution consisted of only one paragraph concerned with the basic principles of electing members of the House of Representatives, which are secrecy, universal suffrage, and one degree (direct).

Prior to the constitutional amendments of 2011, Article 67 of the Constitution was strengthened by provisions guaranteeing the right of candidates to monitor electoral activities, punish those who tamper with the will of voters, and the integrity of the electoral process in all its stages. The constitutional amendments made to this article in 2011 aim to establish the Independent Election Commission, which is responsible for managing parliamentary and municipal elections and any general elections in accordance with the provisions of the law. The Independent Election Commission also aims to undertake what the Council of Ministers assigns to it, managing or supervising any other elections based on the request of the party legally authorized to conduct those elections.

The amendments in (2022) are now specific to political parties when Paragraph (B) was added to Clause (2) of Article (67) to stipulate “Considering the request to establish political parties and following up on their affairs in accordance with the provisions of the Constitution”. This amendment strengthens political parties, reinforces the independence of political parties from the government, distances political parties from government influences, and gives more

freedom to these parties after the Ministry of Political and Parliamentary Affairs was the body authorized to look into the affairs of political parties and establish them. This amendment gives political parties greater scope and freedom to work away from government interference and protects party work from any interference or obstacles it faces.

Further, this amendment relates to giving the Independent Election Commission the right to consider requests to establish political parties and follow up on their affairs, which provides a safe passage for political parties to reach the dome of Parliament, and gradually progress to form parliamentary governments. The electoral law, thus, includes gradual access for parties to Parliament, especially with the allocation of forty-one seats in the upcoming elections through the closed general list in the general district. This is in line with the directives of His Majesty the King to support programmatic party work, and for political parties to go to the House of Representatives to form effective programmatic party blocs to reach the parliamentary government linked to the party that wins the majority of seats in the House of Representatives in the future, despite the many challenges facing this ambition.

7.3 The Effect of Constitutional Amendments on the Judiciary

Judicial authority is exercised by courts of all types and degrees, and their rulings are issued in accordance with the law in the name of the king. The courts mentioned and enumerated in Chapter Seven of the Constitution devoted to judicial authority are three types: regular courts, religious courts, and special courts. This chapter was not amended by any of the constitutional amendments of 2022. As for the amendments to the Constitutional Court as an independent judicial body, they include the provisions of Chapter Five, which concerns the Constitutional Court only. The Constitutional Court was established as an extension of the legislator's commitment in the constitutional amendments of 2011, to consider that the Constitutional Court is an independent, stand-alone judicial body not affiliated with any authority, as stated in Article (58) of the Jordanian Constitution of 1952 entrusted with two specializations: oversight of the constitutionality laws and regulations in force and interpretation of the provisions of the Constitution. This section is divided into three subsections: The effect of the Constitutional Amendments of 2022 on the provisions of the Constitutional Court on the right of direct appeal from members of the Parliament, represented by the Senate and the House of Representatives, The effect of constitutional amendments on singular defense claim, and the effect of the constitutional amendments on the conditions for membership in the Constitutional Court.

7.3.1 The Effect of the Constitutional Amendments of 2022 on the Provisions of the Constitutional Court on the Right of Direct Appeal from Members of the Parliament

Of late, the constitutional amendments have affected the provisions regarding the right of direct appeal, as this right was granted exclusively to three bodies, namely the Senate, the House of Representatives, and the Council of Ministers. The latest amendments (2022) to the right of direct appeal were amended by amending the text of Paragraph (A), Clause (1) of Article (60), where the decision issued by one of the Senate or House of Representatives to challenge the constitutionality of a law or system is considered invalid through the approval of not less than a quarter of its members after it was issued based on the request of the majority. Since the old text does not indicate the required number or majority, we are left to return to the provision of Paragraph (2) of Article (84), which requires a majority of the votes of those present.

In detail, the reasons for this amendment are reflected in protecting partisan minorities and enabling them to carry out their oversight role through the right to directly challenge the unconstitutionality of laws and regulations. Also, this amendment aims to ease the

requirements for access to the Constitutional Court and support the principle of constitutional legitimacy and the supremacy of the Constitution (Albert, Nakashidze, & Olcay, 2019). As for the request to interpret the provisions of the Constitution, it remains conditional on the approval of the majority in each of the two chambers, as it was previously applied. Since a majority is required here, we see that the majority is a majority of the votes of those present based on the provision and text of Paragraph (2) of Article (84) (Al-Momani, 2022).

7.3.2 the Effect of Constitutional Amendments on Singular Defense Claim “change From a Double Referral System to a Single Referral System”

The recent constitutional amendments of the year (2022) have affected the singular defense claim procedures by amending the text of Paragraph (2) of Article (60). Amending the text of Paragraph (2) of Article (60) lies in enabling the court examining the substantive case to refer the claim of unconstitutionality directly to the Constitutional Court, as the court would refer the claim to the Court of Cassation based on the seriousness of the claim submitted, which in turn would refer it to the Constitutional Court if it deemed it serious. Accordingly, this amendment would facilitate and speed up the procedures, prevent the prolongation of the duration and procedures for pleading unconstitutionality, and allow the trial judge the possibility of direct referral to the Constitutional Court (Al-Rawashda, 2022).

Moreover, this amendment would enhance the confidence and freedom of the trial judge on the one hand, increase the effectiveness of the Constitutional Court in protecting the Constitution, and speed up the decision on the defense of unconstitutionality on the other hand. The old amended constitutional text did not specify the type and level of court to which the trial judge must refer the defense claim of unconstitutionality presented to him or her, saying only, “The court that found the defense claim to be serious must refer it to the court specified by law to decide on the matter of referring it to the Constitutional Court, then the Constitutional Court defined it as the “Court of Cassation” (Al-Shaer, 2008).

However, after the constitutional amendments to this paragraph of Article (60) of the Constitution, this paragraph now states “In a case pending before the courts, any party to the case may raise the defense of unconstitutionality, and the court, if it finds that the defense is serious, shall refer it to the Constitutional Court in accordance with the provisions of the law” (Barthelmy, 1985).

7.3.3 the Effect of the Constitutional Amendments on the Conditions for Membership in the Constitutional Court

The Constitutional Court consists of at least nine members, including the president, appointed by the king. The Jordanian Constitution is keen to specify the conditions that must be met by whoever is appointed as a member of the Constitutional Court, as stated in Paragraph (1) of Article (61) of the Constitution, where it states: The following conditions are required for a member of the Constitutional Court:

a. He must be Jordanian and not hold the citizenship of any other country, b. he must be fifty years old, and c. he must be among those who have served as judges in the Court of Cassation or the Supreme Administrative Court, or among law professors at universities who hold the rank of professor, or among those who have spent not less than twenty years in the legal profession, and among the specialists who meet the conditions for membership in the Senate.

In detail, paragraph (c) of Article (61), which relates to the conditions for membership of members of the Constitutional Court, was amended, whereby the phrase “Supreme Court of

Justice” was deleted and replaced with “the Supreme Administrative Court.” This amendment follows the constitutional amendment of 2011 by amending the text of Article 100, which stipulates that the administrative judiciary should have two levels. There is also the issuance of Administrative Judiciary Law No. (27) Of (2014), as Article (3) stipulates the administrative judiciary shall consist of the Administrative Court and the Supreme Administrative Court. With the abolition of the Supreme Court of Justice, it was replaced by the Administrative Court as the court of first instance for the administrative judiciary, and above it is the Supreme Administrative Court as the level of appeal for the Administrative Court’s rulings.

With appreciation for this amendment that is consistent with the formation of two levels of administrative judiciary, it is seen that it is not permissible to ignore those who previously served at the Supreme Court of Justice, as the constitutional legislator should have kept this phrase alongside the Supreme Administrative Court. Paragraph -C - of Article (61) of the Constitution also included an amendment to the condition of the category of lawyers from which a member of the Constitutional Court may be appointed, which stipulated that the lawyer must have spent no less than fifteen years in law, instead of fifteen years as it was before the amendment. Paragraph -C - of Article (61) of the Constitution also comprised an amendment including the use of the phrase “among the specialists” instead of the phrase “one of the specialists” that was before the amendment, so that the amendment allows the appointment of more than one person who meets the conditions for membership in the Senate.

7.4. The Effect of Constitutional Amendments on Some Provisions Related to the Three Authorities

This section discusses the effect of the constitutional amendments of 2022 on some provisions in various texts of the constitution related to the three authorities, directly or indirectly. This section, accordingly, is divided into two subtopics: the effect of the constitutional amendments on the establishment of the National Security Council and the effect of these on the rights and duties of Jordanian men and women.

7.4.1 the Effect of the Constitutional Amendments on the Establishment of the National Security Council

Article 122 of the Constitution is assigned for the Supreme Council to interpret the Constitution. However, with the establishment of the Constitutional Court consistent with the provisions of Chapter (5) of the Constitution and Constitutional Court Law of (15) Of (2012), this council no longer exists, as Article (122) has been deemed annulled. After the Royal Commission to Modernize the Political System completed its work and submitted its recommendations and outputs to the government, the government added a new proposal by canceling the text of Article (122) and replacing it with a new text stipulating the establishment of a National Security Council, as Article (122) of the Constitution now stipulates that the National Security Council shall be established and shall consist of Prime Minister, Defense Minister, Interior Minister, Minister of Foreign Affairs, Army Chief, the Intelligence Director, Public Security Director, two members appointed by the King in accordance with the provisions of Paragraph (2) of Article (40) of this Constitution.

The mission of this council is to assume higher affairs related to security, defense, and foreign policy. The Council shall meet when necessary at the invitation of the King and in his presence or the presence of his delegate, provided that the decisions of this Council shall be enforceable upon ratification by the King and that a special bylaw shall be issued regulating the Council’s affairs. Like others in some countries, the idea of the National Security Council in Jordan was

created to handle higher affairs related to defense and foreign policy. As some constitutions have stated, it must be explicitly stipulated that the King assumes the presidency of this council because this council is responsible for drawing up plans, strategies, and programs related to national security and the highest national interest of the state, provided that the organization of this council and the statement of its other powers are by law and not by system (Khair, 2002).

Now, as there are questions about the establishment of a National Security Council that may limit the powers of the executive authority and restrict its general jurisdiction, it shall be known that the establishment of this council is not considered an encroachment on the executive authority at all because policies and decisions are subject to accountability by Parliament, which has the right to do so by holding the government accountable in all circumstances in accordance with the provisions of political responsibility regulated by the Constitution. In addition, there are other ordinary and extraordinary responsibilities that ministers bear, as the most important and dangerous responsibility is criminal responsibility for crimes resulting from the performance of their duties in accordance with the provisions of Article (55) of the Constitution, and the Law on the Trial of Ministers of (35), which defines it as high treason, abuse of authority, and breach of the duty (Khalil, 1984).

What is more, the reason for establishing a National Security Council is due to the desire to create harmony between the agencies, prevent their invasion, and keep sovereign security, military, and diplomatic affairs away from the partisan tensions that are expected to intensify during the stage of parliamentary governments. After the amendment made to the text of Article (122), we see that this council is linked to the executive authority, and its decisions are often acts of sovereignty that are not subject to the oversight of the administrative judiciary, as most of the standards set forth by the administrative judiciary are applied in distinguishing between acts of sovereignty and other administrative decisions, especially the criterion of political motive and security goal (Shatnawi & Hatamla, 2013).

7.4.2 the Effect of These on the Rights and Duties of Jordanian Men and Women

The addition of the word “Jordanian women” to the title of Chapter (2) of the Constitution has of late been the subject of widespread and major controversy in the preparatory committees and discussions that preceded the constitutional amendments until it was decided to add this word to this title. This section, thus, is divided into two subsections: the effect of the constitutional amendments in adding the word Jordanian women to the title of the second chapter and the effect of constitutional amendments on ensuring the role of women and empowering youth in various aspects of life.

A. The Effect of the Constitutional Amendments in Adding the Word Jordanian Women to the Title of the Second Chapter

Initially, the title of Chapter Two of the Constitution was amended by adding the word Jordanian women to the title of the chapter to become “The Rights and Duties of Jordanian Men and Women,” after it was “The Rights and Duties of Jordanian Men.” Since the Jordanian Constitution of 1952 is a rigid constitution and amending the constitution requires complex and difficult amendment procedures, the amendment must be more accurate and useful on the local and national scene. The constitutional amendment related to adding the word Jordanian women to the title of Chapter Two did not affect the Jordanian constitution either negatively or positively, nor did it affect it, even in the long run, and did not make any addition or change to the rights and freedoms of Jordanians. The second chapter, in its old title, guaranteed rights

and freedoms and gave duties to all Jordanians, and the word “Jordanians” includes all those who possess Jordanian nationality, whether male or female.

As for the Nationality Law, which was controversial under this amendment and the issue of granting nationalities to the children of Jordanian women, this amendment has nothing to do with the Nationality Law, especially since the recent constitutional amendments settled the issue by amending the text of Paragraph (3) of Article (84) stipulating that some laws are amended by a two-thirds majority of members of the House of Representatives and the Senate, including the Nationality Law.

B. The Effect of Constitutional Amendments on Ensuring the Role of Women and Empowering Youth in Various Aspects of Life

The role of women and empowering youth in various aspects of life is shown in the following articles.

Article (6) of the Jordanian Constitution was amended with its paragraphs (5, 6, and 7). Paragraph (6) now stipulates that the state shall guarantee the empowerment and support of women to play an active role in building society in a way that guarantees equal opportunities based on justice and equity and protects them from all forms of violence and discrimination.

The added paragraph (7) related to youth stipulates that the state shall guarantee the promotion of the values of citizenship, tolerance, and the rule of law, and shall ensure, within the limits of its capabilities, the empowerment of young people to contribute to political, economic, social, and cultural life, develop their capabilities, and support their innovations (Baland & Robinson, 2012). Although Paragraph (5) does not directly address women, it strengthens certain positions for certain people that the Constitution is keen to protect, namely people with disabilities, motherhood, childhood, and old age (Roznai, 2023).

Regarding the youth, youth participation in public life reflects the extent of society’s progress and development, its renaissance in the areas of political, economic, social, cultural, and other life, and the great role of youth in political development. His Majesty the King and the Crown Prince place youth on the scale of national priorities through constant guidance to find plans and programs that simulate the future needs and desires of youth, and the necessity of involving them in decision-making centers. Undoubtedly, amending the text of Article (6) of the Constitution, with its three paragraphs previously mentioned has established the issuance of a new law for the election of the House of Representatives No. (4) Of (2022) and the Political Parties Law No. (7) Of (2022), which provides an appropriate legal environment to support women in Political and constitutional work in all fields.

More importantly, youth and women have always received wide attention from the Royal Commission concerned with developing the political system reflected in the majority of constitutional amendments. The researchers had a prior opinion that it is necessary to amend the text of Article (67) of the Constitution by adding a paragraph to Clause (1) that states, “Taking into account the fair representation of minorities, women, and youth”. This paragraph complements the general principles guaranteed by the law and the Constitution and serves as a constitutional basis for the seats in the House of Representatives “Quotas” allocated by the Election Law to Christians, Circassians, Chechens, youth and women, and removes any constitutional suspicion in the future.

Accordingly, Article (67) article states that the House of Representatives consists of members elected in a secret and direct general election in accordance with the electoral law that

guarantees the following matters and principles: The right of candidates to monitor electoral activities, punishment of those who tamper with the will of voters, the integrity of the electoral process at all stages, and taking into account fair representation of minorities, women and youth. Importantly, it is noted that the text proposed in paragraph (d) above was included in the Basic Law of Transjordan of 1928 and the Constitution of the Kingdom of Jordan of 1946.

8. Results

Given the aforesaid discussion, the results indicate that the recent 2022 constitutional amendments focus on the issue of parliamentary governments to preserve the majority of senior positions in the state from partisan tensions and give the power to appoint them to the king alone, to preserve these positions from any negative impact on the structure of the constitutional system. Also, the results show that the constitutional amendments of 2022 strengthen the role of the legislative authority and develop the mechanisms of parliamentary work by amending the texts of more than ten articles in Chapter Six. Besides, the constitutional amendments for the year (2022) took into account the directives of His Majesty the King and His Highness the Crown Prince regarding youth empowerment, either by reducing the age of members of Parliament to twenty-five years or by adding a new paragraph to Article (6) of the Constitution that enhances the role of youth.

Importantly, the constitutional amendments also focus on women's rights and support women, as the amendments aim to enhance women's role in society to be the basis for any legislative development that supports this. Moreover, the results demonstrate the need to develop electoral and party legislation to ensure that youth and women have important roles in and participation in political life. Against this, it is concluded that the Jordanian Constitution of 1952 needs further amendments that create the appropriate environment for parliamentary governments.

9. Conclusion

In a few words, this paper examines the effect of the 2022 constitutional amendments on the three branches of government in Jordan and the degree of their impact on the rights and duties of Jordanian men and women and some independent constitutional institutions and bodies. The research results show that the effect of the 2022 constitutional amendments on the executive authority is limited in the form of the royal will stated in the text of Article 40 of the Constitution. It is also found that the Government's relationship with the House of Representatives begins from the date of its formation and the request for confidence with new procedures and provisions, and does not end until its resignation, dismissal, or vote to grant or deny confidence in it.

Importantly, the broad amendments include provisions related to the legislative authority to develop parliamentary work by supporting the principle of separation of powers, strengthening the mechanisms for its formation and operation under the effective supervision of the Independent Election Commission on the one hand and the independence of political parties on the other hand, and achieving fair representation of women and youth, as all of this is within the framework of the principle of the supremacy of the constitution and the role of the Constitutional Court in protecting it. More importantly, the 2022 constitutional amendments include amending twenty-five articles, along with changing the name of a chapter. These amendments are considered an essential step in the process of constitutional reform in Jordan towards progress to change the form and structure of governments through the implementation of the system of parliamentary government with a party majority.

10. Recommendation

Given the aforementioned discussion, and results, alongside the conclusion, the current article recommends making a constitutional amendment that confirms the status of international treaties in the Jordanian constitution, specifically in Article 33, by adding a third paragraph to the text of the article, as the Court of Cassation and recently the Constitutional Court have confirmed that the treaty is superior to the law and the law may not violate the treaty if its constitutional procedures are completed. The research also recommends giving political parties greater space and scope to operate to have effective parliamentary governments and reduce the number of parties on the Jordanian scene through mergers and forming alliances between parties, which contributes to reducing the number of parties and attracting a larger number of citizens to participate in them.

Moreover, recommendations include developing Election Law No. (4) Of 2022 to expand the scope of the general electoral district so that political parties become programs rather than parties of individuals and build a society that is aware of party life, respects the law, and believes in the role of parliamentary governments with a party majority based on the qualification of voters and candidates capable of performing this role. Of the key recommendations is amending the text of Article (55) of the Jordanian Constitution by replacing the phrase “competent courts” with the phrase “competent regular courts” to try ministers for crimes resulting from the performance of their duties, because some of these crimes are within the jurisdiction of the State Security Court or the Grand Criminal Court, as these courts are special courts, not regular ones.

Notably, the research recommends making another amendment to the text of Article (60) of the Constitution, so that the subject judge is given the right to address the unconstitutionality of a provision in a law or system applicable before him, and to refer it to the Constitutional Court. Significantly, a constitutional amendment to the text of Article (94) is also recommended so that the temporary law is declared invalid if the executive authority does not commit to presenting it to the Parliament, or the Parliament does not commit to deciding on it through two consecutive sessions without conditioning the invalidity on the announcement of the Council of Ministers and the approval of the King.

With this in mind, As the Supreme Constitutional Court in Egypt says, the texts of the constitution always represent the principles upon which the state's system of government is based and determine the composition of the authorities, how they operate and their powers, and build the foundations and frameworks of public rights and freedoms, we constantly call for not exaggerating in amending it from time to time to ensure stability of the components of the ruling system and clarity of its foundations and features on the one hand. On the other hand, we continually call for not amending articles more and more to appreciate and respect the prominent position that these texts occupy in the national legal system.

References

- Abdelhafez, N. (2023). Principles Adopted in Making Constitutional Amendments. *Al-Zaytoonah University of Jordan Journal for Legal studies*, 4(Special Issue). <http://doi:10.15849/ZUJLS.230430.02>
- Abdel Wahab, M. R. (2011). Oversight of the constitutionality of laws. New University House. Alexandria.

- Abdul Rahman, A. (2015). The impact of the 2011 constitutional amendments on public authorities in Jordan. [Unpublished Master's Degree]. Al-Ahliyya Amman University. Amman.
- Abu Aisheh, B., Elkhatib, N., & Abu Moghli, M. (2023). The Constitutional Rule is the Most Important Guarantee of Human Rights in (MENA). *Russian Law Journal*, 11(3), 1-20.
- Albert, R., Nakashidze, M., & Olcay, T. (2019). The Formalist Resistance to Unconstitutional Constitutional Amendments. *Hastings Law Journal*, 70(3), 1-33.
- Al-Awdat, A. (2021). The Parties Law protects party work from any interference. Parliament.
- Al-Adayleh, A. (2020). Al-Wajeez in the Constitutional System. Amman House of Culture for Publishing and Distribution.
- Allaymun, A. (2016). Al-Wajeez on political systems and principles of constitutional law. Dar Wael for Publishing and Distribution. Amman.
- Al-Baz, A. (1982). Oversight of the constitutionality of laws in Egypt. Dar Al-Bukhari. Cairo.
- Al-Hanaina, O. (2014). The impact of the constitutional amendments of 2011 on the reform process in Jordan. *Sharia and Law Journal*.
- Al-Husban, E. (2011). Constitutional interpretation in Jordanian constitutions. *Al-Manara Journal*, 1(2), 2-16.
- Al-Jagoub, M. (2022). Youth political and partisan participation enhances democratic life. Jordan News Agency.
- Al-Jazi, P. (2022). the Constitution. Lebanon. Al-Sader for Human Rights Publications.
- Almajali, M., Ghazwi, M., Alqudah, F., Almahasnah, M., Alajarmeh, Hakam H., & Masarweh, A. (2023). The Legal Aspects and the Enhanced Role of Cybersecurity in Protecting the Electronic Voting Process in the Context of Jordan Parliament Election Law No. (4) of 2022. *Information Sciences Letters*, 12(8), 2839-2848.
- Al-Khalayla, M. (2020). Administrative judiciary: An analytical study in Jordan, France, Britain, and Egypt. Amman House of Culture for Publishing and Distribution.
- Al-Momani, M. (2022). Does the National Security Council strip the government of its powers? Arabic 21.
- Al-Rawashda, M. (2022). New constitutional amendments expanded the king's powers. The New Arab.
- Al-Shaer, R. (2008) The general theory of constitutional law. Arab Renaissance House. Cairo.
- Al-Tamawi, S. (1979). The three authorities in contemporary Arab constitutions and Islamic political thought. Egypt. Dar Al-Fikr Al-Arabi.
- Badawi, T. (1964). Political systems. Arab Renaissance House. Cairo.
- Baland, J & Robinson, J. (2012). The Political Value of Land: Political Reform and Land Prices in Chile. *American Journal of Political Science*, 56(3), 601-619
- Baradat, L. (1979). Political Ideologies. New Jersey.
- Barthelemy, J. (1985). Driot Constitutionnel. Economica. Paris.
- Biaggi, F. (2014). Three generations of Constitutional Courts in Europe. Diritto. Pubblico Comarto. Italy.
- Burdeau, G. (1986). Manuel de droit. Constitutionnel et Institutions Politiques. (Ouv.sit), 585.
- Debaasch, C. Bbontier, J. Bourdon, J., & Rieei, J. (2006). Driot Constitutionnel et Inst. Politiques. Economica. Paris.
- Elkhatib, N. (2019). Interpreting the texts of the Jordanian Constitution: A comparative study. *Journal of Sharia and Law Sciences*, 46(3), 1-18.
- Elkhatib, N. (2021). Mediator in political systems and constitutional law. Amman House of Culture for Publishing and Distribution.
- Elkhatib, N. (2022). The development of the referral system in the Jordanian constitutional system: A comparative study. *Jordanian Journal of Law and Political Science*, 14(4), 2-19.

- Elkhatib, N. (2023). Al-Wafi in the Jordanian constitutional system. Amman House of Culture for Publishing and Distribution.
- Ginsburg, T & Melton, J. (2015). Does the constitutional amendment rule matter at all? Amendment cultures and the challenges of measuring amendment difficulty. *ICON*, 13(3), 686–713. <http://doi:10.1093/icon/mov041>
- Jabali, H. (2018). Modern constitutional developments in the Arab world. The Tenth Scientific Forum, Union of Arab Constitutional Courts and Councils. General Secretariat. Cairo.
- Jennings, I. (1997). The Law and The Constitution. ELBS. London.
- Keshty, N. (2023). Conceptual Framework of Constitutional Amendments. *Al-Zaytoonah University of Jordan Journal for Legal studies*, 4 (Special Issue). <http://doi:10.15849/ZUJLS.230430.04>
- Khair, H. (2002). The Jordanian Constitution since 1923. Amman
- Khalil, M. (1984). Political systems and constitutional law: Part One. Arab Renaissance House. Cairo.
- Manor, J. (2003). Democratisation with Inclusion: Political Reforms and People's Empowerment at the Grassroots. United Nations Development Programme: Human Development Report Office.
- Nasraween, L. (2013). The impact of the 2011 constitutional amendments on public authorities in Jordan. *Journal of Sharia and Law Sciences*, 1(1), 6-26.
- Nasraween, L. (2016). The impact of the 2014 constitutional amendments on the Jordanian constitutional system. *Journal of Sharia and Law Sciences*, 2(2), 5-20.
- Nasraween, L. (2022). The National Security Council in Jordan: Defining or taking away roles? Anatolia Agency.
- Patrick, D. (2023). Analyses of proposed constitutional amendments: Texas Legislative Council, Texas, USA.
- Roznai, Y. (2023). The theory and practice of supra-constitutional limits on constitutional amendments. *International and Comparative Law Quarterly*, 26(2), 557-597. <http://doi:10.1017/S0020589313000249>
- Schneijderberg, C. (2019). Research Concerning Quality Assurance as Research on the Consequences of Political Reforms. *Higher Education Policy*, 32(1), 1–3. <https://doi.org/10.1057/s41307-018-00131-z>
- Shatnawi, F, & Hatamla, S. (2013). Judicial oversight of the constitutionality of laws and regulations. *Journal of Sharia and Law Studies*, 1(1), 2-16.
- Zink, J & Dawes, C. (2015). The Dead Hand of the Past? Toward an Understanding of “Constitutional Veneration”. *Polit Behav* 38(2), 535–560. <http://doi:10.1007/s11109-015-9325-5>
- Zuraiqat, M. (2014). The king is the head of the state, not an employee. Ammon.

Rules and Regulations

- Rulings and decisions of the Supreme Constitutional Court (2020). Part eighteen. The Technical Office. Cairo.
- Constitutional amendments for the year (2022). 1/31/2022. Official Gazette, Issue (5770).
- The Jordanian Constitution of 1952 and its amendments until 2022.
- The French Constitution of 1958 and its amendments until 2008.
- The Egyptian Constitution of 2014, was amended until 2019.
- Constitution of the Hashemite Kingdom of Jordan (1946).

The Basic Law of Transjordan (1928).

Election Law for the House of Representatives No. (4) Of 2022.

Administrative Judiciary Law No. (27) Of (2014).

Constitutional Court Law No. (15) of (2012).

Independent Election Authority Law No. (11) Of 2012 and its amendments.

Document of the Royal Commission to Modernize the Political System. September 2021.