

Several of the Most Important Crimes Committed by Public Employees in Jordan

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The significance of this study emerged against the backdrop of increasing corruption in Jordanian society, especially within the governmental institutions. Therefore, the mechanisms against corruption shall be demonstrated due to the corruption's consequences upon the Jordanian economy. The problem of this research concerns demonstrating the concordance of Jordan Civil Service Regulation, the Jordanian Penal Code, and the United Nations Convention against Corruption (UNCAC), which Jordan was a part of, in fighting against corruption. Moreover, it demonstrates the extent of the application of fighting against corruption in Jordan that occurred on the ground.

Keywords: *Corruption, Jordan, Public employees.*

Introduction

The act of corruption is associated with the human quest for a better position, even if this will occur at the expense of others, and regardless of the method one uses to reach their ambition. The phenomenon of corruption has expanded in numerous countries, especially within the governmental institutions, by violating the public position practices and the functional code of conduct. In addition, the offences that may be committed by the officials include bribery, embezzlement, and power exploitation for personal interests. This matter may lead to deteriorate the interest, the element that violates the basic purpose of the public official, which is serving the public interest and protecting the public finance, not wasting or stealing it.

There are many kinds of corruption, including political corruption, financial corruption, administrative corruption, and manners corruption. These kinds of corruption are caused by inter alia, a lack of jurisdiction independency, the weakness of the monitoring role, and the inadequacy between the internal legislation and the international treaties.

To fight the corruption in Jordan, there must be reluctance for religious reasons, which forbids the corruption and calls for justice. Besides, the mechanisms for discovering corruption should be supported by providing protection for witnesses, examiners, and reporters, enhancing the international judicial cooperation, prohibiting the conflict on interests, and working towards harmonising the national legislations and the international conventions to achieve transparency and establish proper administration for the public affairs and properties.

This study reveals the anti-corruption mechanisms within the country, especially in its governmental institutions. Furthermore, it develops possible solutions for this dangerous phenomenon and accomplishes comprehensive reforms in the governmental institutions.

Importance of the Study

The expansion of the corruption phenomenon will definitely lead to demolish the economy of any country, irrespective of its economic strength. On the contrary, eradicating corruption will help the country to grow in all fields. Moreover, there must be harmonising between all the countries of the world to fight corruption. Thus, the United Nations Convention against Corruption (UNCAC) was urgently needed to fight the corruption, but it must be applied with the internal legislations, especially in the case of Jordan. The importance of this study can be summarised as follows:

1. This study was conducted considering the expanding corruption in Jordan, which is occurring on a large scale and is emanated from ministers, representatives, and other distinguished officials, and the Jordanians' reactions regarding the matter. Therefore, it was the task of the legal individuals to demonstrate the negative and positive aspects and undertake real studies in respect of corruption.
2. Efforts must be made towards spreading an anti-corruption culture by demonstrating the corruption's negative effects on citizens and public officials, more than the country itself.
3. The equality among the public officials must be insured, whether in their rights or duty, to achieve the justice that will fight the corruption.
4. Reviewing the offenses that may be committed by the public officials, such as bribery, public finance embezzlement and power exploitation, which are considered the source of the administrative corruption.
5. Demonstrating the extent of the scientific application of anti-corruption laws on the ground, whether they are those stated in the UN Convention or in the internal laws and regulations.
6. Showing the importance of the collaboration between different Jordanian institutions to fight the corruption realistically.

Problem of Study

1. Discussing the ability of reducing the corruption through the Jordanian Civil Service Regulation inside the administrative bodies in Jordan.
2. The extent of the concordance between the Jordanian Civil Service Regulation and the UNCAC, which Jordan was part of.
3. The balance between giving the public officials full rights and achieving equality, according to the Jordanian Civil Service Regulation and the UNCAC to reduce the increasing corruption in Jordan due to the need to improve the living conditions.
4. Discussing the concordance between the Jordanian Civil Service Regulation and the UNCAC in respect of the penalty, in case the public official committed one of the corruption offenses. It is not necessarily true that by applying the most severe penalties the official will be deterred; but rather, the corruption is increasing. Consequentially, what is the appropriate solution?
5. Although there are specific mechanisms established in respect to appointing the public officials, whether mentioned in the Jordanian Civil Service Regulation or the UNCAC, the corruption has many ways to become involved into it. The Jordanian Civil Service Regulation states that no one can be appointed in governmental positions except by the Civil Service Bureau (CSB). However, there are many exceptions. Many persons, who are close to ministries and important positions, were appointed by the Prime Ministry without applying in the CSB, e.g. appointing relatives to the representatives in the Jordanian Parliament, appointing the Minister of Agriculture's son as a consultant in the Prime Ministry, and appointing five persons in the Aqaba Economic Zone Authority (AEZA) without applying through the CSB. The researcher considers that the exceptions in appointing the positions became the origin of employing and not the opposite.
6. Corruption has no relationship with any religion or language. Nevertheless, it is confined within the person's conduct. Moreover, to fight the corruption in Jordan, the Government must build a bridge of trust with every citizen, reinforcing that no one is above the law, instead of by developing anti-corruption laws and applying treaties and conventions. Thus, what is the mechanism of building such a bridge realistically?
7. There are many provisions which are stated in the UNCAC, which had not been addressed in the Jordanian statute, as well as the lack of concordance between the internal laws and the UN international convention, e.g. the definition of the Public Official in Article no.2 of the UNCAC is different from the definition of the same concept in Article no. 169 of the Jordanian Penal Code, and Article no.6 of UNCAC related to the independency of anti-corruption authority that is not applied in the Jordanian Anti-Corruption Authority Law no. 13 of year 2016, which stated in Article no. 16/A that the administration of the Anti-Corruption Authority shall be appointed by the king based on a recommendation from the Prime Minister. The researcher will show

many comparisons between the UNCAC and the Jordanian laws, especially regarding what is related to the concept of the ‘public official’.

8. The extent of the development of Jordanian laws in fighting corruption and the nonexistence of the legal gaps might be exploited by the corrupted. Moreover, the extent of the development of the administrative authorities in proving the offense of corruption by the public officials.
9. The number of the public section’s employees is far greater than is necessary. Moreover, the expansion of the public section fields provides a greater chance to commit acts of corruption.
10. Is Jordan one of the first countries to sign over the international treaties, and one of the first countries that violates it?
11. The importance of the reporters, witnesses, and examiners in fighting corruption.
12. The efficiency of the Jordanian judiciary in fighting corruption.

This research will address the corruption, the public official, the implication of corruption, and the corruption offenses that may be committed by a public official. Moreover, it discusses the mechanism of reforming the corruption by demonstrating the offenses of bribery, embezzlement, and position exploitation in the governmental institutions, in addition to the role of the public official in reforming corruption.

The Concepts of Corruption, Public Official, and Corruption Implications

Definition of Corruption

Until today, scholars did not agree on one definition for the concept of ‘corruption’. It has been defined as “*the misuse of power or position for personal earnings*” (Yaser, 2006) (Hamzah, 2008) (Abdullah, 2005) (Adam, 2005). Moreover, it has also been defined as “*the misuse of positions or public sources for personal interest*” (Michael). Jasem and Abdulkareem (2012) defined corruption as “*using the public authority to achieve personal profits by bribing the local and national officials; however, it does not include the bribing occurs in the private section*”. The World Bank issued the Development Report on 1997, which defined corruption as “*the misuse of public power in order to achieve personal earnings*” (Sobhi, 2015; Hamdi & Faisal, 2008). The mentioned definitions of corruption consider the public sector despite that the act may also be practiced in the private sector. On the same matter, the Transparency International (TI) defined corruption as “*the misusing of the delegated authority to achieve personal earnings*” (TI, International Corruption Report 2007). Furthermore, it has been defined as “*deviating from ethics rules or the absence of the disciplines that control the behavior*” (the Lebanese Association for Enhancing Transparency/ “No Corruption”, 2005).

On the other hand, the UNCAC (2003) did not define corruption as per the Jordanian Anti-Corruption Authority Law no. 13 of year 2016, but rather, it mentioned several cases of corruption in Article no. (16/ A), such as job-distorting offenses, public trust-distorting

offenses, and power misuse offenses that violate the laws. Moreover, the Jordanian Civil Service Regulation no. 82 of year 2013 does not mention a definition for corruption.

Therefore, it can be stated that the corruption is the misuse of power by an employee, whether in the public or private sectors, in order to achieve personal earnings for oneself or others.

Definition of Public Official

Scholars did not agree on one definition for the concept of ‘public official’. Furthermore, the legislations within countries have no common definition. The ‘public official’ concept was defined as: “*the person who is entrusted with a permanent job in one of the public institutions administrated by the government or one of the public figures*” (Soliman, 1948; Qoublat, 2013). Moreover, it has been defined as “*anyone who serves in a public institution, authority, company or association which is established by a public organization; accordingly, the ownership of such is owned totally by the country or the public organization*” (Mahmoud, 1952). In addition, it has also been defined as “*anyone who contributes in administrating a public facility and has a position in the public administration crew*” (Ali, 2002; Jamal, 2015).

In addition to that, the UNCAC defined the public official as:

“Public official” shall mean: (i) any person holding a legislative, executive, administrative or judicial office of a State Party, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority; (ii) any other person who performs a public function, including for a public agency or public enterprise, or provides a public service, as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party; (iii) any other person defined as a “public official” in the domestic law of a State Party. However, for the purpose of some specific measures contained in chapter II of this Convention, “public official” may mean any person who performs a public function or provides a public service as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party”.

Furthermore, the Jordanian Civil Service Regulation and its amendments no. 82 of year 2013 defined the public official as “*the person appointed by a decision taken by the competent authority in a position listed in job description stated in General Budget Law. The official shall be appointed through contract and it does not include the daily wage*”.

Unlike the Jordanian Penalty Law no. 16 of year 1960 amended in law no. 27 of year 2017, and the Economic Offenses Law of year 1993 amended in law no. 20 of year 2004 in Article no.2, the Jordanian Anti-Corruption Authority Law no. 13 of year 2016 did not define the public official. It is clear from what has been mentioned that there Meaning there is a similarity in the definition of a public employee between Jordan and the United Nations Convention, but

the Jordanian legislator did not mention, for example, a foreign employee and, the public international corporation official, and the controlled delivery concepts. Thus, the non-concordance between the two legislations is too high and this may require a legislative amendment for the Jordanian related laws to cover the mentioned concepts.

Implications of Corruption

Administrative corruption is related to the manifestations of corruption and administrative, functional or organizational deviations that are by the administration, as well as there are violations issued by the public employee while performing his duties in the legislative system and the laws such as bribery, embezzlement of public funds, abuse of power and other corruption crimes committed by the public servant (Joseph, 2002; Hasan, 2002).

Studies have proven that the administrative corruption leads to negative effects politically, economically, and socially (Mahmoud, 2007).

Economic Implications

The administrative corruption leads to impede the economic development of the country and it contributes to increasing the inequality of living conditions between citizens. Therefore, this will increase the crime rate in society. Thus, the Government may privatise the public institutions, as has occurred in Jordan, which lead to the incensement of the currency tumbling. Moreover, the Jordanian Government exempted the foreign major industries from paying taxes to encourage investment, but the local minor industries were not exempted from taxes and this caused an economic burden upon the Jordanian citizens, which lead to illegal acts, such as corruption, to have that burden removed (Abdulmajeed, 2003).

Mazen (2007) demonstrates the most important negative economic implications of corruption are, as follows:

1. It leads to lessen the local and foreign investments because of the prevalence of corruption.
2. Causes damages to the micro-sized projects established by citizens due to the widespread rates of unemployment caused by corruption.
3. Decreases the country's income because of the corruption that exists in the customs and taxation bodies.
4. The absence of the external financial assistance because of corruption. For example, when the International Mounity Fund refused to provide money assistance to Jordan because of the widespread corruption.

Social Implications

Usually, the society bears the burden caused by the corruption of the governmental institutions, which creates the following implications (Addleme, 1999; Tamara, 2010):

1. The prevalence of corruption will lead to the defection of efficient individuals because of the injustice in their homeland. This situation occurred in Jordan, whereas many doctors emigrated from Jordan because of favouritism and nepotism.
2. Creates desperation among society, as well as the feeling among citizens that it is not worth worrying about the public interest.
3. The Jordanian society became divided into two groups: the richer class, and the poor class, with the absence of the middle class.

Political Implications

The administrative corruption leads to withdraw confidence in the political system and threatens the stability of the country, as the system schedule cannot be reached by the citizens, as it should be. Furthermore, that corruption distorts the political values, such as democracy, human rights, and citizens' rights and duties. Moreover, it creates a state of inward-looking, including that citizens will cease feeling responsibility or loyalty to the country and will not take into consideration the public interest by reason that the public institutions and officials are not serving the people equally, but rather, they use favouritism (Tamara, 2010). In addition, the administrative corruption leads to weaken the country's legitimacy and efficiency, including choosing the high positions based on favouritism and bribery instead of the equality of opportunities. Thus, the administrative corruption has many political implications (Abdullah, 2004; Mikhael, 1975), including:

1. The widespread struggle for power by parties and individuals, and the transformation of the public institutions' services to the specific private services.
2. Corruption helps to widespread the dictatorship and the lack of acceptance of a second opinion.

Therefore, the researcher sees that the economic, social, and political implications of corruption can destroy the country and its citizens. Thus, Jordan, as a whole, should stand shoulder to shoulder to fight against the corruption and the corrupted.

Public Official Corruption and Anti-Corruption Reforms

Bribery, Embezzlement, and Position Exploitation

Bribery

Bader (2013) defined bribery as obtaining a benefit by a public official against executing or abstaining a work within the scope of the work (Bader, 2013). Moreover, a bribery offense is

one of the most dangerous offenses of corruption, which may be committed by a public official. Bribery may be a kind of present or gratuity, which may be presented by a stakeholder to a public official (Ibtesam, 2007).

The UNCAC (2003) mentioned the national or foreign public official bribery in Articles 15 and 16. The Article 15 was related to the national public official bribery, stating that:

“Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: (a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties; (b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties”.

Further, Article 16 of the same convention states that: “1.

Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business. 2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties”.

In the same matter, the Jordanian Civil Services Regulation, and its amendments no. 82 of 2013 in Article no. 68, mentioned the disciplinary responsibility when committing the offense of bribery by a public official as “*exploitation ... accepting in-kind or material gratuity...*”.

Moreover, Article no. 171/ A/1 of the same regulation stated that “*a public official shall be removed if he is convicted by a competent court of an offense or misdemeanor like bribery*”. In addition, bribery has been criminalised in the Jordanian Penal Code no. 16 of 1960, which was amended by law no. 27 of 2017 in Articles no. 170, 171, 172, and 173. Thus, bribery judgments and criminalisation based on the one who provides a bribe, as is stated in the Penal Code, does not criminalise the acts stated in the UNCAC. Subsequently, the articles require that a public official acting or refrains from acting during the exercise of his or her official duties. It was stated in Article No.173 that “*the offense of offering bribe that was not accepted will criminalize the one who gave not the public official*”.

Accordingly, it might be stated that there is a similarity between the Jordanian Penal Code, Jordanian Civil Service Regulation, and the UNCAC articles relating to bribery.

Position Exploitation and Trading in Influence

There are many previous definitions related to position exploitation and trading in influence concepts. One of them is “*position exploitation: the act of public official to obtain or trying to obtain an interest or profit for himself or for others*” (Mahmoud, 2013). A definition for the trading in influence states “*the use of a public official or ordinary individual for his real or supposed position inside the government or public institutions to obtain personal privileges unlawfully*” (Mohammed, 2010).

Moreover, the UNCAC stated in Article no. 18:

“Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: (a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person; (b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage”.

In addition, the same convention stated in Article no. 19 that:

“Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance of or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity”.

Article no. 68/ c and d of the Jordanian Civil Service Regulation no. 82 of 2013, and its amendments, mentioned the disciplinary responsibility of the public official in case he or she misuses the power given to them or trades in influence: “*c- exploiting his position to service the interests... d- abuse his position to serve personal interest or others unlawfully...*”. Moreover, Article no.171/ A/1 of the Jordanian Civil Service Regulation stated that “*a public official shall be removed if he is convicted by a competent court of an offense or misdemeanor... and he misused his power... ”.*

In addition, the Jordanian Penal Code no. 16 of 1960 amended by law no. 27 of 2017 in Article no. 182 stated:

“Any public official who uses his/her office powers directly or indirectly in order to obstruct or delay the implementation of the law provisions or the applicable regulations or the collection of fees and taxes provided for in the law or the execution of judicial decisions or any order issued by a competent authority, shall be punished by imprisonment from one month to two years. 2. If the person who used his / her power and authority is not a public official, he / she shall be punished by imprisonment from one week to one year”.

The researcher found that the Jordanian laws and regulations did not discuss the acts mentioned in Article no. 18 of the UNCAC, but everything concerning the abuse of function and power exploitation were mentioned in Articles no. 176 and 182 of Penal Code. However, these articles do not cover the two cases that should be criminalised, which were stated in Article no. 18 Paragraphs A and B of the UNCAC. Whereas, the abuse of function mentioned in Article no. 176 required obtaining advantage, and this advantage is acquired from the transactions belonging to his or her department and is not just a mere exploitation of one’s power to obtain an unlawful advantage from any department or public authority just by offering and accepting unlawful advantages.

Thus, the incitement offense and penalty stated in Articles no. 80 and 81 of the Jordanian Penal Code cannot be applied on the acts mentioned in Article no. 16 of the UNCAC, due to the absence of the original offense by virtue of the Jordanian criminal legislation.

Generally speaking, the researcher notes that there is concordance among the Jordanian Penal Code, Jordanian Civil Service Regulation, and the UNCAC in respect to what is related to power exploitation without the act of trading in influence.

Embezzlement of Public Money

There are many definitions for the concept of ‘public money embezzlement’. One of them states that *“embezzlement is the misappropriation of the public property held by a public official through his position, whether it is owned by the government or by specific individuals”* (Mohammed, 2010).

This offense assumes that the public official semi-acquires the public money in the name of the Government, and he acquires it unlawfully. Consequently, he uses the public money as if it is his own money.

Public money embezzlement includes the infringement on that money and its danger lies in the truth that this money is associated with the post occupied by him, which reflects his infidelity to the job given to him by the institution (Mahmoud, 1988; Ibtisam, 2007).

The Article no. 17 of the UNCAC states that in respect of the matter of embezzlement:

“Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position”.

On the same matter, the Jordanian Civil Service Regulation no. 82 of 2013 and its amendments stated in Article (171/A/1) note that *“the public official shall be removed if he is convicted by a competent court of an offense or misdemeanor like embezzlement”.*

Moreover, the Jordanian Penal Code no. 16 of 1960, which was amended by law no. 27 of 2017 in Article no. 174, stated that:

“Any public official who take ownership of what he/she is supposed to control or administer or collect or keep of state or private persons money and other property, shall be punished by temporary imprisonment with hard labor and a fine equal to the amount he / she embezzled”.

Thus, the researcher finds that there is concordance among the Jordanian Penal Code, Jordanian Civil Service Regulation, and the UNCAC in respect to what is related to public finance embezzlement.

Anti-Corruption Reforms in Public Institutions and the Role of Public Officials

The kingdom of Jordan, by all its institutions, shall fight the corruption on reason that the corruption may be stretched to both private and public sectors. Therefore, the country shall spend extensive efforts to remove this phenomenon, and stable and rapid solutions to move the country forward and convince the Jordanian people that there is seriousness from the Government in fighting the corruption. It must be mentioned that fighting the corruption cannot be achieved by the Government alone, but also by the role of the public officials.

The Role of Public Institutions in Fighting Corruption (Saeed, 2009):

1. Working on consolidating the national sense in all Jordanians that there are new methods for fighting the corruption and explaining those methods to the public.
2. Establish electronic integration between all the country’s institutions with a saving-data mood to plant the feeling of carefulness within the public officials.
3. Giving all the public officials equal rights without favouritism and nepotism.
4. Initiate educational sessions for the administrators and employees regarding the role of fighting corruption in improving their living conditions.
5. Educate the Jordanian citizens, especially the public officials, regarding the public position’s ethics and moralities.
6. Undertake comprehensive reforms in all the governmental institutions without exceptions.

7. Motivate the public officials by issuing allowances against hard-work and granting certificates as a recognition for their efforts.
8. Enforce heavier penalties for the official/s who commit acts of corruption, and the penalties shall not be executed on vulnerable employees without significant positions.
9. Create one major department as the base of the transactions of the country and appoint a representative from every sub-department.
10. Appoint the high administrative positions on scientific and substantive grounds, not on the basis of nepotism, favouritism or relations.

The Role of Public Officials in Fighting Corruption (Ibrahim, 2013):

Work ethics refers a group of disciplines and values that determine the supposed behaviour of the public official when practicing his or her duties at all times and in all places. In addition, the methodology of the officials shall include the work ethics to insure increased productivity. There are many tips which may be followed by the public officials to realise the concept of work ethics:

1. Full adherence to the official working hours.
2. Full adherence to the laws and regulations.
3. Maintain the public finance and stay away from anything that may undermine the career's honour.
4. All duties shall be achieved with fidelity and keeping the secrets of the institutions.
5. Increase the efficiency and productivity of the public official through working.
6. Abiding to the administrators' orders in accordance with the law.
7. The public official shall realise his or her role in fighting corruption and that he or she is the centerpiece and foundation of the country.

In addition to what has been mentioned, Article no. 67 of the Jordanian Civil Service Regulation no. 28 of 2013, and its amendments, emphasised several obligations that the public official shall adhere to. Moreover, the UNCAC (2003) emphasised the public sector and appointing officials for the prevention of administrative corruption, in addition to the Codes of Conducts stated in Articles 7 and 8 of the same convention.

Conclusion

According to the Jordanian civil law in Article no. 66:

"When appointed, the employee shall swear the following oath: I swear by God to work faithfully and sincerely, and to conserve the State's properties and its dignity and to do my job tasks and its duties in impartiality and neutrality without any discrimination". In addition to that, Article no. 67 stated that: "Civil service is a responsibility and trust to serve the citizen and community which is governed, and whose progress is guided by religious, patriotic and national values of the Arab and human civilization; and aspires to establish

ethical standards, rules and principles that govern the civil service's morals and high cultural professional values in civil service; promotes officers' commitment to these standards, rules and values; and creates confidence and esteem in citizen and civil service's beneficiary regarding the departments' work, and establishes a state of respect and appreciation to their role in providing services in manner that best fits the citizen and the community equally”.

Findings

1. The practical reality in Jordan proves that the anti-corruption is applied on the vulnerable employees without significant positions, although Jordan signed the UNCAC and established the related laws.
2. The Jordanian Civil Service Regulation and the Jordanian Penal Code both have explicit provisions on the matter of fighting corruption. However, these provisions are theoretical rather than practical.
3. There is concordance between the Jordanian Civil Service Regulation and the UNCAC.
4. The point is not about heavier penalties to fight the corruption because the practical reality proves that despite the penalties imposed on the corrupted, the corruption offenses are increasing day by day. Thus, the point is related to the religious conviction of the public officials.
5. Identifying the mechanism of appointing public officials in both the Jordanian Civil Service Regulation, and in the UNCAC to attain equity between people. However, the practical reality takes a detour, with many public officials being appointed outside of the supposed process. In other words, the Civil Service Bureau.
6. The Jordanian legislatives and administrative bodies related to the corruption are advanced, yet the significant issue concerns the class of people that the law is applied to.
7. The administrative growth in Jordan is one of the major reasons for the widespread administrative corruption and the decreasing of the average annual income of the Jordanian individual.
8. Jordan was one of the first countries that signed the UNCAC, but there were several officials who dodged the application of such conventions based upon the reality that this will not serve their interests.
9. Providing protection for reporters, experts, and witnesses will help in fighting the corruption. Moreover, the Jordanian judiciary has a main role in fighting corruption, but there are just a few corruption cases that were transferred to the judicial service. Moreover, not supporting the corruption cases with sufficient evidence will weaken the capacity of the judicial power over the corrupted.

Recommendations

The researcher recommends the following:

1. Jordan shall apply the anti-corruption laws and regulations on the ground. Moreover, the religious conviction shall be planted in the Jordanian society, especially within the public officials.
2. Any appointment made outside the Civil Service Bureau shall be stopped, in reason that these appointments are the basis of the corruption in Jordan.
3. The Foreign Public Official and the Public International Institution Employee should be incorporated in the Jordanian legislations, especially in the Penal Code, to harmonise with the UNCAC regarding this matter.
4. Article no. 6/a/1 of the Jordanian Anti-Corruption Authority Law shall be amended to have the Anti-Corruption Authority as one of the jurisdictions of the House of Parliament, as it is the people's representative, owing to the Prime Minister as part of the executive authority, that may its members be subjected to oversight and accountability.
5. The Jordanian Penal Code Articles no. 170, 171 and 172 related to bribery provisions and criminalising bribers shall be amended to consider those as criminal offenses, as per the UNCAC. In our legislation, these articles shall be applied in case these offenses have already occurred and does not include the offense of offering bribery and criminalising the briber instead of the public official.
6. The Jordanian legislation shall be amended in reason that it has not dealt with the acts mentioned in Article no 18 of the UNCAC. All that has been mentioned in Articles no. 176 and 182 of the Jordan Penal Code regarding misusing and exploiting positions, does not cover the two acts stated in Paragraphs A and B of Article no. 18 of the Convention, that must be criminalised. Moreover, position exploitation as stated in Article no. 176, requires benefit obtaining and not just abusing influence to gain undue privilege.
7. Harmony shall be achieved between the UNCAC and the Jordanian Financial Disclosure Law no. 64 of year 2009 because this law does not include all public officials. Thus, a legislative mandate shall be established in this law to generalise its provisions on all public officials.

REFERENCES

Literatures:

- Abdelfattah, Ali (2002), *Almowadef Al A'am* (The Public Official), Dar Alnahda Alarabia, Egypt, Page No. 34.
- Abu Amer, Mohammed (2010), *Qanoon Al Oqobat Al Qesm Al Khas* (Penal Law, the Private Section), Dar Annahda Aljame'yah Aljadeedah Lelnashir, Alexandria – Egypt, Page Nos. 122 & 155.
- Al Lami, Mahmoud (2007), *Alfasad Bain Al Shafafiah Wal Estibdad* (Corruption between Transparency and Authoritarianism), Dania Press, 1st edition, Baghdad, page no. 11.
- Almaoi, Soliman (1984), *Alwajeez Felqanoon Aledari* (Brief in Administrative Law), Dar Alnahda Alarabia, Egypt, Page No. 34.
- Bader, Ahmed (2004), *Atahqeeq Aledari Wa Almohakama Al Tadreebiah* (The Administrative Investigation And Disciplinary Trial), Dar Alnahda Alarabia, Egypt, Page No. 6.
- Hosney, Mahmoud (1988), *Sharh Qanoon Al Oqobat Al Qesm Al Khas* (Elaboration of Penal Law, the Private Section), Dar Alnahda Alarabia, Egypt, Page No. 81.
- Hosney, Mahmoud (1988), *Sharh Qanoon Al Oqobat Al Qesm Al Khas* (Elaboration of Penal Law, the Private Section), Dar Alnahda Alarabia, Egypt, Page No. 14.
- Jme'an, Mikha'el (1975), *Alenhiraf Aledari Asbaboh Wa Toroq Elajoh* (Administrative Deflection: Causes And Remedies), Dar Alnahda Alarabia, Egypt, Page No. 53.
- Mohanni, Mahmoud (1952), *Alqanoon Aledari Almasri Almoqarin* (The Comparative Egyptian Administrative Law), Dar Alnahda Alarabia, Egypt, page no. 227.
- Salam, Sobhi (2015), *Alfasad Aledari Wa Almali Kthahera Wa A'saleeb Elajoha* (Financial And Administrative Corruption As A Phenomena And Remedies), Dar Amjad Lilnasher Wal Tawze', Amman- Jordan, Page 18.
- The Lebanese Association for Enhancing Transparency, "No Corruption" (2005), *Alfasad (Corruption)*, 1st edition, Talnobars Press, Lebanon, page no. 15.

Theses and Legal Researches:

- Addlaimi, Basem Faisal (1999), *Alfasad Aledari WA Ba'ed Ashkaloh Men Wojhat Nathar A'ena Men Almodereeen* (The Administrative Corruption and Some of Its Aspects from the Perspective of Sample of Directors), Master's Theses, Economic and Administration Faculty, Baghdad University, Page No. 23.
- Ahmad, Rami (2011), *Derasat E'mkanyat Foras Tatbeeq Alhokoomah Alelectronia Wa Atharha Felfasad Aledari* (Study The Ability Of Applying Electronic Government And Its Impact In Administrative Corruption), Master's Theses, Business Faculty, Teshreen University, Syria, Page No. 23.
- Al Qar'afi, Abdelkareem (2012), *Mada Eltizamat Alqyadah Altarbawyiah Be A'khlaqyat Al Wathafa Al Amah Wa Elaqataho Bel Fasad Aledari Fe Mohafathat Sana'* (The Commitment Of The Educational Leadership In The Public Positions Ethics And The

- Relation With The Administrative Corruption In Sana'a Governorate), Master's Theses, Sana'a University, Yemen, Page No. 73.
- Al Rafadi, Bader (2013), *Dawr Mo'asasat Almojtama' Almadani Fe Mokafahat Alfasad Fe Alordon Men Wojhat Nathar Alqada* (The Role Of Civil Society Institutions In Fighting Corruption In Jordan From The Perspective Of The Leaders, Dissertation, University Of Jordan, Jordan, Page No. 77.
- Aldoghmi, Hamzah (2008), *Netham Alqanoon Lejaremat Alfasad Fe Altashree' Alordoni Aljaza'i* (The Law System Regrading Corruption Offense in Jordanian Criminal Legislation), Master's Theses, Legal and Doctrinal Studies Faculty, Al Albeit University, Jordan, Page No. 52.
- Aleqaily, Ebtisam (2007), *Alfasad Almali Wa Sobol Mokafahatoh Derasah Feqhiah Mokarnah* (The Financial Corruption And Fighting Method: A Comparative Doctrinal Study), Master's Theses, Faculty Of Shari'a, Mu'tah University, Jordan, Page Nos. 73 & 74.
- Alharahsheh, Abdullah (2003), *Alfasad Aledari Derasah Maidaniah Le Wojhat Nathar Alameleen Fe Mokafahat Alfasad Aledari Fe Alqeta' Alhokomi Al'ordoni* (The Administrative Corruption: A Civilian Study For Point Views Of Employees In The Anti- Corruption Bodies At The Jordanian Public Sector), Economic And Administrative Science Faculty, Yarmouk University, Jordan, Page No. 52.
- Alshammari, Qublan (2013), *Alraqaba Alqada'yah Ala Alqararat Aledariah Alsaderah Fe Alta'een Fe Alwathifah Aledariah* (The Judicial Oversight On The Administrative Decisions Issued In Respect Of The Appointment Of Administrative Positions), Master's These, University Of Jordan, Jordan, Page Nos. 20-24.
- Alsharari, Jamal (2015), *Alraqaba Alqada'yah Ala Qararat Al Tae'een Fel Alwathefa Al Amah* (The Judicial Oversight on the Appointments Decisions in Public Positions), Master's These, University Of Jordan, Jordan, Page Nos. 19 & 22.
- Shakhanbeh, Tamara (2010), *Dawr Hae'at Mokafahat Alfasad Wa Etejahat Al Jomhor Al Ordoni Nahawaha* (The Role Of Anti- Corruption Authority And The Attitudes Of Jordanians Regarding It), Master's Theses, University Of Jordan, Jordan, Page Nos. 45 & 46.

Legislations and Laws:

- *Anti- Corruption And Impartiality Authority Law No. 13 Of 2016.*
- *International Transparency Organization, International Corruption Report of Year 2007.*
- *Jordanian Civil Service Regulation and Its Amendments No. 82 of Year 2013.*
- *Jordanian Penal Code No. 16 of 1960 Which Was Amended By Law No. 27 of 2017.*
- *United Nations Convention against Corruption of 2003.*

Local Newspapers and Magazines:

- Abu Hmoud, Hasan (2002), *Alfasad Wa Monathmateh Al Eqtesadiyah Wal Ejtemae'yiah* (The Corruption and Its Economic and Social Organizations), Damascus University Magazine for Legal and Economic Sciences No.1, Volume No.18, Page Nos. 465.
- Albayomi, Abdullah (2005), *Alfasad : Mafhomoh Wa Asbaboh Wa Anwao'h Wa Sobol Alqada' Alyhi* (Corruption: Concepts, Reasons, Types and Fighting Methods), Mu'tah Magazine for Social and Humanity Studies and Researches No.5, Volume No. 20, Page No. 180.
- Altarawneh, Ibrahim (2013), *Athar Ajhezat Alraqabah Alhokomyiah Fe Alhad Men Alfasad Almali Wa Aledari Fe Alordon* (The Impact of the Governmental Bodies in Reducing the Financial and Administrative Corruption in Jordan), Mu'tah Magazine for Studies and Researches No.7, Volume No.28, Page No. 165.
- Alwa'eli, Yaser (2006), *Alfasad Aledari Mafhomoh Wa Asbaboh* (The Administrative Corruption: Concept and Reasons), an Article Available on The International Information Network www.annabaa.otg, Alnaba'a Magazine No.80, Published on January, Iraq, Page No.7.
- Alyousef, Joseph (2002), *Alfasad Aledari Wal Mali: Alasbab Wa Alnataej Wa Toroq Alelaj* (Financial and Administrative Corruption: Reasons, Results and Healing Methods, Social Sciences Magazine No.2, Volume No. 30, Page No. 262.
- Hijazi, Sameer (2012), *Alta'en Ala Alamr Bela'ojoh Le 'Eqamat Al Da'wa Aljena'yah Wa A'thrho Fe Moharabat Alfasad Al Edari* (Appeal Against Order to Initiate Criminal Proceedings and Its Impact on Fighting the Administrative Corruption), State Cases Authority Magazine No.40, Volume No. 56, Page Nos. 3-14.
- Ma'abdeh, Adam (200), *Mafhoom Alfasad Aledari Wa Ma'yeeroh Fe Altashree' Alislami* (The Administrative Corruption Concept and Its Criteria in the Islamic Legislation), Damascus University Magazine for Legal and Economic Sciences No.2, Volume No.21, Page Nos. 430.
- Qubailat, Hamdi Wa Shatnawi, Faisal (2008), *Mokafahat Alfasad Fe Doo' Qanoon Hai'ah Mokafahat Alfasad Alordoni- Derasah Mokarna Be Etifaqyat Al Omam Almotahidah* (Fighting Corruption Under the Jordanian Anti- Corruption Authority Law No.62 Of Year 2006- A Comparative Study With the UNCAC, Law And Shari'a Studies, University Of Jordan, No. 2, Volume No. 35, Page No. 420.
- Yahia, Sa'eed (2009), *Alathar Alejtema'yah Wa Aleqtesadiyah Wa Alsyasih Lel Fasad Wa Sobol Mokafahataho* (The Political , Social and Economic Implications of Corruption and Methods of Fighting Corruption), Commercial and Economic Sciences Magazine No.2, Page Nos. 171- 185.

Online Articles:

- Alfataftah, Mahmoud, *Alfasad: Alsora Al'okhra Lil Halak* (Corruption: Another Image for Destruction), 2007 (Available on: Www.Amman_Palestine.Org)



Johnson, Michael, *and Corruption: General View*, "US Info Website" (Available On: [Http://Usinfo.Statute.Gov](http://Usinfo.Statute.Gov))

Mohammad Althahabi, Jasem, *Al Fasad Aledari Fe Aliraq Wa Taklofataho Al'eqtesadiyah* (The Administrative Corruption in Iraq and its Economic Costs) (Available on: Www.Berc-Iraq.Com).

Sadeq Dahlal, Abdullah, *Qera'ah Fe Ketab Alfasad Al'edari* (A Reading in the Administrative Corruption Book), 2004(Available on: <http://www.alwatan.com>)