



## Balancing between Freedom of Expression and Criminal Accountability for Journalists under Jordanian Legislation

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### Abstract

**Objectives:** This study aims to discuss the concept of freedom of opinion and expression for journalists, as well as the legal responsibilities they must adhere to under Jordanian legislation. It also clarifies the rights and duties of journalists, balancing them within the framework of professional and legal responsibility and public order.

**Methods:** The study employed a descriptive-analytical approach to systematically analyze and categorize legal texts, shedding light on the regulations and rights governing the work of journalists in the Hashemite Kingdom of Jordan. It examined legal texts related to press and media freedom, international conventions, and constitutional provisions, providing a comprehensive perspective on the challenges faced by journalists, their responsibilities, and their rights.

**Results:** The study concluded that several Jordanian laws address press and media freedom, but some provisions are conflicting, while others lack clarity, hindering journalists' work and creating obstacles for them. Additionally, the study highlighted the legal and media landscape in various countries and discussed contradictory legal texts.

**Conclusion:** The study emphasized the importance of balancing the rights and duties of journalists and the necessity for them to adhere to the constitution, international conventions, and effective laws to ensure press freedom within the framework of legal responsibility.

**Keywords:** Freedom; criminal accountability; journalist; constitutional guarantees; international agreements; Jordanian legislation.

### الموازنة بين حرية الرأي والتعبير والمسؤولية الجزائية للصحفيين في إطار التشريعات الأردنية

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### ملخص

**الأهداف:** تهدف هذه الدراسة إلى مناقشة مفهوم حرية الرأي والتعبير للصحفيين، بالإضافة إلى المسؤوليات القانونية التي ترتب على الصحفيين والإعلاميين التي يجب أن يتزموا بها في التشريعات الأردنية، كما توضح الدراسة حقوق وواجبات الصحفيين وموازنتها في إطار من المسؤولية المهنية والقانونية والنظام العام.

**المنهجية:** اعتمدت الدراسة المنهج الوصفي التحليلي لتحليل النصوص القانونية، وتصنيفها بشكل منهجي، بما يساعد في تسلیط الضوء على الضوابط والحقوق التي تنظم عمل الصحفيين في المملكة الأردنية الهاشمية، وتناولت الدراسة بالبحث والتحليل النصوص القانونية المتعلقة بحرية الصحافة والإعلام والعبود والمواثيق الدولية، وكذلك النصوص الدستورية بما يسمى تقديم رؤية شاملة للتحديات التي تواجه الصحفيين والإعلاميين، والمسؤوليات المرتبة عليهم وحقوقهم.

**النتائج:** خلصت الدراسة إلى أن هناك العديد من القوانين الأردنية المتعلقة بحرية الصحافة والإعلام، ولكن بعض نصوصها تتعارض فيما بينها، فضلاً عن وجود بعض الغموض في بعض النصوص القانونية بما يعيق عمل الصحفيين، ويشكل عائقاً أمامهم، كما سلطت الدراسة الضوء على المشهد القانوني والإعلامي في عدة دول، وناقشت النصوص القانونية المتناقضة.

**الخلاصة:** أكدت الدراسة على أهمية الموازنة بين الحقوق والواجبات للصحفيين، وضرورة الالتزام بالدستور، والمواثيق الدولية والقوانين النافذة: لضمان حرية الصحافة في إطار من المسؤولية القانونية.

**الكلمات الدالة:** الحرية، المسؤولية الجنائية، الصحفي، الضمانات الدستورية، الاتفاقيات الدولية، التشريعات الأردنية.



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**Introduction:**

The press is a form of mass communication that informs the public, oversees the functioning of state institutions, and encourages them to improve their methods of operation and behaviour. This is done within the framework of unrestricted freedom, apart from narrow limits related to national security and the sanctity of public morals, which must be specified. Additionally, religious values and the right to dignity and respect for reputation and privacy must be considered (*Abdel Majeed, 2002*. *Al-Amer, 2008*).

The profession of journalism has been given various names such as “Her Majesty” or “the fourth estate.” Its main role is to oversee the work of the three branches of government: legislative, executive, and judicial. In the United States, it is referred to as “the fourth branch” and other names that highlight the journalist’s responsibility to uncover and combat flaws and corruption. Journalists achieve this through the power of public opinion and, if necessary, legal action (*Hamada, 1993*).

As a journalist, it is important to remember that while freedom of expression is a fundamental right, it is not without limitations. Journalists must adhere to the laws and regulations governing society while practising their profession. Additionally, the journalism profession is governed by ethical principles such as honesty, honour, and integrity, which aim to promote media performance, control the quality of media, and serve society and its issues (*Khal and Mohammad, 2011*). However, it is equally important that these laws and principles do not impede a journalist’s ability to perform their duties or communicate their message effectively. Ultimately, journalism is a mission and a responsibility before it is a profession.

It is of utmost importance to strike a delicate balance between the freedom of press and the professional obligations that journalists are entrusted with. While journalists should have the liberty to express themselves freely, it is equally vital that they adhere to the legal regulations that govern their profession and dictate their practices. This equilibrium is crucial to maintain a functional society and prevent the press from disrupting public opinion, order, and law.

In Jordan, there are many laws that relate to journalism, both directly and indirectly. Some of these laws restrict the journalist’s freedom to practice their work, while others regulate the performance of the profession. However, these laws could be summarised in the Press and Publishing Law, which balances freedom and responsibility. Journalists must find a balance between exposing defects and not violating the law or public order. The dilemma arises because journalists are subject to many penal laws, including the Penal Code and Cybercrimes Law, which are particularly relevant in the digital world. Other penal laws include the Law for the Protection of State Documents and Secrets and the State Security Court Law. Additionally, journalists must follow the Press and Publications Law.

**Research Questions:**

1. To what extent does a journalist's freedom of opinion and expression affect their criminal obligation to follow the rules, regulations, and public order in society?
2. What is the concept of press freedom, what are the legislative and criminal restrictions that govern it?
3. How can a balance be struck between the constitutionally, legally, and internationally guaranteed right to opinion and free expression, and the commitment to not violating or infringing on the law, ensuring that journalists carry out their mission without breaking the laws that they are fundamentally tasked with upholding in society?
4. What rights do journalists have; what duties are allocated to them?
5. How can legislation strike a balance between these to guarantee professional responsibility is consistent with the boundaries of law and order?

**Objectives of the Study:**

1. The paper aims to shed light on the journalist’s freedom of opinion and expression and the criminal responsibility he bears in adhering to the laws, regulations, and public order in society.
2. This paper seeks to clarify the idea of freedom of the press, the penalties imposed by legislation, and the importance of maintaining a balance in journalism between the right to express opinions and the freedom of expression that is constitutionally, legally, and internationally protected. Journalists must ensure that their actions do not violate the law, as this restriction allows them to convey their message without infringing on the law. Ultimately, society demands that journalists adhere to laws to promote a safe and lawful environment.

3. The aim of the paper is to clarify a journalist's rights and duties, which legislation must balance to achieve professional responsibility within the law.

**Methodology:**

This paper aims to explore and analyse the balance between freedom of expression and criminal accountability for journalists under Jordanian legislation. It adopts an analytical and descriptive research design, focusing on examining the legal framework governing journalists' freedom of expression and criminal accountability in Jordan while analysing its practical application. The study emphasizes the interplay between constitutional rights, international standards, and local legislative restrictions. This study uses an analysis of Jordanian laws and regulations, such as the Constitution, the Press and Publications Law, the Penal Code, and other related legislative texts, to provide a complete knowledge of the legal requirements that control journalists. The study also uses scholarly publications, books, legal commentaries, and international conventions, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), to situate Jordanian legislation within global norms.

**Previous studies:**

- Rabi, mahmmud najeeb alamuor, Right to Privacy in Law (Sanctity of Private Life), *Journal of Law, Policy and Globalization*, www.iiste.org, ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online) Vol.80, 2018.
- The Ceiling of the Wall, Adel Azzam (2011), *Crimes of Defamation, Insult, and Contempt Committed Through Electronic Media*, Dar Al-Thaqafa Publishing and Distribution, Amman, Jordan. The book addresses the legal rules governing the operations of press and media considering the spread of emerging cybercrimes, which pose significant threats to contemporary society, and the legal provisions regulating these crimes.
- Mohammad Al-Shawabkeh (2011), *Computer and Internet Crimes – Cybercrime*, Dar Al-Thaqafa Publishing and Distribution, Amman, Jordan. The book examines the measures to combat the phenomenon of cybercrime, discussing the intersection of crimes committed via the internet with the scope of domestic national criminal law studies, as well as international criminal law. It also explores the connection between cybercrime and organized crime, alongside the principles of freedom of opinion and expression enshrined in the Jordanian Constitution.

When a journalist exercises the freedom to report, which is one of the most important and prominent human rights, they need this freedom. To understand the rights and responsibilities of a journalist, it's important to first define who they are and what their job entails. This includes their legal definition and whether they must join the Journalists Syndicate to be considered a professional journalist.

**Definition of the Journalist, His Duties and Rights**

*a. Journalistic Language*

The word "journalist" has two meanings. The first refers to Louis Maalouf's idea of reading newspapers with semi-letters, which is considered a mistake (Maalouf, 1998). The second meaning is someone who obtains knowledge from newspapers rather than from professors. The word "journalist" is used to describe a person who professionally gathers news and opinions and publishes them in a newspaper or magazine. In English, it is equivalent to the word "Journalist." The term "journalist" is also used to refer to someone who has chosen journalism as their profession. (Idris, 2019)

A journalist is someone who practices the profession of journalism, collecting and publishing information about events, trends, and people's issues. Their job is to prepare reports for various media, including newspapers, television, radio, and magazines (Al-Khasawneh, 2015).

*b. The Journalist in Law*

The Jordanian Journalists Syndicate Law No. 15 of 1998 confines the definition of a journalist to the provisions of Article 2, which states that he is "a member of the Syndicate registered in the Journalists' Register and who has taken up journalism as his profession in accordance with the provisions of the law" (Jordanian Journalists Syndicate Law No. 15 of 1998). According to the second article of the Press and Publications Law, a journalist is registered with the union and has taken up journalism as their profession in accordance with the law (Jordanian Press and Publishing Law No. 32 of 2012).

As per the regulations outlined in the Press and Publications Law, it is mandatory for individuals to be registered

members of the Journalists Syndicate to be recognised as journalists. Moreover, registration is crucial from a legal and practical perspective to obtain membership in the Journalists' Register. The law defines the profession of journalism in terms of both legal and practical aspects, yet these definitions are insufficient in capturing the complete job responsibilities of journalists in Jordan (*Bakr, 2005*).

Article 5 of the Jordanian Journalists Syndicate Law specifies the conditions that journalists must meet to be members of the general body of the syndicate, which is that they "must be of Jordanian nationality, not convicted of a felony or misdemeanour against honour, and have the legal capacity that enables them to carry out their work by exceeding the age of majority."

According to the article, journalists must meet certain educational and training requirements to practice their profession. These requirements include obtaining a doctoral degree and registering with the syndicate without training or holding a master's degree or higher diploma in journalism or media with a minimum of six months of training. Alternatively, a bachelor's degree in journalism or media with at least one year of training, or a community college diploma in journalism or media with no less than two years of training, or a bachelor's degree in any other field with a minimum of two years of training, or a community college diploma in any other field with no less than three years of training. Additionally, journalists must hold a high school diploma or its equivalent and a minimum of four years of full-time training to practice journalism (*Al-Rai, 2012*).

As per the regulations stated in the Journalists Syndicate Law, the activities that are classified as journalistic work by law are to be noted. These tasks include the act of rewriting any given text that is related to news or information dissemination, in accordance with the formal style and guidelines specified by the law. It is imperative to adhere to these regulations to ensure that the quality of the journalistic work remains consistent and up to par with the ethical standards set by the governing body:

- The editor-in-chief, managing editor, or general manager of a Jordanian press institution, or the responsible editor, editor, photojournalist, cartoonist, press correspondent, or press representative inside or outside the Kingdom.
- The editor, press delegate, or press correspondent for a news agency legally accredited in the Kingdom, or the accredited press delegate for a press publication.
- The editor-in-chief, editor, press representative, press correspondent, photojournalist, or cartoonist in the ministry or in any official media department or institution.
- Faculty member for journalism or media subjects at a Jordanian university.
- The registered journalist works in any of the media positions in the ministry or in any official media department.

Some civil society organisations believe that requiring registration with the Journalists Syndicate limits freedom of expression, as journalism is a fundamental human right. However, I disagree with this viewpoint. Journalism is a profession that should adhere to the laws that govern it, without deviation or infringing on the rights of society. This ensures that society remains safe and secure under the umbrella of law and order (*Khalil, 2000*).

According to Article 14 of the Jordanian Journalists Syndicate Law, there are four categories of journalists distinguished: practising and non-practising journalists, trainees, and employees of foreign media organisations. These individuals must register with the Syndicate to practice their profession.

Article 18 of the Journalists Syndicate Law imposes penalties on those who practice the profession of journalism without being members of the Syndicate, as it states: "1. It is prohibited for those other than practising journalists, or the journalists stipulated in Article 9 of this law, to correspond with foreign newspapers and advertise themselves as journalists." Or any phrase that gives this meaning, ...., C. Whoever violates the provisions of the previous Paragraph A shall be punished with a fine of not less than two hundred dinars and not more than five hundred dinars, or with imprisonment for a period of not less than one month and not more than three months, or with both punishments. The ruling is to remove the violation, and the penalty will be doubled in the event of repetition." While Article 10 of the Press and Publishing Law stipulates that "no non-journalist may practice the profession of journalism in any of its forms, including correspondence with periodical publications and foreign media, or presenting himself as a journalist. This does not include those whose work is limited to writing articles."

Many press and media institutions are employing press representatives who are not members of the union, including official or government-funded institutions. This goes against the law and must be stopped. Legally, a journalist is a registered member of the Journalists Syndicate and has taken journalism as a profession. As such, they are subject to the Press and Publications Law, as well as other legal texts such as the Jordanian Penal Code, the Electronic Crimes Law, the Law for the Protection of State Documents and Secrets, and the State Security Court Law (*Al-Dustour Newspaper, 2005*).

It should be noted that there is significant debate among journalists regarding the necessity of joining the Journalists Syndicate for the purpose of organising professional work. While some believe that the journalistic profession is an integral part of an individual's freedom of expression, the law requires those seeking employment in journalistic outlets to be members of the Journalists Syndicate.

Journalism plays a crucial role in society's development, fostering human rights and building communities. But even with the freedom guaranteed by the Constitution, journalists must follow the laws and regulations that govern their profession. To better understand their responsibilities and rights, we will explore the duties imposed on the journalist and the journalist rights in the Constitution, international conventions, and national legislation.

#### ***The duties imposed on the journalist***

As previously discussed, journalists are granted the privilege of expressing their opinions and practising their profession without restraint. However, it is important to note that this freedom comes with a set of responsibilities and limitations that they must follow. These duties are in place to protect society and individuals, including the ethical standards that are expected of them. Furthermore, they must adhere to legal and professional restrictions to ensure the safety and well-being of others. The press serves a critical role in educating and informing the public about current events, exposing concealed concerns and crises within society, and presenting diverse perspectives and potential solutions to address them. By fulfilling these responsibilities, journalists have the power to positively impact society and promote informed decision-making.

Journalists have a responsibility to follow moral and ethical guidelines, which are essential to their profession. Journalism plays a crucial role in fighting corruption and upholding the rule of law. Journalists must maintain professionalism, accuracy, and objectivity, and they should not pursue personal gain, which can lead to corruption. It is important for journalists to convey the truth without exaggeration, lying, slander, or breaking the law. They should strive for accuracy, objectivity, and high professionalism, avoiding any actions that could harm society, public order, morals, or incite strife. In addition to the laws governing media work, there are also journalistic honour charters that journalists are expected to follow. For instance, the Jordanian Journalists Syndicate's honour charter, approved in 2003, requires journalists to verify news before publishing it and refrain from using illegal methods to obtain information.

Article 40 of the Jordanian Press and Publications Law stipulates that "It is prohibited for the owner of any press publication, the editor-in-chief or managing editor, any journalist working for it, and any writer who used to write for it to receive or accept, by virtue of his ownership of that publication or his affiliation or relationship with it, any financial aid or gift from any Jordanian or non-Jordanian party." Journalists must also ensure that the information they have does not serve personal goals, and journalists must not use the financial information they obtain before publishing it for the sake of private gain (*Al-Rai, 212*).

The Jordanian Press and Publications Law states clearly in Article 7 that journalists must follow ethical standards and societal norms in their work. It is important for journalists to adhere to these standards (*Saqqaf, 2005*).

The task of reporting on crimes and scandals is a delicate one, requiring journalists to exercise great care in their language and approach. Sensationalism and the use of offensive language must be avoided at all costs, as these can easily lead to misrepresentation and distortion of the facts. Furthermore, journalists must be careful not to promote fake spiritual or medical claims, as this could lead to serious harm to individuals or society.

To ensure accuracy and credibility, journalists must rely on official documents, multiple sources, and direct interviews with those involved in the story. If necessary, recordings may also be used to capture the nuances and subtleties of the situation. All these measures help to maintain the integrity of the reporting process and ensure that the public is presented with a truthful and unbiased account of events.

Ultimately, the goal of responsible journalism is to inform the public and shed light on important issues, without causing unnecessary harm or sensationalising the facts. By adhering to these principles, journalists can help to build trust with their readers and contribute to a more informed and engaged society.

The journalist must also, when practising his profession, preserve and protect the rights of others, which is stipulated in Paragraph A of Article 7, which states that “the ethics and morals of the journalistic profession are binding on the journalist and include respecting the public freedoms of others, preserving their rights, and not violating the sanctity of their private lives,” etc. Paragraph D of Article 38 also stipulates the prohibition of publishing anything that offends the dignity and personal freedom of individuals or contains false information or rumours against them. Anyone who violates the provisions of this paragraph shall be punished with a fine of not less than five hundred dinars and not more than one thousand dinars, according to Paragraph E of Article 46 of the Jordanian Press and Publications Law, as stated in Article 11 of the Journalism Code of Honour, “Journalists are obligated to respect the reputation of families, families, and individuals, and the confidentiality of citizens’ private matters, in accordance with international principles, journalistic work ethics, and the laws in force in the Kingdom.”

According to Article 39 of the Press and Publications Law, it is not allowed to publish investigation records related to a case before it is referred to the competent court, unless the Public Prosecution gives permission. This rule is in place to protect the privacy of others. Additionally, the same article prohibits the publishing of trial session records and covering them, unless it is decided otherwise by the court. However, the court may make exceptions to preserve the rights of individuals or families, public order, or public morals.

Therefore, it is evident that the Press and Publications Law provides a comprehensive legal framework for regulating the journalism profession. The law explicitly outlines the ethical and professional responsibilities that journalists must adhere to. Additionally, it is essential to note the rights that journalists are entitled to while performing their duties.

#### **Journalist rights in the constitution, national legislation, and international conventions**

The Jordanian Constitution and other comparative constitutions stipulate freedom of the press. The Jordanian Constitution clearly stipulates that “the press and printing are free within the provisions of the law.” It also stipulates the freedom of journalists to receive and transmit information without being restricted by international covenants and conventions, most notably the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966 (*Ibrahim, 1999*).

Jordanian legislation has attempted to address press freedom, but there are still about many laws in Jordan that directly or indirectly impact journalism.

It is important to note that the rights of journalists and media professionals are not exclusive to them as individuals or within a specific context. These rights are related to the overall freedom of the press, which plays a crucial role in educating public opinion, exposing corruption, and addressing societal problems. The press is often referred to as the fourth estate, and it serves to monitor all authorities in society and shape public opinion against any wrongdoing. To fulfil this mission, journalists must have certain rights, such as the right to protect their sources of information, the right to access information without limitations, and the right to express their opinions without fear of arrest. However, these rights are still a contentious issue that the Press and Publications Law has yet to fully address. In this article, we will explore this topic in greater detail:

- The right of journalists to receive and transmit information.
- The right of journalists to protect their sources with the relevant exceptions.
- The right of journalists not to be arrested in matters of freedom of opinion and expression.

#### ***The right of journalists to receive and transmit information***

According to constitutional and legal documents, as well as international agreements, journalists have the right to access and disseminate information as a fundamental aspect of their profession. Jordan has set an example in this regard, becoming the first Arab country to enact the Right to Access to Information Law. Nevertheless, this law has some limitations, particularly concerning the procedure for obtaining and challenging administrative decisions related to information requests. It is important to acknowledge that these limitations may impede the freedom to share information. In addition,

the Jordanian Press and Publishing Law secures the right to access information for both citizens and journalists, with a specific emphasis on the latter (*Ramadan, 2014*).

The Jordanian legislator stipulated this right due to its importance in Article 8 of the Press and Publications Law as follows: “A - The journalist has the right to obtain information, and all official bodies and public institutions must facilitate his mission and provide him the opportunity to view their programmes, projects and plans. B - It is prohibited to impose any restrictions.” Impedes the freedom of the press to ensure the flow of information to the citizen or imposes procedures that lead to disrupting his right to obtain it. C - According to current laws, journalists are entitled to receive information and news they request in accordance with specific regulations outlined in paragraphs A and B of this article. The relevant authorities are required to provide this information or news to the journalist promptly, depending on the urgency of the request. If the news is urgent, it should be provided as quickly as possible. If it is not urgent, it should be provided within two weeks. D - The journalist, within the limits of performing his work, has the right to attend public meetings, sessions of the Senate and the House of Representatives, sessions of general assemblies of parties, unions, federations, and clubs, general meetings of public bodies of public joint-stock companies, charitable societies, and other public institutions, and public court sessions, unless the sessions or meetings are closed or secret. By virtue of the applicable laws, regulations or instructions of these bodies, it is prohibited to interfere with any work carried out by a journalist within the framework of his profession or to influence him or force him to disclose his sources of information, including preventing him from performing his work or from writing or publishing without a legitimate or justified reason. This is without prejudice to the customary authority of the editor-in-chief in making the decision to publish or not.” The legislator also reaffirmed this meaning in paragraphs A and C of Article 6 of the same law. Paragraph A stipulated that “the freedom of the press includes informing citizens of events, ideas, and information in all fields.” Paragraph C of Article Six also stipulates that “Freedom of the press includes the right to obtain information, news, and statistics of interest to citizens from various sources, and to analyse, circulate, publish, and comment on them” (*Al-Rai, 2014*).

#### ***The right of journalists not to disclose their sources of information and the relevant exceptions***

Paragraph E of Article 8 of the Press and Publications Law stipulates that journalists have the right to protect their sources of information: “It is prohibited to interfere with any work practised by a journalist within the framework of his profession, or to influence him or force him to disclose his sources of information.” “Including depriving him from performing his work or from writing or publishing without a legitimate or justifiable reason, without prejudice to the generally accepted authority of the editor-in-chief in making the decision to publish or not,” as stipulated in this meaning in Paragraph D of Article Six. The same states that “Freedom of the press includes the right of the periodical publication and the journalist to keep the sources of information and news obtained confidential.”

It is important to bear in mind that journalists’ confidentiality is not absolute. Ultimately, it is the editor-in-chief who has the power to decide what material is published, and they can be held criminally liable for any content that is released. As a result, journalists are required to divulge the sources of their information to the editor-in-chief. While no specific entity is named as being prohibited from interfering with journalists’ work or compelling them to reveal their sources, this prohibition is subject to the editor-in-chief’s discretion as to what to publish. Editors and writers alike must disclose their confidential sources to the editor-in-chief, as they are responsible for publication and serve as the newspaper’s legal representative in court. Furthermore, Article 43 of the Journalists Syndicate Law and its amendments mandate that journalists keep their sources confidential and verify information and news prior to publication.

#### ***The right of journalists not to be arrested in matters of freedom of opinion and expression***

This right is considered one of the problematic rights in the penal laws and legislation related to the work of the press and media. Paragraph (f) of Article 42 of the Press and Publications Law stipulates that “notwithstanding what is stated in any other legislation, arrest may not be made as a result of expressing an opinion verbally, in writing, or by other means of expression.” In our opinion, the phrase has limited application due to the potential for journalists to be prosecuted under various other penal laws such as defamation, slander, and contempt as outlined in the Penal Code. Journalists can also be subjected to trials according to the Law for the Protection of State Documents and Secrets, the Law on the Prevention of

Terrorism, and the other many laws previously discussed. Consequently, while this text grants a right for journalists, it may not hold legal weight (*Al-Dustour Newspaper, 2001*).

### **Balancing the Journalist's Rights and Responsibilities**

One of the most significant responsibilities of a journalist is to provide criticism, report on mistakes and limitations, and gather and convey information. Furthermore, it is unacceptable to detain a journalist for exercising their right to freedom of speech and expression, which is a fundamental right of all journalists. This is a matter governed by constitutions, laws, agreements, and international treaties, but it must be done within the boundaries of the law without any deviation or violation.

The Jordanian Constitution aimed to regulate freedom of opinion and expression, with a particular emphasis on freedom of the press and publication. However, it also recognised that this freedom cannot be absolute and must be subject to legal limitations. Therefore, laws regulating journalistic work, including criminal legislation, were put in place to ensure that this freedom is exercised responsibly. These laws consider the various political, economic, and social tensions present in a society at a particular time and help to balance the rights of journalists with their professional responsibilities.

One could make the case that during the drafting of the constitution, Jordan placed a greater emphasis on adhering to the law rather than the constitution itself. This is made evident by the inclusion of various phrases such as “within the limits of the law” by the constitutional legislator, which underscore the significance of upholding the law. However, this has given rise to a legislative paradox that remains unresolved, causing considerable confusion around the obligations and duties of journalists.

After studying the media laws in Jordan, there is a need to maintain a balance between press freedom and the rights and responsibilities of journalists within the boundaries of the law. The legal framework in Jordan has several defining characteristics that regulate freedom of the press and media, with the most significant being:

- In Jordan, journalists are required to obtain prior licences to practice their profession. However, this regulation has been criticised by civil society institutions as a limitation on freedom of expression and the journalist's right to work. Furthermore, media legislation in Jordan often includes forms of prior censorship that restrict the message conveyed by the media.
- Legislation in Jordan has provisions that protect the sources and editorial secrets of newspapers. These measures are in place to ensure that journalists are not compelled to reveal their sources of information. The Jordanian legislator recognises the importance of this protection.
- In Jordan, there is no law that specifically prohibits the pretrial detention of journalists for reporting on crimes. This can be used as a means of harassing journalists and limiting their freedom. Even including this prohibition in the Jordanian Press and Publications Law would not effectively achieve its intended purpose.
- It has been observed that media regulations in Jordan do not align with the principle of “innocent until proven guilty.” According to the law, journalists must provide evidence to support any accusations made against public officials or individuals in positions of power. This puts a burden on the press to prove their claims, rather than the burden being on the prosecution to prove their innocence. Such regulations create obstacles for media outlets to expose corruption and abuses of power within society and hinder the public's ability to monitor and evaluate the behaviour of public officials.
- From the above, it can be concluded that the media is regulated by laws that are constantly changing. There is no clear guideline on how to handle media messages. Journalists have certain rights, but they must also adhere to specific controls and limitations. This balance between responsibility, freedom, and the law is crucial.

### **Balancing Between Freedom and Criminal Responsibility of The Journalist**

The press and media have an essential role in promoting the awareness and importance of law. Law is a crucial factor that separates disciplined societies that can progress, flourish, and leave a lasting impact on people from those that suffer from decline. Freedom of opinion and expression is a fundamental human right that is protected by various legislations, including the Constitution, international covenants, conventions, and national laws. However, this freedom must be regulated by the law. The media is responsible for raising awareness of the significance of law in society. Failure to do so can result in a return to a state of anarchy and chaos (*Hassan, 2014*).

The freedom of the press is considered a fundamental human right that falls under the freedom of opinion and

expression, as recognised in divine laws, state constitutions, and international charters and agreements. However, this freedom is often restricted by various constitutions to ensure public order is maintained in a positive state. These restrictions aim to create a balance between a journalist's freedom and their professional responsibility. International covenants and conventions also prohibit journalists and media professionals from violating legal rules related to their practice. Therefore, it is not acceptable for journalists to break the law in the name of the freedom of the press.

#### ***Constitutional regulation of freedom of expression***

It is important for a country to abide by its constitution and laws, while also adhering to international human rights standards. Freedom of opinion and expression is recognised as a fundamental right in many legislations, both domestically and internationally. In Jordan, there are numerous laws and treaties that protect this right, as outlined in the Jordanian Constitution and ratified international agreements. However, it is important to note that there are specific controls in place to ensure that this freedom is exercised responsibly.

The Jordanian Constitution guarantees the freedom of opinion and expression in the first paragraph of Article 15. This provision allows every Jordanian to express their thoughts through speech, writing, photography, and other means of expression, if it doesn't exceed the limits of the law. It is important to note that the Constitution links this freedom with certain restrictions, meaning that the Jordanian legislator intends to regulate this right based on laws issued by the legislative authority. This is to avoid chaos and collapse of the state, as unrestricted freedom of opinion and expression can lead to transmitting and circulating rumours and offending the state and society. Therefore, expressing one's opinion without abiding by the law may lead to violating the law and threatening the existence of the state.

The law plays a vital role in maintaining a delicate balance between personal freedoms and the imperative to safeguard public order and societal values. To address the possible adverse effects of unchecked freedom, the Jordanian Constitution provides a well-defined and specific structure for regulating individual rights and freedoms. Chapter Two of the Constitution, which encompasses Articles 5-23, outlines the legal provisions pertaining to the rights and responsibilities of Jordanians, including measures to safeguard their exercise.

It is not appropriate for the press, which is run by journalists in a legal sense, to become a platform for spreading rumours and false information. This is especially important since these rumours may be spread by ordinary citizens rather than journalists who are members of the Journalists Syndicate, as required by legal regulations. The Press and Publications Law and the Jordanian Journalists Syndicate Law make it difficult to determine whether this platform is considered a media outlet or not, adding to its complexity.

#### ***International regulation of freedom of expression***

The freedom of opinion and expression has been established in several international agreements and treaties to promote democracy. However, some writers and economists have argued against it, stating that it hinders ruling systems from organising the country effectively. The British historian, Alexander Tailer, even claimed that democracy cannot be a permanent form of government. Despite this, many people have fought for the freedom of expression and opinion, which has now been solidified in international treaties, conventions, declarations, and recommendations by bodies and organisations affiliated with the United Nations. However, these rights are not above the law, and those who exercise them must abide by legal and moral responsibilities. They must not infringe on others' privacy, spread rumours, or engage in slander, defamation, or blackmail.

The importance of freedom of journalistic expression is undisputed and is guaranteed by numerous international conventions, including the Charter of the United Nations, the Universal Declaration of Human Rights, and other treaties on human rights. This fundamental freedom is highly valued and emphasised in these charters, which also link it to freedom of opinion in general (Hegazy, 2009).

The freedom of expression for journalists is vital to establish a free society, and the international community recognises its significance. This was affirmed by the French Declaration of the Rights of Man and of the Citizen on August 26, 1789, which declared that the right to communicate ideas and opinions is a fundamental human right. Every citizen has the right to express themselves through speech, writing, and printing, and they are only held accountable if they misuse this freedom.

It is important to note that freedom of expression is not a privilege, but rather an inherent right that is closely tied to one's humanity since birth (*Fahmy, 2009*).

Since its establishment with its Charter in 1945, the United Nations has placed significant emphasis on human rights, including both material and moral interests as well as relationships with society. Throughout various charters, whether general, private, or regional, and international declarations, the UN has prioritised this crucial issue. The freedom of journalistic expression has been of significant interest in international forums and conferences, as highlighted by Ahmed Al-Maamari (2017).

The meaning of this freedom, as the jurist Alphonse Rivero says: "is the ability of each individual to determine for himself what he believes is correct or true in any field whatever it may be" (*Hegazy, 2009*). It is recognised that individuals have the freedom to hold opinions and ideas privately without any legal implications. However, if these opinions and ideas are expressed publicly and have a societal impact, the law intervenes to regulate them. This is because freedom of expression can have consequences, and the law aims to prevent any negative effects on society. Unfortunately, many countries, particularly developing ones, experience violations of journalistic freedom of expression. Although this issue also exists in some developed nations, it is more prevalent in developing countries (*Fathi, 1999*).

The preamble to the Universal Declaration of Human Rights issued by the United Nations in 1948 states: "Whereas recognition of the inherent dignity of all members of the human family and of their equal and inalienable rights is the foundation of freedom, justice and peace in the world, and whereas neglect and contempt for human rights have led to barbaric acts that offend the conscience." The common goal of humanitarianism is to create a world where individuals can freely express themselves and believe what they want, without fear or poverty. To prevent people from rebelling against tyranny and injustice, it is essential that the law protects human rights. The United Nations believes in fundamental human rights, the dignity and worth of every individual, and gender equality. It is committed to advancing social progress and improving living standards in an environment of greater freedom. Member states have pledged to work with the United Nations to promote the observance and respect for human rights and fundamental freedoms. Raising public awareness of these rights and freedoms is crucial to fulfilling this pledge (*Al-Rasheed, 2003*).

The Declaration also stipulated this freedom in Article (19), saying: "Every individual has freedom of opinion and expression, and this right includes the freedom to hold an opinion without interference, and to seek, receive, and disseminate ideas and thoughts by any means without being restricted by geographical borders" (*Fahmy, 2009*). Returning to the text of Article 19 of the 1966 Convention on Civil and Political Rights, this article stipulates in its third paragraph that "the exercise of the rights stipulated in the second paragraph of the same meaning entails special duties and responsibility, and accordingly it may be subject to some restrictions...". It is important to note that the article is not entirely unrestricted, as it is subject to legal limitations regarding opinions and expressions.

This was also confirmed by General Comment No. 10 of 1982 of the Committee on Human Rights at its ninth session. It stated, "The third paragraph explicitly confirms that exercising the right to restriction entails special duties and responsibilities, and accordingly this right may be subject to some restrictions that may relate either to the interests of other persons or to the interest of society as a whole."

The freedom of the press is a universal right that applies to all individuals, not just journalists and media organisations. However, those in the journalism field may require it more due to their profession's demands.

Based on the points mentioned above, it is important to protect and safeguard the freedom of journalists as a vital part of the freedom of opinion and expression. Journalists, like citizens, should be able to exercise this freedom freely and without any limitations, except for those imposed by the law to protect society, its security, and public order. A balance between professional responsibility and the freedom of the journalist should be maintained in such cases.

### **Conclusion:**

Our paper aimed to promote freedom of opinion and expression for journalists while ensuring adherence to Jordanian legislation and international agreements. We clarified the definition of a journalist in both national legislation and

international conventions, researched their duties and explained the rights they enjoy. We highlighted the constitutional guarantees and regulations that regulate freedom of the press and media and addressed the relevant international conventions. Furthermore, we explained the actions that constitute journalism and the consequences of a journalist's failure to meet their obligations. Our paper yielded the following results: Firstly, the Constitution and the law establish freedom of the press as a means of expressing opinions. However, this freedom is not exempt from the law, and journalists must follow legal limits when practising their profession. In addition, the Journalists Syndicate and Publications and Publishing Laws lack clear definitions of journalists' duties, roles, and professions. Furthermore, the Press and Publications Law contained a provision for protecting journalists from imprisonment for expressing opinions, but it was insufficient in achieving its goal. Moreover, the Law on the Right to Access to Information stipulates many procedural restrictions on how to appeal the administrative decision issued to prevent the seeker of information from obtaining it, which requires amending these texts, which is what we recommend. Finally, in Jordan, there are big number of laws that pertain to press freedom and media, both directly and indirectly. However, many of these laws are contradictory, and it would be better to consolidate them into one or two laws. This would provide a regulatory assurance for the journalism and media profession.

**Recommendations:**

1. The necessity of reconsidering the definition of the legal texts regulating journalistic work through constitutional texts.
2. Redefining the journalist in the Journalists Syndicate, Publications and Publishing Laws and clarifying his mission and basic role.
3. Amending the text of Article 42/H of the Press and Publications Law to stipulate that journalists shall not be imprisoned in print and publishing cases in general included within the Press and Publications Law.
4. Amending the provisions of the Law Guaranteeing the Right to Access to Information to overcome the procedural restrictions imposed on journalists in obtaining data and information.
5. The paper recommends restricting press and publishing issues to the Press and Publishing Law only.

**Data Availability:**

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**Legislation:**

Jordanian Constitution

Jordanian Press and Publishing Law

Jordanian Journalists Syndicate Law

Jordanian Penal Code

Law on the Right to Access Information

Law on the Protection of State Documents and Secrets

**International covenants and conventions:**

Universal Declaration of Human Rights

International Covenant on Civil and Political Rights

General comment of the Human Rights Committee at its ninth session