

POWER ABUSE CRIME IN JORDANIAN LEGISLATION (A COMPARATIVE STUDY)

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ABSTRACT

Corruption crimes are considered new and very dangerous crimes due to the rapid development of their methods and the bad effects, both on the social, economic and political levels. Unfortunately, getting rid of these effects cannot be done in a short period of time, but rather requires many years so that countries can contain and treat its effects.

And Jordan, like other countries that adopted a reformist approach, tried to dry up the sources of corruption and besiege them with whatever mechanisms they could, whether legal, social, and cultural and others. Among these mechanisms is Jordan's ratification of the United Nations Convention against Corruption in 2005, on the basis of which the Royal Administration issued the establishment of the Anti-Corruption Commission in 2006, and then in 2016 it was merged with the Board of Grievances to become the Commission for Integrity and Anti-Corruption, the legal successor to both under the law Integrity and Combating Corruption No. 13 of 2016. Therefore, curbing the phenomenon of corruption requires the existence of a strong law criminalizing all forms of corruption, an independent and specialized entity that has the ability to investigate corruption cases, and a strong, independent judiciary that does not fear anyone, and has the ability to prosecute the corrupt regardless of their position. And no matter how powerful they are.

Keywords: Abuse of Power, Corruption, Punishment

INTRODUCTION

Corruption is one of the biggest problems facing administrative and economic development in Jordan, which it has suffered like other countries, and whose effects are, by their nature, reflected in all aspects of life. Corruption has several forms, including the abuse of influence, which means taking advantage of the authority and the ability to influence illegally and illegally to obtain a material or moral benefit for the benefit of the perpetrator or others.

The exploitation of influence has become a phenomenon that has many disadvantages, such as the collapse of societies as a result of individuals feeling the lack of justice and equality. The fact that whoever exploits his influence offers interests, services and benefits for his own benefit or for the benefit of his family or relatives, which leads to prioritizing the private interest over the public interest.

Among the forms of abuse of influence is that the person with influence exploits his political, security or economic influence to achieve gains for him or for others in an illegal manner, taking advantage of the legislative vacuum and the weakness of the procedures followed to curb this type of crime. Therefore, the exploitation of influence is considered one of the most important problems facing society and limiting its progress.

From the foregoing, it is clear that the phenomenon of abuse of influence has become limiting the progress and development of society and weighing its steps in progress and advancement. Therefore, the need arose to address it legislatively and effectively, and put an end to its spread in society. Otherwise, this negative phenomenon will lead to the disorder of the ruling system because it will lead to inequality between citizens and put everyone before the law.

The problem of the study revolves around the lack of and shortcomings in the rules and provisions of the Penal Code in relation to Power Abuse Crime which necessitated us to refer to

the opinions of jurists and Arab laws to try to address this problem by clarifying the source of ambiguity and deficiency in Jordanian legislation.

What is Power Abuse Crime?

Power Abuse Crime is one of the most dangerous and widespread corruption crimes in society, like other corruption crimes that affect the progress and progress of society and disrupt the principle of justice and equality between individuals. Therefore, we had to research Power Abuse Crime, its pillars, and the basis for its criminalization

Concept of Power Abuse Crime

Definition of Power Abuse Crime: Neither criminal law scholars nor researchers in this field have agreed on a unified definition of Power Abuse Crime. The reason for this is that it was not defined in the penal legislation, which led to a large number of opinions and differences about the legal concepts of Power Abuse Crime, as some of the jurists went to limit the criminalization to the exploitation of the power of office only, and others went to include every influence that was exploited to achieve an illegitimate benefit, whether this influence was private or was functional influence (Maysoun, 2014).

Dr. Mahmoud Naguib Hosni defined the crime of abuse of power as: trafficking in real or illusory power of the offender over the person concerned with the job (Hosni, 2019).

And Dr. Farouk Al-Kilani defined it as the pursuit by the public authorities to achieve benefits or reach goals that do not fall within the scope of the work of the influential person (Al-Kilani, 2001).

As for the concept of trading in influence and a picture in the United Nations Convention against Corruption: it is the employee or any other person exploiting his actual or supposed influence to obtain from the administration or public authority of the state an undeserved advantage. This is in exchange for any advantage due to him or any other person (Al-Adwan, 2012).

It was also defined as: The use of influence, whatever its source is with a public or private entity, to obtain a material or moral benefit or any specific purpose for the benefit of the perpetrator or others (Al-Zoubi, 2011).

As some have defined this crime as: The offender's trading with his real or alleged influence, by taking, requesting or accepting a benefit or benefit from the stakeholder, in return for obtaining or trying to obtain a certain advantage from the public authority for the benefit of the latter, by using this influence (Affan, 2000).

Based on what was mentioned above, we believe that it is better to expand the criminalization of the abuse of influence of any kind, whether it is functional or private, because it aims to purify the government tool and public life from the acts of corruption and nepotism, and fight every abuse of influence that achieves personal benefits or illegal wealth.

Pillars of Power Abuse Crime

A crime is defined as every act or omission of a person capable of distinguishing that causes a difference, violation or social disturbance, and is punishable by law with a penal penalty or a precautionary measure (Najm, 1996).

As for the pillars of the crime, they are the basic pillars necessary for its legal existence, and the crime in general has two basic pillars, a material pillar and a moral one (Al-Majali, 2020).

A crime may have a presumed pillar according to its special composition. In the crime of murder, there is a special pillar for it, which is the living person, in addition to the material and moral pillars.

As for Power Abuse Crime, there is the supposed pillar (the pillar of influence) in addition to the two main pillars, the material pillar and the moral pillar.

Where in Power Abuse Crime there is the supposed pillar (the pillar of influence) due to the fact that this crime involves the meaning of the offender trading in his influence, when he exploits the need of others to obtain from him a benefit in return for his seeking with the public authorities to meet his demand. This means that this crime cannot take place without a pillar of influence (Affan, 2000).

As for its material pillar, it is represented in taking the offender, asking for it, or accepting a promise of a benefit in return for his efforts with the public authorities or a body subject to their supervision to obtain a certain advantage from them. As for its moral pillar, it is represented by the criminal intent.

The Supposed Pillar (The Influence Pillar)

Abuse of influence is the offender's trading with his influence to satisfy the needs of the stakeholder with the public authority in exchange for obtaining a benefit from the stakeholder, and this means that this crime does not have a legal existence without the perpetrator reliant on his influence. This means that the pillar of influence is a distinct basis for this crime, and it is a pillar that necessitates the designation of the crime as the abuse of influence.

As for the concept of influence, many criminal law jurists defined it as: That a person has a kind of appreciation among some men of authority who have the right to achieve the interest of the concerned, which enables him to force them to fulfill it (Salim, 1999).

Dr. Kamel Al-Saeed defined it: that the offender has a special connection with some state agencies that make him popular among the workers in them, enabling him to exert a kind of pressure on them to accomplish what he wants to accomplish through them (Al-Saeed, 1997).

It is not required for Power Abuse Crime to have real influence, as this crime can take place even if the influence is alleged, as Power Abuse Crime is realized whether the offender has real influence or has no influence at all, and therefore there are two types of real influence and alleged influence.

- The real influence is the influence that the actor enjoys with authority that he derives either from the public office or from his private capacity, if he is not a public official.
- The alleged influence is meant by the presence of certain clues with the stakeholder, with which the actor is supposed to have influence over the concerned employee (Affan, 2000).

Material Pillar

The basis of the material pillar in Power Abuse Crime is that the offender takes a gift or accepts a promise, or asks for something, whether for himself or for others, in return for obtaining or attempting to obtain from an authority or a public authority an advantage of any kind for the benefit of the giver of the gift or promise, and not Provided that the doer obtains the gift, but it is sufficient to ask for it (Jabareen, 2006).

From the foregoing definition, it is clear that the material pillar in Power Abuse Crime consists of the following pillars:

Criminal Activity (Request, Acceptance or Taking)

- a) Request: It is a statement of a desire or expression of a will and involves urging the stakeholder to provide the return or promise it (Najm, 1996, p. 16).
Acceptance: It is the behavior of the doer in which he expresses his approval of the offer issued by the stakeholder that includes an offer of deferred payment in return for the doer seeking his influence with the public authorities.
- b) And Power Abuse Crime here is realized as soon as this acceptance is issued, whether the perpetrator subsequently obtained the promised return or not. Regardless of the reason for not obtaining it and whether or not the perpetrator performs the act that he accepted the promise. The criminal activity of the influential

person is represented by the acceptance that achieves the crime in its full form without any consideration for the behavior of the influential person or the stakeholder after that. (Al-Saeed, 1997, p. 450).

- c) Taking: It is a purely material behavior, according to which the doer receives the counterpart, *i.e.*, transfers his possession to him and the crime of abuse of influence is realized whether the doer takes the gift himself or through someone else, as if he sent the gift to his home and his wife or one of his sons received it, but in this case it must be ascertained. From his actual acceptance of the gift, that the taking of the gift was based on an order from him or his approval of it after he became aware of it. The recipient's receipt of the gift may not be real, but rather symbolic, as if the return was a car and handed over its key to him (Jabareen, 2006, p. 30).

The Objective of the Criminal Activity (Benefit)

It is the obtaining or attempting to obtain from the public authority an advantage for the benefit of the person in need.

The return on interest in Power Abuse Crime is the service rendered by the abuser of power, which is instead of trying to obtain or attempt to obtain an advantage for the stakeholder from public authority.

There are two restrictions that respond to the advantage, the first of which is: That this advantage is real and feasible. Therefore, Power Abuse Crime does not occur if the advantage is fictitious. Nor does the crime occur, it is absolutely impossible to achieve the advantage. As for the second restriction on the advantage, it is the real presence of the public authority that is supposed to grant the privilege, so Power Abuse Crime does not fall right on someone who deludes another that he will obtain a decision in his favor, exempting him from tax, for example, from a certain ministry that does not have a real presence in the state (Hosni, 2019).

Moral pillar

It is not enough for the establishment of Power Abuse Crime to achieve what the stakeholder has requested in terms of the presence of a material pillar and the presence of a pillar of influence in the manner mentioned above. Rather, it is necessary, in addition that those pillars have been issued by a sinful will, that is, a will that is legally criminalized.

Power Abuse Crime is one of the premeditated crimes that legally require the criminal intent of the abuser of influence. In this crime, the moral pillar takes the form of intent. This means that the error is not sufficient for its occurrence, as the criminal law does not define the crime of unintentional abuse of influence. It is also legally inconceivable for the person with influence to commit the crime by mistake or negligence. It is required that the material behavior of the abuser of influence correlates with his criminal intent to achieve a material or moral benefit for the stakeholder (Shaban, 1983).

The Basis for Criminalizing the Abuse of power

Law: It is the effective tool for regulating social reality. It expresses social interests. Its goal was and still is to prevent exploitation, take into account human conditions and ensure his dignity by achieving social justice. This is the ultimate goal of the law. Societies have gone through eras in which they suffered the most heinous forms of exploitation, and some of them are still suffering until this time. Therefore, the basis for criminalizing the abuse of influence is to achieve the principle of equality and justice, and this will be addressed as follows:

- The principle of equality: It means erasing the special privileges that give some influence over the majority. This is because the influence that gives its owners more freedom to work than they deserve, and the abuse of influence may be political, social or economic, which in turn leads to the absence of equality between members of society, and thus the majority of them feel unfair and unjust. Each of the members of the community commits it, whatever his description (Mamoun, 1982).
- The principle of justice: This principle is considered a basis for punishment, which aims to achieve the public interest, and since the idea of punishment is based on atonement for wrongdoing. And the penalty

aims to prevent the criminal from repeating his crime and deters others from committing such crimes, this principle is incompatible with the principle of injustice in society and when that relationship is based on respect and fairness in mutual dealings between them. The abuse of influence is achieved when there is injustice against some people without others and the lack of fair dealing so that there is a strong and influential party and a weak party that is enforced (Hamad, 2014).

Distinguish Power Abuse Crime from other Similar Crimes

Although most of the penal legislations dealt with Power Abuse Crime, they did not agree on unified provisions for this crime, but rather they differed in that. The reason is that Power Abuse Crime raises many problems in practical application, as it comes to mind the possibility of treating its provisions with the provisions of one of the other crimes, such as the crime of bribery. Therefore, we must distinguish Power Abuse Crime from other similar crimes.

Distinguishing between the Crime of Bribery and Abuse of Power

The crime of bribery is the employee's trading in the work of his job, and it requires the presence of two parties, an employee or an employee, who requests or accepts a promise of a gift in return for performing a duty or refraining from one of the duties of his job.

The pillars of the crime of bribery are the supposed pillar, which is the characteristic of the bribe-taker

There should be an employee or a public servant working in any of the state's sectors. The material pillar by which the act of the crime is realized, and the moral pillar, which is the criminal intent, as the crime of bribery is one of the intentional crimes whose presence requires criminal intent, which is embodied in the elements of knowledge and will. After this clarification to the pillars of the crime of bribery, we end by saying that the crime of bribery can only take place in the presence of an employee or someone charged with a public position, while the Power Abuse Crime can occur from workers in the state or from others. Likewise, the crime of bribery responds to a public job or to a private sector, in addition to the fact that the crime of bribery is realized by committing the act in exchange for performing an act or refraining from that act within the scope of the public office, while the Power Abuse Crime is achieved by committing the act, whether in exchange for performing an act or abstaining from an action from Public office work or others (Affan, 2000).

Distinguishing between Power Abuse Crime and Abuse of Power

The crime of abuse of authority and the power abuse crime are two crimes that undermine the confidence and integrity of the public authority that is supposed to act in accordance with the provisions of the law.

The reason for criminalizing the abuse of power is that it degrades the dignity of the public office and the employee, puts him in the position of someone who receives tips from people for his efforts, which they have benefited from, and makes him turn later to bribery when it becomes clear to him that the job can be a path to illicit enrichment. It is similar to Power Abuse Crime in that they violate the public trust and integrity of the authority in which it is supposed to act in accordance with the law.

The crime of abuse of power by a public official is committed as stipulated in Article (182) of the Jordanian Penal Code of 1960, where it stipulates (every employee uses the authority of his position directly or indirectly to impede or delay the implementation of the provisions of the laws or regulations in force or the collection of fees and taxes established by law Or the execution of a judicial decision or any order issued by a competent authority, shall be punished by imprisonment from one month to two years).

The crime of abuse of authority can also occur by a person other than the employee. The same article stipulated in the second paragraph of it, Article (182/2 penalties) that (if the person who

used his authority or influence was not a public official, he shall be punished with imprisonment from one week to one year).

It is noted in the text of Article (182) that the crime of abuse of power may be committed by one or several persons, while the Power Abuse Crime requires the presence of two or more persons.

What distinguishes the crime of abuse of power from the power abuse crime is that the latter takes place whether the influence is real or alleged. As for the crime of abuse of power, there must be a real authority (Al-Masadah 2009).

Legal regulation of Power Abuse Crime

Not all modern penal legislations dealt with Power Abuse Crime, as we find that some of these legislations are absent from the legal text that criminalizes the behavior of those who abuse their influence to obtain some benefit from the stakeholder in return for his pursuit of public authorities. As a consequence, the perpetrator remains far from the hand of justice. Such a matter is inconsistent with the modern criminal policy that seeks to keep the public authorities away from all external influences, regardless of their type or source, in order to ensure that they perform their work impartially and objectively in order to achieve justice and equality of all in benefiting from public utilities (Al-Zouabi, 2011).

A similar situation is found in the Jordanian Penal Code, as it did not address the provisions of Power Abuse Crime, noting that the Penal Code criminalizes the act of a public official who uses the authority of his position to impede or delay the implementation of the provisions of the laws or regulations in force or the collection of fees and taxes established by law or the implementation of a decision Judicial or any order issued by a competent authority under Article (182) of the Jordanian Penal Code.

It is clear from the above that the Jordanian legislator has criminalized the behavior of the influential person in his relationship with the public administration, when he uses his authority or influence to stop or disrupt the implementation of laws and regulations. While the Jordanian legislator did not criminalize the behavior of someone who trades in his influence with others by exploiting his need and obtaining a benefit from him in return for his seeking with public authorities his influence, unlike other legislations that dealt with the regulation of the provisions of this incident under the name of Power Abuse Crime or the disbursement of influence.

Also, the legislator's regulation of the provisions of the crime of job investment does not in any way dispense with the provision of Power Abuse Crime in the Penal Code. In this regard, Dr. Kamel Al-Saeed believes that the Power Abuse Crime stipulated in Article (106) bis of the Egyptian Penal Code does not coincide with the crime of job investment stipulated in Article (176) of the Jordanian Penal Code for all its paragraphs, but rather includes and exceeds it (Al-Saeed, 1997).

The Jordanian legislator did not deal with Power Abuse Crime and did not regulate it in its rulings like other crimes against the public administration, but it has dealt with it and in separate texts such as Article (80/1) of the Jordanian Penal Code, which states that (he is considered an instigator of carrying or trying to carry a person Another person commits a crime by giving him money or giving him a gift, or by influencing him with threats, or deception, or by taking advantage of influence, or by abuse of office.

With reference to the United Nations Convention against Corruption 2004 issued in Official Crime No. 4669 dated 1/8/2004 on page 3720, Article (18) of this Convention stipulates: Each state party shall consider adopting the necessary legislative and other measures To criminalize the following acts, when committed intentionally:

- a) Promising, offering or granting an undue advantage to a public official or any other person, directly or indirectly, in order to induce that public official or person to exploit his actual or assumed influence in

order to obtain from an administration or public authority of the State Party an advantage Not owed in favor of the original instigator of that act or in favor of any other person.

- b) A public official or any other person, directly or indirectly, soliciting or accepting any undue advantage for himself or for another person in order for that public official or person to take advantage of his actual or assumed influence with the aim of obtaining from an administration or public authority of the State party An undeserved advantage.

By analyzing what was stated in Article (18) of the United Nations Convention against Corruption for the year 2004, where this article came under the title of trading in influence, that Power Abuse Crime does not exist unless it is committed intentionally and the offender's intention is to exploit his influence. Therefore, this crime is considered one of the crimes Intentionality, and it is also understood from the text of Article (18/A) that the crime is not limited to employees only, but also falls on any person other than public officials in the event that his actual or supposed influence is used to obtain undue benefits from any affiliated public authority or administration for the state.

As for the Arab Anti-Corruption Agreement for the year 2012, issued in the Official Gazette No. 5162 on 17/6/2012 on page 2636, the fourth article of it expressly stipulates the criminalization of the act of trading in influence, as it stipulates that: Subject to the law of the state party, each state shall adopt, in accordance with its legal system, the necessary legislative and other measures to criminalize the following acts, when they are committed intentionally or intentionally:

1, 2, 3, 4, 5: Trading in influence.

As for the Integrity and Anti-Corruption Law No. 13 of 2016 and its amendments, Article (16) of it states that: For the purposes of this law, the following shall be considered corruption:

1, 3, 9: Corruption crimes contained in international agreements ratified by the Kingdom.

According to this article, the Integrity and Anti-Corruption Law considered trading in influence as a corruption offence. This is because Jordan has ratified many agreements that consider trading in influence as a corruption crime.

Despite Jordan's ratification of many conventions that considered the abuse of power as a criminal act, and which obligated Jordan through these conventions to take legislative measures that criminalize the act of trading in influence, the Jordanian legislator is still absent from organizing legal texts that address the legislative void represented in the absence of a legal text that addresses the provisions This crime.

Contrary to the majority of Arab legislations that tended to regulate the provisions of Power Abuse Crime, such as the Egyptian law, for example, these countries have been considered the abuser of influence in the rule of the bribe, as Article (106) of the Egyptian Penal Code stipulates that (everyone who demands for himself or for others or Accepting or taking a promise or gift to use real or alleged influence, it is considered as a bribe-taker).

Many penal legislations have also tended to consider Power Abuse Crime as a crime independent of bribery, although Power Abuse Crime is considered a crime similar to bribery, including the Syrian Economic Penal Code No. 37 of 1966, which stipulates the crime of alienating influence as well in Article (22) From it, which came similar to the text of Article (347) of the Penal Code.

Power Abuse Crime

Jurisprudence defines punishment as a painful criminal penalty against the perpetrator of the crime or whoever contributes to it, determined by the law and imposed by the court on the offender because of a crime he committed contrary to the law's prohibition of committing it or ordering him not to commit it and it is proportional to the crime (Al-Saeed, 2000, p. 645). It is clear from this definition that the penalty is the penalty imposed by the legislator in the name

and for the benefit of the group against those who are proven to be responsible and deserving of punishment for the crime he committed.

However, the Jordanian legislator did not stipulate in the Penal Code the punishment prescribed for Power Abuse Crime, knowing that it did not regulate its provisions in the first place, unlike the Egyptian criminal legislator who imposed a penalty on the perpetrator of Power Abuse Crime in Article (106) bis of the Penal Code, but also made a difference in the punishment. In the event that the perpetrator was a public servant or an individual, then Power Abuse Crime in the event that the perpetrator was an employee made it a felony and made it a misdemeanor if the perpetrator was an ordinary individual.

As is the case in the Jordanian Penal Code, the Jordanian penal legislator has differentiated in the penalty for the crime of investing in employment, so the crime stipulated in Article 175 was considered a felony and punished with temporary labor from three to fifteen years, in addition to a fine equivalent to the value of the damage caused, while this was considered The legislator of this crime, stipulated in Article 176, is a misdemeanor, and it is punishable by imprisonment from six months to two years and a fine of no less than ten dinars.

Power Abuse Crime Confrontation Actions

Most countries have taken several means in order to curb the phenomenon of abuse of power, among which are the creation of supervisory authorities, the organization of work in a way that prevents the abuse of power, and the creation of punitive laws for those who abuse their influence. In view of the fact that the abuse of influence is among the crimes of corruption and that corruption is an international problem that most countries of the world suffer from, the United Nations has drawn up an international convention against corruption, in addition to a number of international conventions on this subject. The agreement and international covenants dealt with a number of efforts that member states must take into account in their domestic laws and procedures to prevent or limit the spread of corruption in their institutions.

The United Nations Convention against Corruption, which we have already referred to, is one of the international instruments of great importance, given that it represents a comprehensive strategy to combat corruption at all levels within the state, whether legislative, executive, or at the level of educating individuals. More than 120 countries have participated in the preparatory work and special negotiations already approved (Al-Adwan, 2012, p. 84). Therefore, we will show here the means of confronting the abuse of influence within the framework of the Anti-Corruption Convention and international covenants, through a statement of preventive and punitive measures.

First: Preventive measures (Jabareen, 2006)

The United Nations Convention against Corruption dealt with preventive measures, and established a number of general directions that states parties must take into account, the most prominent of which are:-

- 1) Taking into account each state's legal system, each state party shall develop and implement or establish effective, coordinated policies to combat corruption, by promoting community participation, embodying the principles of the rule of law, good management of public affairs and property, and promoting integrity, transparency and accountability.
- 2) Establishing and promoting effective practices aimed at preventing corruption.
- 3) Reviewing and evaluating internal laws, administrative and disciplinary measures, with a view to determining their adequacy to prevent and combat corruption.
- 4) The necessity for the States parties to the Convention to cooperate with each other and with relevant international and regional organizations, as appropriate and in accordance with the basic principles of their legal system, to strengthen and develop anti-corruption measures, and this cooperation may include participation in international programs and projects aimed at limiting or preventing corruption.

One of the most important administrative and legislative measures that require its work is the existence of an anti-corruption body or bodies, as Article 6 of the Convention has indicated the need for states to ensure, in accordance with the basic principles of their legal system, the existence of an authority or bodies as required to undertake the fight against corruption, through the implementation of public policies and awareness of the necessity of Fighting and not resorting to corruption.

The Anti-Corruption Commission was established in Jordan on 2006 under the Anti-Corruption Commission Law No. 62 of 2006, until the law was abolished in 2016 and the Integrity and Anti-Corruption Commission was established under the Integrity and Anti-Corruption Law No. 13 of 2016, which is concerned with fighting corruption and preventing it in an institutional manner.

One of the objectives of the commission is to prevent corruption by drying up its sources, encircling it, closing its outlets, isolating it and limiting its effects.

Second: Punitive Measures

The United Nations Convention singled out a special chapter for the necessity of criminalizing corruption crimes, including Power Abuse Crime. Corruption crimes were enumerated and each of them was addressed. The agreement dealt with the crime of bribery of employees, the crime of abuse of public office and the crime of trading in influence.

In Article 18 of the Convention, Power Abuse Crime dealt with under the name of trading in influence with the following text: Each State Party shall consider adopting such legislative and other measures as may be necessary to criminalize the following acts, when they are committed intentionally:

- a) Promising, offering or granting an undue advantage to a public official or any other person, directly or indirectly, in order to induce that public official or person to exploit his actual or assumed influence in order to obtain from an administration or public authority of the State Party an advantage Not owed in favor of the original instigator of that act or in favor of any other person.
- b) A public official or any other person, directly or indirectly, soliciting or accepting any undue advantage for himself or for another person in order for that public official or person to take advantage of his actual or assumed influence with the aim of obtaining from an administration or public authority of the State party undeserved advantage.

The accountability of those who commit Power Abuse Crime is either disciplinary or penal

Disciplinary accountability: This accountability is in the event that the act is committed by a public employee who has abused his job influence.

The disciplinary authority is the presidential authority, which holds all employees accountable to a certain extent of the penalty, and the disciplinary council to apply the punishment that is outside the powers of the presidential authority.

Third: Criminal Accountability

The Jordanian legislator did not put in its penal laws a penalty for the perpetrator of Power Abuse Crime, unlike the penal legislation of other countries, although the legislator organized in a special chapter the crimes that fall on the public administration such as the crime of bribery, embezzlement and job investment.

CONCLUSION

Arab and Islamic societies and all countries of the world have suffered from the spread of crimes of abuse of influence. There were shouts calling for condemning this crime, limiting its spread and criminalizing it. As Power Abuse Crime is not criminalized in the Jordanian Penal

Code, which makes it easy to abuse public money and the rights of people, as a result of the lack of a criminal deterrent that criminalizes their actions.

As it turns out to us also that the crimes of abuse of influence are intended to exploit influence, whatever its source is with a public or private entity to obtain a material or moral benefit or a specific purpose, and the sources of influence derive from functional influence, from a political or economic point of view.

There have been many efforts to combat corruption and prevent it, such as joining many agreements that criminalize the abuse of influence, and the inclusion of legal texts that criminalize the abuse of influence is required. These agreements also obligate the establishment of specialized anti-corruption bodies, whose laws stipulate that Power Abuse Crime is a corruption crime, and also tracks down anyone who abuses his influence in illegal means.

RECOMMENDATIONS

- 1) The necessity of including Power Abuse Crime in the Jordanian Penal Code.
- 2) Spreading the culture of sincerity and non-infringement of the integrity of the public office among the members of society, in order to maintain justice and equality.

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