

# CRIMINAL PROTECTION FOR JUVENILES (A COMPARATIVE STUDY BETWEEN INTERNATIONAL LAW AND THE JORDANIAN JUVENILE LAW NO. (32) OF 2014)

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## Abstract

The study aimed to clarify the concept of the juvenile according to International conventions and Jordanian legislation, identify the scope of juvenile delinquency, review the guarantees for juveniles granted by the Jordanian legislator, in terms of the authority competent to investigate the juvenile, and indicate how to investigate him, how to arrest him and where he is deposited upon arrest, and how to submit him to the Personality Study Office and refer him to the competent court, and other guarantees. The results of the study indicated that the juvenile is everyone under the age of eighteen, the juvenile delinquent is the person who falls within criminal responsibility and has not reached the age of civil capacity, and that Jordanian legislator is in the juvenile's best interest, protection, reform, rehabilitation and care. The Jordanian legislator created a competent authority to investigate juvenile crimes, in addition to the presence of a probation officer at all stages of the investigation and trial of the juvenile, and to study the personality of the juvenile and economic and social conditions surrounding him to reach the circumstances that led him to commit the crime. The Jordanian legislator also ensures that the juvenile receives a fair trial by making his trial confidential, and the juvenile may not be tried without the invitation of one of his parents, guardians, or custodians, and in the presence of the probation officer and the juvenile's lawyer. In light of the results obtained. It was recommended that the preliminary investigation stage with events be given special importance, and include the Jordanian Juvenile Law the procedures that the competent investigative authority must take in the investigation of the delinquent juvenile, as it is noted that the Jordanian Juvenile Law No. (32) Of 2014 has paid more attention to the juvenile trial stage than to the investigation stage, which is the basis on which the juvenile stage is based. Fair trial for juvenile delinquent.

**Key words:** Juveniles, International law, Jordanian Juvenile Law No. (32) Of 2014, Criminal protection.

## INTRODUCTION

The main objective of the law is to regulate the behavior of individuals in society, and to guarantee and preserve their rights and freedoms, in addition to imposing penalty and punishment on those who violate the law. In order to preserve public order, and for everyone to enjoy security and tranquility, if a crime occurred, it was necessary to conduct a prompt and fair investigation that ends with the execution of the penalty against the offender and his accomplices.

The case differs as to whether the offender is a juvenile; This is because the degree of awareness and maturity of juveniles differs from that of adults, and the circumstances of their commission of crimes are not the same, so there must be a special law for juveniles with the aim of reforming them and returning them as good members of society (Abdullatif, 2009: 312).The Jordanian legislator singled out juveniles with a special law for them according to which they were granted guarantees from the investigation stage to the arrest stage.

The Jordanian legislator has followed many international conventions that dealt with the issue of juveniles, which called for increased attention to this age group through the issuance of many conventions, the most important of which is the Convention on the Rights of the Child ratified in 1989, as under this convention the rights of juveniles have become fundamental rights cannot be ignored,

Among these rights are differentiating the treatment of juvenile delinquents from adult criminals, some guarantees related to the presumption of innocence of the juvenile, informing the juvenile of the charges against him in a simple language that he understands, the juvenile's right to seek the assistance of a lawyer, the presence of a parent during the interrogation of the juvenile, and not compelling the juvenile to testify or confess Guilty, along with other guarantees and rights.

### **Statement of Purpose**

The problem of this study revolves around identifying the guarantees approved by the Jordanian legislator for juveniles under the Jordanian Juvenile Law No. (32) of 2014.

### **Objectives of the study**

The current study aims to achieve the following:

1. Clarifying the concept of the Juvenile in accordance with what is stated in international conventions and Jordanian legislation.
2. Recognize the term of juvenile delinquency.
3. Review the guarantees guaranteed by the Jordanian legislator to the juvenile, in terms of the authority competent to investigate the juvenile, and indicate how to investigate him, how to arrest him and where he is deposited upon arrest, and how to present him to the personality study office and refer him to the competent court, and other guarantees that will be discussed in detail in the study.

### **METHODOLOGY**

To achieve the objectives of the study, the descriptive analytical and inductive approach will be used, to reach a clear understanding of the guarantees of Juvenile as guaranteed in the Jordanian Juvenile Law No. (32) Of 2014, and the Jordanian Juvenile Behavior Monitoring Law No. (37) Of 2006, in addition to reviewing the legal materials Related to this topic, which were mentioned in the Jordanian law of Criminal Procedure No. (9) Of 1961 and its amendments, and the Jordanian Penal law No. (16) Of 1960 and its amendments, in addition to reviewing and commenting on the decisions of Jordanian courts regarding juveniles.

### **Study Structure**

To achieve the desired objectives of the current study, it will be divided into two sections, as the first section deals with the definition of Juvenile in international laws, where the second section deals with Juvenile guarantees in international agreements and Jordanian legislation.

## **1- Section One: juvenile's delinquency according to international law**

The category of juveniles is one of the categories that have privacy in society, for which international conventions have singled out their own conventions and treaties, for which the Jordanian legislator has assigned a law of its own, and the delinquency of this category has its effects on society as a whole, as the phenomenon of juvenile delinquency is one of the important problems that he granted The Jordanian legislator paid most attention, and legislated a law that suits her, as this age group does not have the legal capacity that entails obligations compared to fully qualified adults.

### **1-1 Definition of Juvenile**

Juveniles are defined as: "a person who has reached the age of puberty and has not exceeded the age of eighteen" (Almadi, 2000: 159). Juvenile is: "a young person who has reached the age of discrimination and has not yet reached the age of majority" (Almajali, 2012: 4).

Juvenile category is subject to special provisions in the field of criminalization rules and criminal responsibility, and different from what is prescribed for adults (Alissawi, 1984: 29).

Based on this, the researcher believes that there is a consensus on the association of the concept of Juvenile with the person who has not completed the elements of maturity that are represented by the awareness and the ability to understand the nature and nature of his act and to estimate the results of that act, that is, the lack of will to direct himself to a certain act, or abstain from it.

#### **1-1-1 The legal definition of the event**

Juvenile is a young person whose age matches the age group specified by law. This age group is characterized by the fact that its owners are deficient in view of their age, which is related to their awareness and ability to choose (Almadi, 2000: 62).

Most of the legislations have agreed on determining the age of lack of responsibility related to the age, which is between birth and the age of seven. Thus, the legislation is agreed on the minimum age of incomplete responsibility, at the age of seven, but the legislation has differed among themselves in determining the upper limit of the age of incomplete responsibility, which ranges between fifteen and twenty years (Jokhdar,1992: 36), there are some countries that raised the juvenile age to twenty-one years, such as Sweden, or decreased it to ten years of age, such as India, and this is due to the different social and cultural factors of countries (Ibrahim,1981:37).

The legal definition of the event is linked to criminal liability; Juvenile before discrimination is without capacity and responsibility, then becomes deficient in responsibility and capacity, and then becomes fully responsible upon reaching the age of majority set by the law (Jabareen, 1998: 18).

The concept of juvenile was mentioned in the Jordanian Juvenile Law No. (32) Of 2014 <sup>1</sup>as: "Anyone under the age of eighteen", and another definition of the juvenile was given in the

Juvenile Behavior Monitoring Law No. (37) of 2006 as: A person who has completed seven and has not yet eighteen years of age, male or female.

In the first and second paragraphs of Article (6) of the Jordanian Juvenile Law No. (32) Of 2014, the Jordanian legislator specified the legal age of the juvenile, as the first paragraph considered the civil status data as evidence of the juvenile's date of birth unless it was proven that it was forged.

The second paragraph indicated that the purpose of applying and adopting this law at the time of committing the offense was to protect and care for the juvenile, the Jordanian legislator linked the definition of juvenile to the person reaching the age of seven and not reaching the age of eighteen.

By analyzing the articles of the Jordanian Juvenile Law No. (32) of 2014, it became clear to the researcher that the age stage to which the provisions of the aforementioned law apply is the stage that falls upon the completion of the age of twelve until the end of the eighteen years of age, as it became clear to the researcher that the Jordanian legislator has developed his perspective For juvenile delinquents, in line with what was mentioned in international conventions that dealt with the subject of juveniles.

This is evidenced by changing the name of the law on juveniles, as it was previously called the law of juvenile criminals, as the researcher previously mentioned, followed by the name of the juvenile reform law, through which the Jordanian legislator clarified that the goal of this law is to reform the juvenile delinquent or vulnerable to delinquency (Alkwari,2011:12).

In this context, the researcher believes that the Jordanian legislator did not address any discriminatory description in naming the Jordanian Juvenile Law No. (32) of 2014 due to the fact that this law is comprehensive in terms of various aspects of care and reform, and taking into account the best interest of the juvenile delinquent or exposed to delinquency, and this is a positive development recorded For the Jordanian legislator who always strives to reach equality and justice.

In application of the juvenile's best interests into consideration, the Amman Juvenile Criminal Court ruled in its decision No. 512/2019 issued on November 18, 2019: (... The court also found that the Jordanian legislator had authorized the trial court the execution of the penalty that would affect the juvenile's life. The freedom of the convict, taking into account the interest it deems, based on the rules of justice and fairness, which are derived from the provisions of Islamic jurisprudence, given that warding off evil takes precedence over bringing benefits, and since the measures that are imposed on juveniles, especially the youth category, even if they do not constitute a punishment within the meaning of the Juvenile Law. However, it is identical with it in terms of its impact on freedom, and because the analogy is permissible for the union of the cause, the court found that (the juvenile) is more worthy of care and protection than the one who is measured (adult) because the juvenile's interest requires his presence in a family that cares for him and takes care of his affairs in particular, as if he is in study, for example. It takes more care than placing him in juvenile rehabilitation centers. To say otherwise is contrary to sound legal logic, and because the rules of prompt justice require measuring the measures

imposed on the youth category with regard to the stay of execution with the convict with a prison sentence. The court's reference to the text of Article (4/a) of the Juvenile Law No. (32 of 2014) indicated that it takes into account the juvenile's best interest, protection, reform, rehabilitation and care when applying the provisions of this law. It takes precedence, and the provisions of repetition stipulated in the Penal law or any other law shall not apply to him, and the competent authorities must strike out any registration whatsoever from the juvenile upon his completion of eighteen years of age. Since the failure to carry out the penalty against the juvenile does not pose a threat to his life and to give him the opportunity to modify his behavior, and where the court found the morals of the accused (the juvenile) and his past to believe that he will not return to repeat the violation of the law. Since the Jordanian legislator granted the court the power to suspend the execution of the sentence imposed on the adult in accordance with Article (54) of the Penal law, it is a fortiori to suspend it for the juvenile, so the court decided to suspend the execution of the sentence against the accused (the juvenile) and all the criminal consequences of the judgment for a period of three years starting From the date the judgment acquired the final degree.

### **1-1-2 Defining juvenile in international agreements**

It was stated in paragraph (5) of Article (6) of the International Covenant on Civil and Political Rights issued in 1966 that: "The death sentence may not be imposed for crimes committed by persons under the age of eighteen years".

It can be inferred from the text of this article that the International Covenant on Civil and Political Rights considered a juvenile to be under the age of eighteen years.

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), issued in 1988, defined a juvenile offender as: "a child or a young person who, under the relevant legal systems, must be held accountable for his offense in a manner different from that of an adult".

The Convention on the Rights of the Child, signed in 1989, defined the juvenile in its first article as: "Every person who has not exceeded the age of eighteen years unless he reaches the age of majority before that under the law applicable to the child." The event, which is an internationally recognized term, which is considered a common term.

The concept of juvenile was stated in the United Nations Rules for the Protection of Juveniles Deprived of their Liberty issued in 1990: "Every person under the age of eighteen years, and that deprivation of liberty means" any form of detention or imprisonment, or placing a person in a general custodial setting or He is not allowed to leave according to his will, based on an order issued by any judicial, administrative or other public authority".

### **1-1-3 Defining juvenile in the Arab agreements**

The definition of juvenile came in Article (1) of the Arab Convention No. (18) Regarding the employment of juveniles for the year 1996 came as: "A person who has completed thirteen but not yet eighteen years of age, whether he is male or female".

The researcher did not find other Arab agreements that dealt with the definition of juveniles similar to what was mentioned in the aforementioned international conventions and charters, as there are some Arab countries, and despite the improvement of their judicial system for juveniles, still far from the minimum standards required to guarantee their rights.

As a number of Arab countries face difficulties in implementing the Convention on the Rights of the Child with regard to juveniles who come into conflict with the law, in terms of detaining juveniles with adults, the length of detention of juveniles awaiting trial, the lack of adequate health conditions inside detention centers, and the absence of rehabilitation opportunities, And the failure to develop alternative systems to deprive juveniles of their freedom, and the absence of adequate training for workers with juveniles in providing psychological support and social integration (Shaalán,2015).

### **1-2 Juvenile delinquency**

Juvenile delinquency is one of the issues that has taken an important place in man-made legislation. The word delinquency indicates to “a violation committed by the delinquent and punishable by law, and it refers to any act that causes harm to others (Mousa, 2006: 120).

A juvenile delinquent is a person who falls under criminal responsibility and has not reached the age of civil capacity. Delinquency is an adjective given to a young person who has not yet reached the age of eighteen. If the juvenile commits a social or moral act that is not criminal, this act is not considered delinquency; this is because juvenile delinquency is an expression of a specific specialization of a case of criminal behavior associated with young age (Jokhdar, 1992: 8). Accordingly, it becomes clear to the researcher that the meaning agreed upon among legal scholars in defining delinquency is that a juvenile who has not completed eighteen years of age violated the legal rule, and as a result of this breach, the juvenile is reformed, and his behavior is evaluated in application of what was stated in the Juvenile Law.

### **1-3 The scope of juvenile delinquency**

Juvenile delinquency has two forms, as the first form is represented by actual or positive delinquency (real delinquency), in which juvenile is committing a criminal offense, such as forgery, theft, harm, or beating (Alkowari, 2011: 12). Actual or positive delinquency is considered a direct model of criminal juvenile delinquency, because it definitively reveals the criminal status of the event, and because it is the most influential image in society in terms of the effects resulting from the criminal behavior of the event, which affects the security and tranquility of the individual and society (Mousa, 2006: 122).

In this context, it is worth noting the criminal risk, which is considered the basis of the actual delinquency, where the criminal risk is based on the possibility of the juvenile committing criminal acts again, that is, the juvenile committing a previous crime that gave him the criminal risk and there is a fear of committing a new crime. In this context, it is worth noting the criminal risk, which is considered the basis of the actual delinquency, where the criminal risk is based on the possibility of the juvenile committing criminal acts again, that is, the juvenile

committing a previous crime that gave him the criminal risk and there is a fear of committing a new crime (Jokhdar, 1992: 15).

The criminal danger is the result of the previous illegal acts that were issued by him. If the juvenile has not previously committed a criminal act, he may not be considered a delinquent, even if he has the possibility of committing criminal acts in the future, and accordingly, the basis on which the legislator relies for the establishment of the criminal risk is The juvenile has committed previous criminal acts that generated the criminal risk of the possibility of committing other criminal acts. While the second form is represented by judgmental or legal (virtual) delinquency in which the juvenile does not commit any criminal behavior, but is subject to delinquency, and for this reason it is called judgmental or virtual delinquency, meaning that it is not real, and in this case, the juvenile in this form is called the juvenile prone to delinquency or delinquency (Ibrahim, 1981: 42).

Judicial delinquency is available in the event that the juvenile is in certain living conditions that may cause his delinquency, which necessitates taking measures to protect him. Article (33) of the Jordanian Juvenile Law No. (32) Of 2014 stipulates the cases in which the juvenile needs care, which are:

- a) If he is under the care of a person who is not qualified to take care of him, due to his habitual criminality, addiction to drunkenness, narcotics and psychotropic substances, or his moral degeneration, or if he has been convicted of committing an immoral offense with any of his children or any of those entrusted with their care.
- b) If he performs acts related to prostitution, debauchery, corruption of morals, gambling, or any other illegal acts, or serving those who perform these acts, or mixes with those of whom bad conduct is known, or takes advantage of any of them, including acts of beggary or begging.
- c) If he does not have a stable place, or he usually sleeps in the streets.
- d) If he does not have a lawful means of subsistence, or if he does not have a trustworthy breadwinner, and his father or one of them is dead, imprisoned, or absent.
- e) If he is misbehaving and outside the authority of his father, guardian, custodian, or mother, or if the guardian is dead, absent, or incompetent.
- f) If he was begging, even if he covered it up by any means.
- g) If he is a street vendor or a waste tamper.
- h) If he is subjected to intentional abuse by his parents or any of them in a way that exceeds the forms of discipline permitted by law and public custom.
- i) If he is in grave danger if he remains with his family.
- j) If he is under the age of twelve and has committed a misdemeanor or felony.
- k) If he was an employee in violation of the legislation.

Article (34) of the Jordanian Juvenile Law No. (32) of 2014 granted the right to the execution judge, and based on the report of the director of the directorate upon the report of the probation officer, and after the execution of the sentence period, to decide to refer the juvenile in need of care to the juvenile care home (1) if he In need of protection or care in accordance with the provisions of Article (33) of this law, and based on the decision of the judge of execution of the judgment.

It was stated in the decision of the East Amman Court No. 443/2020 issued on 30/6/2020 that: (... and by extrapolating our court to the previous texts, it is clear that the Jordanian legislator distinguished between a juvenile in need of care and other juvenile. The Jordanian legislator specified in Article (33) of the Juvenile Law who is the juvenile who needs care, and the Jordanian legislator specified in Article (37) of the same law what measures the court takes to protect and care for the juvenile in need of care. Since the respondent is from the category of juveniles in need of care because she was begging, the Court of First Instance should consider her in need of protection and care and take the necessary measures to protect and care for her, and where the Court of First Instance did not go, the reason for the appeal responds to its appealed decision. Accordingly, and based on the foregoing, we decide, pursuant to the provisions of Article (14) of the Magistrate Courts Law, to accept the appeal as a subject matter, rescind the appealed judgment, and return the papers to their source to proceed in the light of what we have explained, and then take the legal requirement).

## **2- Second section: Guarantees of the juvenile in international agreements and Jordanian legislation**

Before starting to deal with the guarantees of the juvenile in international conventions and Jordanian legislation, it is necessary to shed light on the criminal responsibility of the juvenile, as criminal responsibility means that a person bears the consequences of his illegal actions that he performs by his own free will and choice.

Accordingly, the basis of criminal responsibility is discrimination, awareness and freedom of choice, and this freedom depends on the discrimination and will enjoyed by the offender while carrying out his criminal acts.

Responsibility is defined as the capacity of a person, to be attributed to him for his action and to be held accountable for him, and responsibility is the liability that results as a result of a statement or act issued with the intent of the qualified person responsible and has consequences (Almadi, 2000: 172). Therefore, responsibility means the person bears the result of his work, whether that action is positive or negative.

As for criminal responsibility, it is the obligation to bear the legal consequences arising from the availability of the elements of the crime, and the subject of this obligation is the imposition of a penalty or a precautionary measure determined by the Jordanian legislator in the event that any person is responsible for committing the crime (Almajali, 2012: 47).

Criminal responsibility is linked to the juvenile's age, as it is absent, diminished or completed according to the juvenile's age stage. The undistinguished juvenile is considered one of the

categories that are not criminally questioned, as it is forbidden to apply punishment to that category, and the justifications for refraining from applying the punishment are logical justifications that revolve around the lack of will, capacity and awareness of the undistinguished juvenile (Alhakami,2017: 38).

The Jordanian legislator has taken into account the degree of responsibility that the juvenile bears according to the age stage to which he belongs. Article (2) of the Jordanian Juvenile Law No. 32 of 2014 defines the juvenile as anyone who has not reached the age of eighteen, and the adolescent as one who has completed twelve and has not He is fifteen years old, and the boy is one who has completed fifteen and has not yet eighteen years of age.

In this context, the researcher believes that the Jordanian legislator has followed the lead of international conventions in determining the age of the juvenile as being under the age of eighteen, and he has graduated with criminal responsibility for the juvenile according to his awareness of the seriousness of the crime he committed.

As for paragraphs (b) and (c) of Article (4) of the Jordanian Juvenile Law No. 32 of 2014: “Despite what is stated in any other legislation, no one who has not completed twelve years of age shall be criminally prosecuted.” Juveniles shall not be sentenced to death or to hard labor”.

Paragraph (a) of Article (2) of Juvenile Behavior Control Law No. (37) of 2006 indicated that a juvenile is: “Any person who has completed seven and has not yet eighteen years of age, male or female”. Accordingly, criminal responsibility is graded to reach full responsibility according to age and completeness of awareness.

There is a division prevalent in the penal systems comparative to the stage of modernity, as the criminal responsibility of the juvenile ranges into three stages, which are (Almajali, 2012: 53-55):

### **1. The stage of lack of awareness:**

It is the age stage at which the juvenile is exempted from bearing the consequences of his actions; this is due to the incompleteness of his mental awareness and intellectual awareness.

### **2. The stage of partial realization:**

This stage is characterized by the fact that the law assumes that the juvenile has obtained a certain amount of freedom of choice and awareness, but it is not permissible to impose penal responsibility on him, but only the juvenile may be held socially accountable with the intention of reforming and rehabilitating him by imposing disciplinary measures on him. This stage is considered an extension of the stage of lack of awareness, as it does not impose any penalty on the juvenile, regardless of the gravity of the act he committed, but it differs from it by the permissibility of social accountability of the juvenile for the purposes of imposing some measures aimed at rehabilitating him.

### **3. The stage of full realization:**

This stage begins with the juvenile reaching the age of majority. Most of the comparative legislations have specified the age of majority when the juvenile reaches the age of eighteen,

as the researcher previously mentioned. Then the juvenile becomes eligible for full criminal responsibility with all the consequences of this stage, so all the penalties prescribed for the crimes he commits are imposed on him, and these penalties are not reduced except on the basis of general rules established within the provisions of the laws. Therefore, there is no way for the juvenile legislation to be applied to those who have reached this age, so they are outside the scope of application of the Special Juvenile Law, and are not tried before the Juvenile Court. The Jordanian legislator stipulated in Juvenile Law No. (32) of 2014 that the juvenile is Anyone under the age of eighteen, meaning that the Jordanian legislator has set the upper limit of the juvenile at eighteen years.

## **2-1 Guarantees of the event in international conventions and covenants**

The increase of crimes committed by juveniles has contributed to increasing international interest in discussing juvenile delinquency, trying to solve the problems that lead them to delinquency and committing crimes, and providing them with adequate guarantees in case they commit crimes. The articles of the International Covenant on Political and Civil Rights issued in 1966 stipulated separating juvenile defendants from adults, treating them in accordance with their age and legal status, and referring them as quickly as possible to the judiciary to decide their cases.

The prison system must take into account the treatment of prisoners, the main objective of which is their reform and social rehabilitation, and to make all legal procedures appropriate to their age and conducive to the need to work on their rehabilitation.

As stated in the Convention on the Rights of the Child signed in 1989 that: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, the best interests of the child shall be the primary consideration.

The Convention obligates signatory States to recognize “the right of a child who has been placed in the custody of the competent authorities, for the purposes of care, protection or treatment of his physical or mental health, to a periodic review of the treatment provided to the child and of all other circumstances relevant to his placement.”

and that: “(a) no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment, nor shall the death penalty or life imprisonment be imposed for offenses committed by persons under eighteen years of age without possibility of release; (b) that no child shall be deprived of his or her liberty unlawfully or arbitrarily, and the arrest, detention or imprisonment of a child shall be in accordance with the law and shall not be imprisoned except as a measure of last resort and for the shortest appropriate period of time; (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults, unless he considers it to be in the child's best interest otherwise, and shall have the right to maintain contact with his family through correspondence and visits, except in exceptional circumstances. (d) Every child deprived of his or her liberty shall have the right to prompt

access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action”.

Signatories to the Convention must also “recognize the right of every child who is alleged to have, accused of, or proven to have violated the penal law to be treated in a manner consistent with raising the child’s sense of dignity and worth”, and strengthens the child’s respect for the human rights and fundamental freedoms of others, and takes into account the child’s age and the desirability of encouraging the child’s reintegration and playing a constructive role in society”.

Taking into account the provisions of the relevant international instruments, the States Parties shall ensure, in particular: (a) the child has not been alleged, accused of, or proven to have infringed the penal law because of acts or omissions that were not prohibited by national or international law at the time they were committed; (B) Every child alleging or accused of having infringed the penal law shall have at least the following safeguards: (i) presumed innocent until proven guilty in accordance with the law; (ii) notify him promptly and directly of the charges against him, through his parents or legal guardians where appropriate, and obtain legal or other appropriate assistance to prepare and present his defence;(3) independent and impartial judicial authority or body decides his case without delay in a fair trial in accordance with the law, in the presence of legal counsel or other appropriate assistance and in the presence of his parents or legal guardians, unless it is considered that it is not in the best interests of the child, and in particular if taking into account his age or condition, (4) Not to be compelled to give testimony or to confess guilt, to cross or to secure cross-examination of opposing witnesses and to ensure the participation and cross-examination of witnesses in his favour, under conditions of equality; (5) If he is deemed to have violated the Penal law, ensure that a competent authority or a higher independent and impartial judicial body in accordance with the law reconsiders this decision and any measures imposed accordingly; (6) To obtain the assistance of an interpreter free of charge if the child is unable to understand or pronounce the language used; (7) ensure that his private life is fully respected during all stages of the proceedings.” In addition, States Parties shall endeavor to “strengthen the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged, accused or proven to have infringed the penal law.

In particular, to: (a) establish a minimum age below which it is assumed that children do not have the capacity to infringe the penal law. Finally, this article states that: “Various arrangements, such as care, guidance and supervision orders, counselling, testing, foster care, vocational education and training programs and other alternatives to institutional care, shall be available to ensure that children are treated in a manner appropriate to their well-being and proportionate both to their circumstances and their offence.

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty issued in 1990 dealt with the conditions and conditions of juvenile detention, such as “to ensure respect for the human rights of juveniles, and to ensure that they benefit from useful activities and programs aimed at promoting and maintaining their health and self-respect, in detention

facilities, strengthening their sense of responsibility, and encouraging attitudes and skills that help them develop their potential as members of society, and that “juveniles deprived of their liberty, for any reason related to their situation, shall not be deprived of the civil, economic, political, social and cultural rights conferred upon them by national or international law.” which does not conflict with the deprivation of liberty”.

The competent authority shall ensure the protection of the individual rights of juveniles, with special regard to the legality of the implementation of detention measures, provided that the objectives of social inclusion secure regular inspections and other means of control carried out, in accordance with international standards and national laws and regulations, a duly constituted body authorized to increase juveniles and not affiliated with detention facility.

These rules apply to all types and forms of detention facilities in which juveniles are deprived of their liberty. Sections I, II, IV and V of the Rules apply to all detention facilities and institutional frameworks in which juveniles are detained, while Section III applies specifically to juveniles who are arrested or awaiting trial.

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty also deal with the conditions of arrest of juveniles, as stated in Article 17: “Juveniles who are arrested or awaiting trial (who have not yet been tried) are presumed innocent and are tried on this basis, avoiding, as far as possible, their pretrial detention, and shall limit this to exceptional circumstances, and shall therefore make every effort to apply alternative measures.

But if preventive detention is used, juvenile courts and investigative bodies shall give high priority to expediting these cases to the maximum extent to ensure the shortest possible period of detention, separating juvenile detainees who have not been tried and those who have been convicted.

Article (18) stipulates the right of juveniles to obtain legal advice and to apply for free legal aid, wherever such assistance is available, and to contact the legal advisor regularly.

This contact guarantees privacy and confidentiality, in addition to providing the opportunity for juveniles to work for a fee, and to continue education or training, but they may not be obligated to do so. Employment, education or training should in no way be continued because of continued detention.

In addition to the aforementioned international covenants and conventions, PRI works to develop and activate international human rights instruments related to criminal justice, to abolish all forms of discrimination in criminal procedures, and to reduce the use of imprisonment and its replacement with non-custodial penalties aimed at reintegrating people who are in Conflict with the law, taking into account the interests of the victims.

PRI's work in the field of juvenile justice is based on Articles 37 and 40 of the Convention on the Rights of the Child, the United Nations Model Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the United Nations Guidelines for the Prevention of Juvenile Delinquency (the

Riyadh Principles), the African Charter on the Rights of the Child (Article 17), and other United Nations standards concerned with the protection of the rights of persons in detention.

Penal Reform International considers that any decision related to a child's conflict with the law must respect the best interest of the child, the principle of non-discrimination, the right to life and development, respect for the child's privacy, and the principle of relativity of judgment.

The International Organization for Penal Reform encourages the establishment of an independent and competent judicial system for juveniles, resorting to diversion programs to reduce the risk of juveniles entering the judicial system, and creating educational programs, welfare programs and social guidance.

## **2-2 Guarantees of juveniles in Jordanian legislation**

The Jordanian legislator derives from international rules and conventions the texts of the Jordanian Juvenile Law No. 32 of 2014. Whereas Paragraph (a) of Article (4) of the Law stipulates that: "The juvenile's best interest, protection, reform, rehabilitation and care shall be taken into account when applying the provisions of this Law".

This law records the granting of guarantees to the juvenile in the initial and preliminary investigation stages, in his non-restriction, in the confidentiality of the investigation with him, in obtaining a fair trial, in the appointment of a lawyer, and during his deposit with the competent authorities.

### **2-2-1 Guarantees of juvenile in the preliminary investigation stage**

The Jordanian legislator created a competent authority to investigate juvenile crimes, as stated in paragraph (a) of Article (3) of the Jordanian Juvenile Law No. 32 of 2014: "A police department shall be established in the Public Security Directorate specialized in juveniles under this law".

This is progress recorded by the Jordanian legislator in the field of juvenile law, after the task of the initial investigation was entrusted to the regular police who were dealing with juvenile crimes without taking into account their psychological situation.

Accordingly, the Jordanian Juvenile Law No. (32) of 2014 stipulates that the juvenile police are qualified to deal with the situation of the juvenile and study the circumstances that prompted him to delinquency and commit criminal acts, in addition to stipulating the presence of a probation officer at all stages of investigation and trial, in accordance with Article ( 10) of the Jordanian Juvenile Law No. (32) of 2014.

In this regard, the Court of Cassation ruled in its decision No. 3337/2019 issued on August 22, 2019 that: (... We also find that the Court of First Instance violated the provisions of Article (11) of the Juvenile Law by not referring the two juvenile suspects (...) (...) to the Behavior Monitor to conduct a social study for them, and that the Court of Appeal did not notice this, so we decide to set aside the Appeal Decision No. (19224/2019) issued by the Amman Court of Appeal and return the papers to their source to take the legal requirement, and since the

cassation occurred in favor of the two convicted persons ..... it will have effect Ordinary cassation in accordance with the provisions of Article (291/4) of the law of Criminal Procedure.

The Jordanian legislator has given the juvenile police the power to dispose of the facts in which the juvenile is the defendant. The Jordanian legislator permitted the juvenile police to settle disputes in violations and misdemeanors in which the penalty for the act does not exceed two years and with the consent of the parties to the conflict on the settlement, and in the crimes whose consideration depends on a complaint from the aggrieved. Dispute resolution procedures are confidential and may not be invoked before any court or entity.

The researcher believes that this power granted to the juvenile police in settling disputes before submitting to the competent court, represents an important guarantee for the juvenile delinquent, in order to preserve his psyche from being subject to investigation procedures and appearing before the judiciary.

Among the important guarantees that juveniles benefit from and that preserve their freedom and dignity, members of the judicial police, despite the authority granted to them by law in settling disputes, are subject to the supervision of a judicial authority, which is the public prosecutor in all the procedures that the juvenile police implement. And that the Jordanian legislator has obligated the judicial police officials to deposit with the public prosecutor the information and seizure records that they organize in the cases where the law allows them to do so, along with the rest of the papers and evidence that are seized from the crime scene (Alhakami, 2017: 58).

The Jordanian legislator adopted the system of the public prosecution specialized in investigating juveniles. Article (7) of the Jordanian Juvenile Law No. 32 of 2014 states: "The Judicial Council shall allocate members of the Public Prosecution to consider juvenile cases". The first function of the Public Prosecution Office is to represent the community in bringing charges and to initiate a public right case under the Jordanian law of Criminal Procedure and its amendments.

Hence, the importance of having a specialized and qualified public prosecution in the investigation of events, where its members are selected for the sake of scientific competence and legal formation of the person, and the presence of experience and knowledge of psychology, sociology and criminology, and there is a special interest in the problems of juvenile delinquency in line with dealing with this age group, which is characterized by exceptional characteristics. The investigation of the juveniles requires an in-depth study of the same event to identify the main reasons that led them to delinquency.

These reasons form the basis for the investigation stages with juveniles (Aziz,2013), and for this reason, it is not sufficient for a member of the Juvenile Prosecution to be a member of the Public Prosecution Office, but rather he must be subject to courses and rehabilitation programs that include sciences related to juvenile delinquents, and the laws relating to delinquent childhood, before starting his work in Juvenile Public Prosecution (Mousa,2006: 139).

Among the procedures that are followed with the juvenile during the investigation: Recording the juvenile's confessions in a special record, and the juvenile defendant ratifies them, so the clerk records the testimony, then he reads the statement again on the juvenile until the juvenile signs the statement (Almadi,2000: 183).

It should be noted that the investigation with the juvenile does not end when the crime is proven or denied, but the investigation judge studies the personality of the juvenile to whom the crime is attributed to reach the circumstances that led the juvenile to commit the crime by referring him to the Personality Study Office, where the probation officer provides the public prosecutor with the conditions of the juvenile, his family, and the surrounding circumstances, including the physical and social, the environment in which he grew up, his school and his educational attainment.

Judicial police officers must avoid placing iron restraints in the hands of the juvenile, and not accompany him to the courts by force of arms; because these actions may provoke feelings of pain and hatred in the same event. Accordingly, it is not permissible to restrict the juvenile or to use force against him or to isolate him unless he shows rebellion or violence or fear for him and others by his actions that harm him and those around him. Whereas Paragraph (d) of Article (4) of the Jordanian Juvenile Law No. 32 of 2014 states: "It is prohibited to restrict a juvenile, use force against him, or isolate him, except in cases where he shows rebellion or violence and within the limits of what is necessary. "

The Jordanian legislator has granted the juvenile a guarantee of the confidentiality of the investigation procedures by not allowing the public to attend the investigation procedures, in addition to not displaying the investigation for public, and if paragraph (a) of Article 14 stipulates the confidentiality of the dispute settlement procedures, then, all stages of the investigation of the juvenile must be confidential as well.

The researcher believes that the confidentiality of the investigation of the juvenile is an important guarantee for it. This is because the confidentiality of the investigation with the juvenile contributes to neutralizing the investigator and not being influenced by public opinion, in order to guarantee the juvenile's best interest in accordance with paragraph (a) of Article (4) of the Jordanian Juvenile Law No. 32 of 2014, as the researcher previously mentioned.

### **2-2-2 Guarantees of the juvenile during trial**

Article (15) of the Juvenile Law No. (32) Of 2014 states that "Juveniles are not tried except before the competent juvenile courts in accordance with the provisions of this law. Juvenile judges and judges of execution of judgment in their courts are called with experience.

It is taken into account that the judge continues to consider juvenile cases in juvenile courts of all levels. As it was stipulated: "A juvenile magistrate's court shall be formed in each governorate at least, and it shall be competent to consider violations and misdemeanors whose punishment does not exceed two years and measures of protection or care,

A Juvenile Court of First Instance shall be formed in the center of each governorate if the need arises, and it shall have jurisdiction over felonies and misdemeanors whose punishment exceeds two years.

Judgments issued by the Magistrate's Courts and the Court of First Instance are subject to the provisions and procedures for appeal and objection stipulated in the Magistrate Courts Law and the law of Criminal Procedure, as the case may be, and the guardian, trustee, custodian or attorney-in-law may act on behalf of the juvenile in these procedures.

One of the guarantees of a juvenile obtaining a fair trial is that he will not be tried with adults, as Article (16) of the Jordanian Juvenile Law No. 32 of 2014 states: "If he participates in the same crime or in juvenile and adult-related crimes, he shall separate them by a decision of the Public Prosecution." The public file shall be organized for juveniles to be tried before juvenile justice in accordance with the provisions of this law".

In this regard, the Amman Court of Appeal ruled in its Decision No. 805/2020 issued on August 13, 2020 that: "...and by responding to the reasons for the appeal, our court finds: that the Court of First Instance has conducted the trial of the juvenile appellant (..) with adults Contrary to the provisions of Article 5/1 of Juvenile Law No. 32 of 2014, and not the fourth article as stated in the appeal of the Public Prosecution, and our court also finds that the Public Prosecution did not separate the juvenile and adults during the investigation procedures in accordance with the requirements of Article 16 of the Juvenile Law, which arranges the nullity of the investigation and trial procedures, which makes the reasons for the appeal respond to the appealed decision and must be annulled, for this reason, based on the foregoing, and pursuant to Article 269 of the penal law, the court decides to rescind the appealed decision and return the papers to their source to proceed with the case according to the rules and taking into account the provisions of Articles 5, 15 and 16 of the Juvenile Law.

Another important guarantee for a juvenile to have a fair trial is: the confidentiality of the trial, as Article 17 of the Jordanian Juvenile Law No. 32 of 2014 states: The trial of the juvenile shall be conducted in secret, under pain of nullity. No one is allowed to attend the trial except for the probation officer, the juvenile's lawyer, his parents, guardian, custodian, or custodian, as the case may be, and whoever the court decides to attend is directly related to the case.

In this regard, the Amman Court of Appeal ruled in its Decision No. 44352/2016 dated November 29, 2016 that: (Referring to the minutes of the trial at the Court of First Instance, we find that the Court of First Instance did not apply this commanding text, which makes its procedures in sessions that were not held in secret void, and accordingly this reason responds to the appealed decision and must be annulled, for this and based on the foregoing, we decide to cancel the decision The appellant and return the papers to their source to take the legal requirement).

The researcher believes that the provision on the confidentiality of the juvenile's trial constitutes an important guarantee for him to preserve his reputation and that of his family and to take into account his psychological state, and to keep him away as much as possible from

the atmosphere of the trial and the consequent fear and dread. Jordanian Events No. (32) Of 2014, as mentioned by the researcher previously.

Other guarantees for a juvenile to obtain a fair trial are what is stated in Article (22) of the Juvenile Law No. (32) Of 2014 in that it is not permissible to try a juvenile without the invitation of one of his parents, guardian, guardian or custodian, as the case may be, and in the presence of the probation officer and the juvenile's lawyer.

The court must understand the juvenile at the start of the trial of the accusation against him and ask him about it in a simple language that he understands. If the juvenile confesses to the accusation, his confession is recorded in words that are as close as possible to the words he used in his confession, and the mere confession of the juvenile is not sufficient evidence to pass judgment on him unless the court is convinced of it.

If the juvenile refuses to answer, he is considered not recognizing the accusation, and the court orders that this be recorded in the trial record. But if the juvenile denies the accusation, refuses to answer, or the court is not convinced by his recognition of it, it shall proceed to hearing the evidence, and if the court finds, after completing the hearing of the evidence, that the evidence is insufficient to convict the juvenile. It must issue its decision acquitting him or not being responsible, as the case may be.

But if it becomes clear to the court that there is evidence against the juvenile, then she must listen to his testimony and defensive evidence in the presence of his lawyer in criminal cases, with the help of his guardian, guardian, or probation officer in misdemeanors and infractions cases in his report. The court may take the juvenile out from the courtroom at any time, while his representative and the observer remain, if the court deems that the juvenile's interest requires that, provided that he is then entitled to review the procedures that took place in his absence. The public prosecutor or the court.

The use of modern technology in order to protect anyone under the age of eighteen years in the procedures for hearing witnesses, discussion and confrontation, and provided that these means enable any opponent to discuss the juvenile or the witness during the trial, and this modern technology may also be used in the procedures for hearing the juvenile as a witness in any case.

Also, sessions may not be postponed for more than seven days, according to Article (20) of the Jordanian Juvenile Law No. (32) Of 2014 (), in addition to holding sessions outside official working hours if the interest of the juvenile so requires, as Article (19) stipulates) of the Jordanian Juvenile Law No. (32) Of 2014 that: "The court shall hold its sessions on weekends and official holidays and evening periods if the interest of the juvenile so requires.

The Jordanian legislator reiterated the juvenile's best interest during his trial, stating that: "The court shall take into account the juvenile's best interest based on the probation officer's report and the evidence presented in the case, including respect for the juvenile's rights and ways of reforming and integrating him into society.

The right to appoint a lawyer is considered one of the defense rights that is considered a legal guarantee for the juvenile defendant, and he may not be deprived of the right to seek the assistance of a lawyer, regardless of the circumstances and reasons. In line with what was stipulated by many of the international agreements previously discussed by the researcher,

The Jordanian legislator has recognized the right of the juvenile defendant to seek the assistance of a lawyer at the stage of preliminary investigation and trial through the text of Article (21) of the Jordanian Juvenile Law which stated: “(A) the court shall appoint a lawyer for the juvenile in criminal cases if he does not have a lawyer or is unable to appoint a lawyer, and his fees shall be paid from the state treasury in accordance with the law of Criminal Procedure, (b) and the lawyer representing the juvenile Attending all stages of investigation and trial.

### **2-2-3 Guarantees of the juvenile during arrest**

Before starting to talk about the guarantees of the juvenile during his arrest, it is worth noting that the Jordanian legislator followed the example of the United Nations Standard Minimum Rules for the Administration of Juvenile Affairs “the Beijing Rules”, which referred to measures that the court could resort to instead of placing juveniles in correctional institutions, such as the order for custody, direction and supervision, and the situation under supervision, up to the arrest, and this depends on the severity of the crime committed by the juvenile, for the beginning, Article 33 of the Jordanian Juvenile Law No. 32 of 2014 specified the cases in which the juvenile needs protection, which the researcher mentioned previously .

The protection procedure is followed by the extradition procedure, the purpose of which is to discipline the juvenile, correct him, protect him and prevent him from returning to the crime (Cantwell, 2013). The extradition procedure can be defined as: “Subjecting the juvenile to the control and supervision of a person who has a natural inclination, an actual interest, or a moral tendency towards the discipline and care of the juvenile by imposing restrictions on his behavior to distance him from the path that violates the law (Hosni, 1989: 975).

It is preferable to resort to the extradition procedure as long as there is no need to resort to other, more stringent measures, which may negatively affect the juvenile as a result of mixing with juvenile delinquents (CRIN, 2009), and because this procedure would add an atmosphere of cooperation between the court and the party to which the juvenile is delivered, after the latter pledges to preserve it and not to prevent the juvenile and his family, friends and school (Abdullatif, 2009: 211).

The Jordanian legislator took a special direction in deciding the extradition procedure, as paragraph (b) of Article (24) of the Jordanian Juvenile Law No. 32 of 2014, stipulates that: (1) The juvenile shall be handed over to one of his parents or to a person who has guardianship or trusteeship over him; (2) If one of the juvenile’s parents, or whoever has the guardianship or tutorship over him, does not have the authority to carry out his upbringing, it shall be handed over to a member of his family who is qualified to do so, or to a trusted family whose breadwinner undertakes to do so after their consent to that.

The extradition procedure is considered a corrective measure by subjecting the juvenile to the control and supervision of a person who has a natural inclination or interest in the discipline of the juvenile, with the aim of keeping the deviant juvenile within his family or under social care and placing him in a family environment that is educationally trustworthy (Stern, 1999).

Since extradition is a corrective or preventive measure, it is prescribed for anyone who commits any crime, regardless of its nature, whether it is a felony, misdemeanor or contravention, in the stage of juvenile (Jokhdar, 1992: 95-96).

When the juvenile judge chooses this measure, he summons the person to whom the delinquent juvenile is handed over, informs him of the size of the responsibility entrusted to him, and urges him to take good care and guidance in order to avoid the juvenile returning to delinquency again (UNICEF, 2018).

In order for the extradition procedure to achieve its desired goal, the Jordanian legislator restricted the juvenile judge when handing over the juvenile who committed a crime, with several restrictions, including: Taking into account the delivery of the juvenile to those who have moral guarantees and that they can carry out his upbringing according to the instructions of the court or the probation officer.

With regard to the duration of the extradition procedure, the Jordanian legislator did not specify a specific period, when the extradition is for one of the parents, guardians or guardians, as this matter was left to the juvenile court with its discretion, but if the extradition is to non-parents, the period of extradition should not exceed one year (Abdullatif, 2009: 222).

With regard to juvenile alimony during the handover period, the Jordanian Juvenile Law No. 32 of 2014 did not include a text regarding juvenile alimony during the handover period, but it was stated in paragraph (b) of Article 39 of the same law that: "If it is found that the person responsible for the maintenance of the juvenile in need of protection or care is able to provide his support, in whole or in part, then the Minister or whomever he authorizes in writing to do so, and on behalf of the juvenile in need of protection or care, may take what is necessary to initiate judicial procedures with the competent authorities to compel that The person responsible for the alimony, as determined by those authorities".

With regard to the responsibility of the juvenile recipient, some juvenile legislation that took the extradition procedure decided the responsibility of the juvenile recipient in the event of neglect or negligence, because the person who received the juvenile is supposed to pledge to maintain his behavior and upbringing (Scharf,2005), but the Jordanian legislator has neglected this.

Other alternative measures to the detention of juveniles in correctional institutions include: social monitoring, which is defined as a judicial system to track and monitor the condition of accused or convicted persons and apply all available technical means, to know the factors of their deviation and help them to meet their social and personal requirements (Almoghrabi & Allaithi,1967: 344) with the aim of treating and correcting them outside the walls of the penal

institutions, by regulating their lives while they remain in their families, that is, it is a method of social research or social service for the accused and the convicted (Awad,1995: 129).

The Jordanian legislator has adopted the social control system under the title "judicial supervision", where supervision was defined as: "Putting the juvenile in his natural environment under direction and supervision, taking into account the duties determined by the court, and the period of judicial supervision may not exceed one year.

The researcher believes that despite the many advantages of the social control system, the most important of which is achieving the desired goal of reforming and rehabilitating juveniles by treating them in the natural environment without them feeling a change in their usual daily life, it is not implemented by juvenile courts, and perhaps the reason is due to This is due to the lack of sufficient specialized and dedicated staff to properly implement the monitoring decision.

Another alternative procedure for arresting juveniles is to send them to one of the centers designated for training or that can accept the training of juveniles so that they acquire a trade or craft, and these centers are not required to be governmental, but may be private centers, provided that the judge is sure that they follow a system that is useful at the level of Ethical and rehabilitative (Aledwan, 2013: 164-165).

The Jordanian legislator stipulated this procedure in the Jordanian Juvenile Law No. 32 of 2014, which authorized the court to take any of the non-custodial measures such as enrolling in vocational training in a specialized center for a period not exceeding one year, or enrolling the juvenile in rehabilitation programs organized by the Ministry of Social Development or any other From civil society institutions or any other body approved by the Minister of Social Development.

In the event that the juvenile does not respond to any of the aforementioned procedures, the procedure of arrest is resorted to, which is considered one of the most severe procedures inflicted on the juvenile; Being a freedom-depriving measure, the juvenile is obliged to reside in a specific place during a specific period of time in which he is subject to a specific daily program (Altrabolsi, 1984: 156).

In the Jordanian Juvenile Law No. (32) of 2014, the Jordanian legislator included special provisions regarding the arrest of juveniles, as Article (8) of the law states: "Despite what is stated in any other legislation, a juvenile may not be arrested or placed in any of the role of raising juveniles, rehabilitating juveniles, or caring for juveniles stipulated in this law, except by virtue of a decision from the competent judicial authority".

It is inferred from the text of this article that the decision to arrest must be issued by a judicial authority, i.e. the competent Public Prosecution or the competent judge, because the arrest procedure is considered one of the procedures affecting the freedom and rights of the juvenile.

Paragraph (d) of Article (9) of the Jordanian Juvenile Law No. 32 of 2014 indicates that the cases in which a juvenile may be arrested are the commission of a misdemeanor or a felony, and it is understood from the Jordanian legislator's intent that the juvenile may not be arrested except in these two cases. As for violations, the juvenile may not be arrested; this is due to the

simplicity of the act, and in order to preserve the best interest of the juvenile, and to confirm the desire of the Jordanian legislator to take measures to punish the juvenile, as the researcher previously mentioned.

Paragraphs (a) and (b) of the same article have clarified that a juvenile arrested in a misdemeanor can be released in return for a financial surety bond, a personal pledge bond, or a cash insurance that guarantees the juvenile's attendance at the investigation and trial stages unless the juvenile's interest requires holding him and continuing his detention until the completion of the investigation procedures, but in the event the juvenile commits a crime, the public prosecutor or the court may release the arrested juvenile in return for a legal or financial bail bond that guarantees the juvenile's attendance at the investigation and trial stages.()

A designated place has been identified to stop the event; In view of taking into account his privacy, and preventing him from mixing with adult criminals, and this place is the Juvenile Education House, which is the house established or approved for the education and rehabilitation of detained juveniles.

The Jordanian Juvenile Law No. 32 of 2014 also required the director of the home in which the juvenile in need of protection or care resides to allow him to join educational or training programs in a specialized institution, provided that he returns to the home daily.

With regard to the period of arrest of the juvenile and the renewal of his detention, paragraphs (c) and (d) of Article (9) of the Jordanian Juvenile Law No. 32 of 2014 have specified: not exceeding ten days, provided that the interest of the juvenile is taken into account".

The public prosecutor may renew the period of detention of the juvenile for one time and must inform the juvenile education house of the renewal decision in writing. If the investigation requires continuing the detention of the juvenile, the public prosecutor must request the court to extend the detention for a period not exceeding ten days each time.

## CONCLUSION

This study reviewed the guarantees approved by the Jordanian legislator for juveniles, in terms of clarifying the concept of juvenile in international and Arab conventions, and in law, in addition to clarifying the criminal responsibility of the juvenile and its gradation, defining the authority competent to investigate the juvenile, explaining how to investigate him, how to arrest him and where he was deposited at the time of arrest, and how to present him to the personality study office and refer him to the competent court, and other guarantees by extrapolating the texts of the Jordanian Juvenile Law No. 32 of 2014, and the Jordanian Juvenile Conduct Law No. 37 of 2006, in addition to presenting the decisions of Jordanian courts in this regard.

The study reached the following results:

- There is a consensus on the part of legal jurists on the association of the concept of juvenile with a person who has not completed the elements of maturity, which are the awareness and ability to understand the nature and nature of his act and to estimate the consequences of that act, i.e. his lack of will to direct himself to a specific act or to refrain from it.

- Several international conventions have agreed that a juvenile is a person under the age of eighteen.
- Many international conventions guarantee the rights of juveniles, such as not imposing the death sentence on them, presuming their innocence until proven guilty in accordance with the law, separating them from adults and treating them in accordance with their age and legal status, referring them as quickly as possible to the judiciary to decide their cases, and the necessity of observing the prison system Treatment of prisoners, the main objective of which is their reform, social rehabilitation, and other rights.
- The juvenile was defined in the Jordanian Juvenile Law No. (32) of 2014 as: “Anyone who has not completed eighteen years of age”. Another definition of juvenile was given in the Juvenile Behavior Monitoring Law No. (37) of 2006 as: “Every person who has completed seven and has not is eighteen years old.
- A juvenile delinquent is a person who falls under criminal responsibility and has not reached the age of civil capacity.
- Juvenile delinquency has two forms. The first form is represented by actual or positive delinquency (real delinquency), while the second form is represented by judgmental or legal (virtual) delinquency.
- Actual or positive delinquency is considered the direct model of criminal juvenile delinquency, because it definitively reveals the criminal status of the juvenile, and because it is the most influential image in society in terms of the effects resulting from the criminal behavior of the juvenile, which affects the security and tranquility of individuals and society.
- Judicial delinquency is available in the event that a juvenile is present in certain living conditions that may cause his delinquency, which necessitates taking measures to protect him. Article 33 of the Jordanian Juvenile Law No. 32 of 2014 defines cases in which a juvenile needs care.
- The criminal responsibility of the juvenile is related to his age, as it is absent, diminished or completed according to the juvenile’s age stage.
- The Jordanian legislator took into account the degree of responsibility that the juvenile bears according to the age stage to which he belongs. Article (2) of the Jordanian Juvenile Law No. 32 of 2014 defines the juvenile as anyone who has not completed eighteen years of age, and the adolescent as one who has completed twelve and has not He is fifteen years old, and the boy is one who has completed fifteen and has not yet eighteen years of age.
- Paragraph (a) of Article (4) of the Jordanian Juvenile Law No. (32) of 2014 stipulates that the best interests of juveniles, their protection, reform, rehabilitation and care should be taken into account.

- The Jordanian legislator created a competent authority to investigate juvenile crimes that is qualified to deal with the situation of the juvenile and study the circumstances that led him to delinquency and commit criminal acts.
- Article (10) of the Jordanian Juvenile Law No. (32) of 2014 stipulates the presence of a behavior monitor in all stages of investigation and trial of juveniles.
- The Jordanian legislator has given the juvenile police the power to dispose of the facts in which the juvenile is the defendant, so the Jordanian legislator allowed the juvenile police to settle disputes in violations and misdemeanours, in which the penalty for the act does not exceed two years and with the consent of the parties to the dispute on the settlement and in the crimes whose consideration depends on a complaint from the aggrieved. The procedures for settling disputes are confidential and may not be invoked before any court or entity.
- The Jordanian legislator adopts the system of the public prosecution specialized in investigating juveniles, and its members are selected on the basis of scientific competence and legal formation of the person, and the presence of experience and knowledge of psychology, sociology and criminology, with a special interest in the problems of juvenile delinquency in line with dealing with this age group, which is characterized by exceptional characteristics, in addition to their subjection to courses and rehabilitation programs that include sciences related to juvenile delinquency, and the laws related to childhood delinquents before starting work in the Public Prosecution for Juveniles.
- The juvenile's confessions are recorded in a special record, and the juvenile defendant ratifies them. The clerk records the testimony, then he reads the testimony again on the juvenile until the juvenile signs the statement, and if the juvenile refuses to sign his statement, this is recorded in the body of the record. After that, the public prosecutor and the clerk sign the minutes.
- The investigation with the juvenile does not end when the crime is proven or denied, but the investigation judge studies the personality of the juvenile to whom the crime is attributed to arrive at the circumstances that led the juvenile to commit the crime, by referring him to the Personality Study Office, where the probation officer provides the public prosecutor with cases The juvenile, his family, and the circumstances surrounding him, including the physical and social environment in which he was raised and raised, his school and his educational attainment.
- Judicial police officers must avoid placing iron shackles in the hands of juveniles, and not accompany juveniles to the courts by force of arms, unless he shows rebellion, violence, or fear of him and others from his actions that harm him and those around him.
- It can be inferred that all stages of the investigation with the juvenile must be kept confidential through the text of Paragraph (a) of Article 14 of the Jordanian Juvenile Law No. 32 of 2014 on the confidentiality of dispute settlement procedures between the juvenile accused and the rest of the conflict parties.

- Article (15) of Juvenile Law No. (32) of 2014 stipulates that “Juveniles are not tried except before the competent juvenile courts, and juvenile judges and judges for the execution of judgment in their courts are called with experience, and the judge continues to consider juvenile cases in juvenile courts on different degrees.” This article also specified the degrees of the courts to which the juvenile public prosecutor must refer juveniles.
- One of the guarantees of a juvenile in obtaining a fair trial is that he will not be tried with adults, the trial is confidential, and that a juvenile may not be tried without the invitation of one of his parents, guardians, guardians, or custodians, as the case may be, and in the presence of the probation officer and the juvenile’s lawyer .It is also not permissible to postpone the sessions for more than seven days, in addition to the possibility of holding sessions outside the official working hours if the interest of the juvenile so requires.
- Article (21) of the Jordanian Juvenile Law stipulates that a lawyer must be appointed for the juvenile in criminal cases if he does not have a lawyer or is unable to appoint a lawyer, and his fees must be paid from the state treasury in accordance with the law of Criminal Procedure, and the lawyer representing the juvenile must attend all stages investigation and trial.
- The Jordanian legislator included in the Jordanian Juvenile Law No. (32) of 2014 special provisions regarding the detention of juveniles, as Article (8) of the law stipulates that: “Despite what is stated in any other legislation, a juvenile may not be arrested or placed in any role Juvenile upbringing, juvenile rehabilitation, or juvenile care provided for in this law, except by virtue of a decision from the competent judicial authority.
- Paragraph (d) of Article (9) of the Jordanian Juvenile Law No. (32) of 2014 specifies that the cases in which a juvenile may be arrested are the commission of a misdemeanor or a felony, and it is understood from the intent of the Jordanian legislator that it is not permissible to arrest a juvenile except in these two cases. It is not permissible to stop the event in it; this is due to the simplicity of the act, and in order to preserve the best interest of the event.
- A juvenile arrested in a misdemeanor may be released in return for a financial surety bond, a personal pledge bond, or a cash insurance that guarantees the juvenile’s attendance at the investigation and trial stages, unless the juvenile’s interest requires keeping him in custody and continuing his detention until the investigation procedures are completed. In the event that the juvenile commits a crime. The public prosecutor or the court may release the arrested juvenile in return for a legal or financial bail bond that guarantees the juvenile’s attendance at the investigation and trial stages.
- A designated place has been identified to stop the event; In view of taking into account his privacy, and preventing him from mixing with adult criminals, and this place is the home of juvenile education.
- Paragraphs (C) and (D) of Article (9) of the Jordanian Juvenile Law No. (32) of 2014 specify that: “The juvenile who has been charged with a misdemeanor or a felony shall be

detained in the Juvenile Education Home for a period not exceeding ten days, provided that due consideration is given to The interest of the juvenile,” and “the public prosecutor may renew the period of detention for the juvenile for one time, and he must inform the Juvenile Education Home of the renewal decision in writing”. If the investigation requires continuing the detention of the juvenile, the public prosecutor must request the court to extend the detention for a period not exceeding ten days each time.

- There are a number of challenges that prevent the implementation of an integrated system of alternative measures to arrest in the context of juvenile justice, the most important of which are: the lack of recognition of the majority of types of alternatives to punishments recognized in international standards: Limited knowledge of legal practitioners about the alternative punishment system and how to work with it and put it into practice, social workers and civil society organizations are unfamiliar with the alternative punishment system, weak infrastructure and material capabilities necessary to work with alternative punishments, and the small number of bodies supporting the application of alternative measures to the arrest penalty that negatively affects the freedom of juveniles in Jordan.

## RECOMMENDATIONS

In light of the results that have been reached, the researcher recommends the following:

1. Giving special importance to the preliminary investigation stage with juveniles, and including the Jordanian Juvenile Law clarifying the procedures that the competent investigative authority must take in the investigation of the delinquent juvenile, as it is noted that the Jordanian Juvenile Law No. (32) of 2014 has paid great attention to the trial stage. The juvenile is more interested in the investigation stage, which is the basis for the fair trial stage of the juvenile delinquent.
2. The necessity to include legal texts related to the obligation to attend the juvenile’s guardian at the stage of investigation with him, as there is no explicit text in the Jordanian Juvenile Law No. 32 of 2014 obligating the juvenile guardian to attend the interrogation sessions with him, as the Jordanian legislator focused on the necessity of the presence of a guardian Juvenile order in court hearings for juvenile delinquent.
3. Focusing on training and qualifying cadres specialized in dealing with juveniles from the scientific, psychological, social and moral point of view.
4. Activating the role of juvenile care centers by allocating a budget that meets the requirements of juvenile care, assessing their behavior, and providing all curative and preventive methods aimed at rehabilitating them and reintegrating them into society.
5. Coordination with universities to open specializations related to juvenile care, in order to hire more specialists and conduct courses to improve the level of staff responsible for raising and guiding juveniles in juvenile care centers.
6. Conducting more studies related to alternative measures to arresting juveniles.

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