

Guarantees of Juvenile Trial Procedures in Jordanian Legislation: The International Standards towards Reformatory Justice for Juveniles

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Abstract

The study analyzes guarantees of juvenile trial procedures in the Jordanian legislation, and aims to indicate that the Jordanian Juvenile Law of (2014) created two judicial functions, namely, the dispute settlement judge (in juvenile cases) and the judge supervising the execution of the final judgment of the competent court; This latter post is introduced for the first time with a view to monitoring the implementation of any measure or procedure by which juveniles are governed, as well as the establishment of juvenile trial courts. Given the nature of the study topic, several study approaches were used, the analytical approach was followed, and the researcher's critical aspect was highlighted. The study came out with a number of conclusions and recommendations, the most important of which is the need to subject the settlement of the dispute by the juvenile police under the supervision of the dispute settlement judge, who will ratify the settlement during certain periods, and indicate whether or not the decision rendered as a result of the settlement of the dispute is subject to appeal, and by adding an article that requires that in the absence of the trustee, guardian, or lawyer with the juvenile, the social behavior officer must be present with him in the stages of evidentiary and preliminary investigation.

Keywords: juveniles, juvenile courts, criminal proceedings, juvenile police, dispute settlement Judge, Sentence Execution Judge

Introduction

The juvenile justice system should protect juveniles' rights and safety and promote their material well-being and mental stability (Arteaga, 2002). Detention may only be used as a last resort, and juveniles may not be deprived of their liberty except in accordance with legislative principles and procedures and taking into account the provisions of international conventions on the protection of juveniles and the administration of juvenile justice (Douglas, 2009). Therefore, a juvenile may not be deprived of his liberty except as a last resort and for the shortest possible period, and should be limited to exceptional cases (Fried, 2001).

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Article (40) of the UN Convention on the rights of the child (UNCRC) stipulates that: “The right of every child accused of violating the law to be treated in a manner consistent with enhancing his sense of dignity and worth, taking into account the age of the child and aiming at his reintegration into society, and he also has the right for the basic guarantees, legal advice and other assistance necessary to defend him, avoid judicial proceedings and refer him to reform institutions” (Article 40, The UN Convention on the rights of the child, UNCRC).

In addition to establishing minimum standards acceptable to the UN for the protection of juveniles deprived of their liberty in any way (Furlong, 2009), consistent with human rights and fundamental freedoms, in order to counter the harmful effects of all types of detention and to promote social integration; and the unbiased application of the rules to all juveniles without distinction of race, color, sex, age, language, religion, nationality, political or other opinions, cultural beliefs or practices, properties, birth, family status, ethnic or social origin, or disability (Goonerathne, 2013). The juvenile's religious and cultural beliefs, practices, and ethical concepts must be respected (Bradley, 2002).

Accordingly, at the beginning of the year (2015), the Jordanian Juvenile Law No. (32) Of (2014) entered into force, followed by a decision issued by the Judicial Council on (31st December, 2014) to allocate (57) judges considering juvenile cases in all governorates of Jordan. The aforementioned law (Article “2”) provides for two judicial functions, namely, the dispute settlement judge (in juvenile cases) and the judge supervising the execution of the final judgment of the competent court.

The development of a new and advanced judiciary in Jordan's Juvenile Law No. (32) Of (2014) is an important step that has a significant impact on practice. The study will deal with this topic extensively, and will pay attention to all its aspects, theoretically and practically, as the importance of the study lies in clarifying the deficiencies in the amendments to the Jordanian Juvenile Law, and the extent to which those amendments are in line with international and regional standards, as well as highlighting the judicial functions of a dispute settlement judge and a supervisory judge.

Failure to address these issues leads to ambiguity and lack of implementation of the provisions of the Jordanian Juvenile Law No. (32) of (2014). The study will deal with the provisions of the Jordanian Juvenile Law No. (32) of (2014) by referring to the jurisprudential opinions and judicial rulings represented in the rulings of the Jordanian Court of Cassation, and clarifying the jurisprudential position. The researcher looks forward to the success of addressing the lack of information, ambiguity and weakness in legal provisions and

jurisprudence in order to add legal scientific knowledge to these texts, jurisprudence and practical applications.

The study aimed to demonstrate that the Juvenile Law introduced an independent juvenile justice system in terms of allocating independent juvenile courts and establishing two judicial functions, the dispute settlement judge and the execution judge (supervising the execution of the judgment), contrary to what was employed in the repealed juvenile law.

This study will address the judiciary developed in the Jordanian Juvenile Law No. (32) of (2014), and the focus will be on this topic in terms of careful and legal analysis, without addressing the procedures for not depriving liberty except to the extent necessary and incidental that the study requires, and the study will include the Jordanian legal and judicial position.

There is no doubt that the Jordanian Juvenile Law No. (32) Of (2014) needs clarification of its provisions and an indication of their compatibility with international conventions for the protection of juveniles. The study will attempt to answer the questions that represent the problem of the study topic: How compliant are the legal amendments to Jordan's juvenile law with international standards? What judicial amendments have been introduced in Jordan's Juvenile Law No.(32) Of (2014)? What role does the Dispute Resolution Judge play in juvenile cases? What role does the supervisory judge play in the execution of the sentence? What practical difficulties arise in implementing the provisions of Jordanian Juveniles Law (32) of (2014)? What legal guarantees are introduced in Jordanian Juveniles Law No. (32) Of (2014)? What practical procedures have been introduced in juvenile trials?

Methodology

Due to the diversity of legislation that differed in dealing with the sections and subjects under this topic, the study will follow the comparative approach, indicating the differences between them, and knowing the strengths and weaknesses of the different trends and the extent of their adoption. The analytical approach was also used in the study to analyze all texts of legislation related to the subject, in order to identify its content, implications, and objectives, and to criticize and comment thereon.

The critical approach was also followed to highlight the opinions and trends of jurisprudence in the matters it adopted and to highlight the researcher's critical aspect for each aspect taken by the jurisprudence. This research required the use of several approaches to its complex nature between the texts of legislation, opinions, and jurisprudential trends.

Results and Discussion

New Judicial Bodies and Positions Created for Juvenile Trial

The juvenile justice system should protect juveniles' rights and safety and promote their material well-being and mental stability (Montgomery, 2009). Detention may only be used as a last resort, and juveniles may not be deprived of their liberty except in accordance with the principles and procedures set forth in these rules and in the UN Standard Minimum Rules for the Administration of Juvenile Justice "The Beijing Rules" (Veselov, 2020), and the juvenile's liberty should be deprived only as a last resort and for the shortest period necessary, and should be limited to exceptional cases (Myers & Chan, 2012).

The judiciary should determine the length of the sentence without excluding the possibility of early release of the juvenile (Pound, 2009), and the aim of the rules is to establish minimum standards acceptable to the United Nations for the protection of juveniles deprived of their liberty (Roos & Ellison, 2009), in any way, in accordance with human rights and fundamental freedoms, in order to counter the harmful effects of all types of detention and to promote integration into society (Schinitsky, 2009).

The unbiased application of the rules to all juveniles without distinction of color, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, properties, birth, family status, ethnic or social origin, or disability (Upperton & Thompson, 2007). The juvenile's religious and cultural beliefs, practices and ethical concepts must be respected (Young, 2009). Therefore, the posts and bodies of Dispute Settlement Judge, the post of Execution Judge and juvenile trial courts have been established (Vries, & Liem, 2011).

The juvenile must be appeared before a specialized and adequately informed judge in the social and human sciences with knowledge of the juvenile's problems and treatment methods (Marsh, 2007), and that mere habeas corpus before the judge can be harmful to the juvenile himself, as it is a negative experience that he will not forget and will have a negative impact on him (Gardner, 2018).

Consequently, the existence of a specialized judge trained in dealing with juveniles draws the outcome of the juvenile's methodology and future behavior and influences his personality and willingness to reform and return once again to a good member of society (State, 2018). This is what the Jordanian legislature approached in the new juvenile law by introducing specialized judicial posts and a special court independent of other courts (Tobasi, 2004).

So that Article (13/c) of the Juvenile Law stipulates that: "The Dispute Settlement Judge may settle the dispute by himself or by referring it to any entity or person known by his reconciliation efforts, and approved by Minister in

accordance with a system promulgated to that end"(Article 13/c, The Jordanian Juvenile Law,2014).

In Article (13/a/b) of the aforementioned law, the settlement judge and the juvenile police granted the authority to settle disputes in offenses and misdemeanors, the penalty of which does not exceed two years, with the agreement of the parties to the dispute to settle; this applies to crimes whose consideration depends on the complaint of the harmed party(Qutishat, 2017; Article 13/a/b, The Jordanian Juvenile Law, 2014).

Article (14) of the Juvenile Law stipulates that the guarantees of the settlement procedures are confidential, inter alia, and may not be invoked or waived by the parties to the dispute before any court or any entity. The juvenile may not be arrested at the settlement stage. The parties to the dispute may, at any stage of the settlement procedures, request that the dispute be referred to the competent court, by requesting that from the Dispute Settlement Judge(Al-Masaeed, 2014; Article 14, The Jordanian Juvenile Law, 2014).

Where the law included in that article the subject of dispute settlement, as it permitted the juvenile police to adjudicate the dispute in irregularities and offences, the penalty of which does not exceed two years, with the agreement of the parties to the dispute to settle; this applies to crimes whose consideration depends on the complaint of the harmed party (Al-Qahwi, & Al-Qahwi, 2020).

Part of the legal jurisprudence considers that giving the juvenile police the authority to adjudicate the dispute in juvenile cases raises a number of problems, among which is that this settlement is not subject to judicial oversight, which may lead to adjudication of certain cases without fulfilling the conditions stipulated by the legislator in Article (13) of the law, especially since the legal adaptation to acts that fall under the category of offences is a sensitive matter. No specific period has been specified for the dispute settlement procedures, by the juvenile police and even by the dispute settlement judge, which contradicts with giving juvenile cases the status of urgency. Nor does the new law specify whether cases decided through dispute settlement are subject to appeal(Abdelrahman, 2007).

The legislator must therefore intervene so that the settlement of the dispute by the juvenile police is under the supervision of the Dispute Settlement Judge, who must certify the settlement within specified periods and indicate whether the decision rendered as a result of the settlement of the dispute is subject to appeal (Aloutor, 2007).

Settlement of the dispute between the victim and the juvenile who is in conflict with the law and what it may include in terms of redress, reform or compensation to the victim for the harms incurred, whether at the pre-trial stage by the juvenile police, or by the dispute's settlement judge, is one of the most

important methods of restorative justice that has been developed (Alshinikat,2017).

The execution judge was given broad powers and functions, including periodic visits to juvenile detention centers and reporting thereon (Kurtz &Giannelli,2000). Article (27) of the Juvenile Law stipulates the following: “The competent execution judge shall visit the juvenile detention centers stipulated in this law periodically at least every three months, and he shall submit a report to the head of the Judicial Council and a copy thereof to the Minister”.

The sentence execution judge has also been assigned to monitor any measure or procedure sentenced, and to ensure that the juvenile complies with the terms of implementation of the sentence (Ali, 2013). Article (29) of the Juvenile Law stipulates the following: "A. After issuing the judgment related to the juvenile, the sentence execution judge, shall assume the following duties and powers: Monitor the implementation of any measure or procedure that is imposed on the juvenile in accordance with the provisions of this law or the legislation in force"(Article 29, The Jordanian Juvenile Law, 2014).

In addition to supervising the transfer of the convict who has completed (18) years and has not completed his sentence period and/or keeping him in juvenile detention centers until he completes (20) years (Qutishat, 2017), where Article (30) of the Juvenile Law states: "The convict who has completed (18) years prior to the end of his sentence shall be transferred to the Rehabilitation and Correction Center to complete the period by a decision of the sentence execution judge"(Article 30, The Jordanian Juvenile Law, 2014).

And monitoring any action taken against the juvenile, as Article (31/c) of the Juvenile Law stipulates the following: “The Director of the Directorate shall inform the court or the sentence execution judge if any action is taken under the provisions of this article and the instructions issued in this regard” (Article 31, The Jordanian Juvenile Law, 2014).

And he was also granted the authority to release the juvenile, as Article (32) of the Juvenile Law stipulates the following: “The sentence execution judge may, after consulting the director of the Juvenile Detention Center, release any juvenile who has been sentenced and placed therein under the following combined conditions: The juvenile must be of good conduct during his stay in the center. The period spent by the juvenile in the center shall not be less than one-third the duration of his sentence, the release of the juvenile does not pose a threat to his life or safety, and he is not involved in another crime punishable by death or hard labor for a period of (15) years or more”(Article 32, The Jordanian Juvenile Law, 2014).

In addition to the authority to refer a juvenile in need to a juvenile detention center, as Article (34) of the Juvenile Law stipulates the following: "The sentence execution judge, acting on the director of the Directorate report based on the probation officer's report, and following the execution of the sentence, may decide to refer the juvenile in need of care to the juvenile detention center in either of the following cases: (1) If the juvenile is in need of protection or care in accordance with the provisions of Article (33) of this law and based on the decision of the sentence execution judge. (2) If the period of education or training is not completed in the programs to which he enrolled" (Article 34, The Jordanian Juvenile Law, 2014).

Among the recent innovations is the establishment of special courts for juvenile trials covering the governorates of the Kingdom, the formation of a magistrate's court in each governorate that is competent to consider offenses and misdemeanors, the punishment of which does not exceed (2) years, and the formation of the court of first instance in the center of each governorate if the need arises to consider felonies and misdemeanors with a penalty of more than (2) years (Al-Qahwi & Al-Qahwi, 2020), as Article (15) of the Juvenile Law stipulates the following: "The juvenile shall not be tried except before the competent juvenile courts in accordance with the provisions of this law" (Article 15, The Jordanian Juvenile Law, 2014).

A side of jurisprudence believes in establishing a specialized juvenile justice system that is fully in line with the latest international standards, including the representation of the female component, starting with the specialized judicial police, the specialized public prosecution, and passing through the specialized court, whether of the first or second degree, which considers appeals against judgments issued against juveniles and finally those responsible for the implementation of these judgments (Al-Masaeed, 2014).

So that competitive conditions are set for those who assume these positions in terms of educational level, qualification, and specialized training, whether preparatory or continuous training and the administrative bodies support the judge's function, such as clerks and document controllers must be qualified and trained on the latest standards of dealing with juveniles in accordance with the concept of criminal justice in its reformist concept. And the need to familiarize all concerned with juvenile cases with the principles of knowledge related to juvenile delinquency, such as criminal psychology and educational counseling (Al-Adwan, 2010).

The Emerged legal Guarantees for Juvenile Trials

The judge and the prosecutor must take into account the best interest of the juvenile in all procedures, whether it is related to arresting the juvenile or attending court sessions if he needs protection or care, and treat him as a son of the judge or the prosecutor, take his opinion, listen to him and develop a sense of social responsibility for the juvenile for his acts to ensure his reintegration into society (Tobasi, 2004).

Article (17) of the Juvenile Law stipulates that: "The juvenile's trial takes place confidentiality under penalty of annulment. No one may attend the trial except for the probation officer, the juvenile's lawyer and his parents, guardian, custodian, or trustee, as the case may be, and whoever is directly related to the case as decided by the court" (Article 17, The Jordanian Juvenile Law, 2014).

It is observed that the new text expressly stipulated nullity in the event of violating the confidentiality of the trial and added the child's custodian among the persons allowed to attend. Therefore, the aim of this text is to avoid the stigma that may be inflicted on the child and his family (Abdelrahman, 2007).

It can also be said that the judge tries as far as possible to consider the interest of the juvenile, especially since the law helps in this. Article (19) of the Juvenile Law stipulates that "the court shall hold its sessions on weekly and official holidays and in the evening if the interest of the juvenile so requires" (Article 19, The Jordanian Juvenile Law, 2014).

And Article (28) of the Juvenile Law stipulates that: "A personal right lawsuit shall not be accepted by the Juvenile Court, and the aggrieved party shall have the right to resort to the competent courts" (Article 28, The Jordanian Juvenile Law, 2014).

It is observed that these two texts aim to reduce the negative repercussions on the juvenile during the trial procedures and that the prolonged trial of the juvenile prevents him from linking his act to its resulting effect (Aloutor, 2007).

In its judgment No. (511/1997) of (14 October 1997), the Jordanian Court of Cassation ruled that: "The plea for the invalidity of the interrogation because it extended for a long and continuous period, causing stress to the juvenile and weakening his morale spirit, is a misplaced plea, as the appellant had to raise this plea before the prosecution and trial because such a defense needs an objective investigation and the Court of Cassation has nothing to do with it" (The Jordanian Court of Cassation, 1997).

Article (22) of the Juvenile Law stipulates the following: "A juvenile may be tried only by invitation of a parent, guardian, trustee or custodian as appropriate and in the presence of a probation officer and a juvenile lawyer" (Article 22, The Jordanian Juvenile Law, 2014).

It has been proven that the jurisprudence of the Court of Cassation considered that the presence of the lawyer with the juvenile compensates for the presence of his guardian because it achieves the purpose that the legislator intended to be someone with the juvenile to defend him, and it is believed that this text aims to protect the interests of the juvenile and enable him to defend himself (Alshinikat, 2017).

In this regard, the Jordanian Court of Cassation, in its judgment No. (834/2018) of 4 June 2018, ruled by: "In this regard, we find with reference to Article (22/a) of the Juvenile Law No. (32) Of (2014) and its amendments that it stipulates the following : (A juvenile may be tried only by invitation of a parent, guardian, trustee, or custodian as appropriate and in the presence of a probation officer and a juvenile lawyer) and it was mentioned in Article (13) of the abolished Juveniles Law No. (35) of (2017) the following: (The juvenile's guardian, custodian, or trustee must be summoned from the stage of verification with the juvenile and for the trial session by an invitation note, provided that the probation officer is notified thereof); It can be understood from this that the legislator requires for the protection of the juvenile when he is investigated before the judicial police. However, the amended Juvenile Law does not contain this provision and provides for this protection of juveniles before the court in Article (22) thereof. Thus, it is a fortiori that this protection of the juvenile is in front of the judicial police and where it is established that the juvenile accused was arrested by the Family Protection Department without the presence of any of those mentioned in the Article. (22/a) of the Juvenile Code, despite the fact that the juvenile's father was present and was not invited and that his statement was taken in the presence of his uncle, who is not considered to be one of the persons mentioned in the Article (22)" (The Jordanian Court of Cassation, 2018).

It can be argued that the attendance of the juvenile's guardian is important to reduce the fears of the juvenile and making him feel safe, thereby increasing his cooperation with the judge and the prosecutor during the investigation and trial proceedings, as well as removing the fears of parents for the child and remove the tension from them (Qutishat, 2017).

So that Article (21) of the Juvenile Law stipulates: " (a) The court shall appoint a lawyer for the juvenile in the criminal case if he does not have a lawyer or is unable to hire a lawyer, and his fees are paid from the state treasury in accordance with the Law of Criminal Procedure"(Article 21, The Jordanian Juvenile Law, 2014).

Article (4/d) of the Juvenile Law stipulates that a juvenile may not be restrained, used force against him, or isolated except in cases where he shows

rebellion or violence and within the limits of necessity(Article 4/d, The Jordanian Juvenile Law, 2014).

Therefore, it is noted that the text added the phrase (use of force); Also, replacing the phrase “when necessary” in the canceled text with the phrase “within the limits of necessity” of the article(Ali,2013).

It could be argued that the legislator performed these amendments well because of their impact on practical reality, and the addition of new cases that were not covered by the old text, such as the use of violence and force, in addition to that it is not permissible to restrain the juvenile except in cases where necessity necessitates it (Al-Masaeed,2014).

Article (4) of the Juvenile Law stipulates that: "The conviction of a juvenile shall not be deemed as criminal background, nor shall the repetition provisions of the Penal Law or any other law apply. The competent authorities shall remove any criminal record whatsoever from the juvenile upon completion of (18) years of age"(Article 4, The Jordanian Juvenile Law, 2014).

The Jordanian Court of Cassation ruled in its judgment (263/2006) issued on (20 April 2006) that: “If it is proven from Judgment No. (145/95) that the appeal against him was a juvenile of the boys' segment at the date of the commission of the offense for which he was convicted, then the judgment to rehabilitate him will be, but this situation is not applicable because he does not have criminal background according to the text of Article (6) of the aforementioned juvenile law. So, the court of first instance should have dismissed the application because the petitioner is not disqualified, where our court's jurisprudence has settled that the application of the provisions cannot be rehabilitated in all juvenile lawsuits"(The Jordanian Court of Cassation, 2006).

In its judgement No. (462/2006) of 2 May 2006, the Jordanian Court of Cassation further held that: “It is understood from Article (12) of the Juvenile Law that it prohibits publishing the name and photo of the juvenile and publishing the facts or summary of the trial in any means of publication. Consequently, it is not possible to notify the juvenile of the respite decision, as is the case in informing adults. Also, the proceedings of trial in absentia of the juvenile do not result in the invalidity of the proceedings of the trial and so that this reason must be dismissed” (The Jordanian Court of Cassation, 2006).

It is noted that the text was more comprehensive and clearer, and the legislator performed these amendments well because of their impact on the practical reality, and the addition of new cases that were not covered by the old text, such as not applying the provisions of repetition against the juvenile (Aloutor, 2007).

Article (9) of the Juvenile Law stipulates: "If a juvenile is arrested in a misdemeanor, he must be released in exchange for a financial bond, a personal pledge, or monetary insurance that guarantees his presence at the stages of investigation or trial, unless the interest of the juvenile requires otherwise"(Article 9, The Jordanian Juvenile Law, 2014).

This amendment, as some jurisprudence considers, expressly stipulated a maximum of (10) days' detention for juveniles and did not leave that to the general rules applicable to adults (Al-Adwan, 2010).

Article (8) of the Juveniles Law stipulates that: "Notwithstanding any other legislation, a juvenile may not be arrested or placed in any centers of juvenile education, juvenile rehabilitation or juvenile care provided for in this law except by decision of the competent judicial authority"(Article 8, The Jordanian Juvenile Law, 2014).

Where the text of the Juvenile Law was clearer and more comprehensive by adding the phrase "placed him in anyor juvenile rehabilitation or juvenile care ... except by decision of the competent judicial authority" (Al-Masaeed, 2014).

It could be argued that the legislator performed these amendments well because of their impact on practical reality, and the addition of new cases that were not covered by the old text, such as placing the juvenile in centers of juvenile rehabilitation or juvenile care, in addition to the requirement that the decision to detain the juvenile was issued by a competent authority. Release mechanisms through bail exchange, personal bail, or financial bail are among the most important methods of restorative justice in the new juvenile law (Qutishat, 2017).

The Emerged Practical Procedures for Juvenile Trials

The juvenile law introduced several practical procedures to try the juveniles, as Article (22) of the juvenile law regulates the investigation and trial procedures of juveniles, as it stipulated: "At the beginning of the trial, the court explains the charge to the juvenile and asks him about it in simple language that he understands"(Article 22, The Jordanian Juvenile Law, 2014).

By extrapolating this text from the Juvenile Law, it is noted that the legislator required the presence of the probation officer with the juvenile only at the trial stage, ignoring the necessity of his presence at the preliminary investigation or the evidence-gathering stage, which in light of the provisions of the law, the police may hear the statements of the juvenile independently and regardless the presence of his guardian, lawyer or probation officer, which constitutes a violation of the guarantees prescribed for the juvenile (Tobasi, 2015; Al-Billeh & Abu Issa, 2022).

Part of the jurisprudence suggests that there be a legislative amendment that requires that if the guardian, custodian, or lawyer does not appear with the juvenile, the social probation officer must be present with him in the stages of evidentiary and preliminary investigation (Arteaga,2002).

Juvenile justice aims to maintain a peaceful system of social justice and protect juveniles and youth because they are part of the development process of every country through the application of treatment programs and focus attention on preventive policies through family, community, schools, vocational training, humanitarian organizations, and civil society institutions (Upperton,& Thompson, 2007; Al-Billeh,2022a).

The majority of juvenile legislation made sure that juvenile cases should be considered in all their stages by specialists in juvenile affairs, although they did not agree on a unified formation of the court, each of them considered a specific approach that corresponds to the philosophy adopted by the legislation, while other legislation retained the jurisdiction of ordinary courts, councils or administrative committees (Ali, 2013; Al-Billeh, 2022b).

Finally, the court issues its decision, that subject to appeal, as Article (15/a) of the Juvenile Law stipulates: “Judgments issued by the Magistrates and First Instance Courts are subject to the provisions and procedures of appeal and objection stipulated in the Magistrates’ Courts Law and the Criminal Procedure Law, as appropriate, and the guardian, trustee, custodian or lawyer may act on behalf of the juvenile in such procedures”(Article 15/a, The Jordanian Juvenile Law, 2014).

Part of jurisprudence believes that the legislative wisdom is behind the legislator’s leave to retrial as one of the methods of appeal, is the inadmissibility of a wrongful conviction, and even if the judgment acquires the peremptory degree as long as it involves a serious error in proofs (Errors in evidence estimation) that led to an innocent conviction(Veselov,2020; Al-Billeh, 2022c).

It is therefore unfair not to rectify this grave error, and in the sense of this wisdom, and since it is necessary to apply a retrial to adults where one of the cases provided for in Article (292) of the Law of Criminal Procedure exists, then it is a fortiori applicable to juveniles where a retrial is available. Considering that they are the segment most in need of care and attention, there is no logic or justice in keeping the juvenile serving a sentence in a felony or misdemeanor by which the punishment has earned the final degree, despite the emergence of evidence proving his innocence (Al-Adwan, 2010).

Moreover, it could be argued that Paragraph (f) of Article (15), of the Jordanian Juvenile Law stipulates that sentences issued by the Magistrates' Courts and First Instance shall be subject to the provisions and procedures for appeals and

objections provided for in the Magistrates' Courts Law and the Law of Criminal Procedure Law, as appropriate (Alshinikat, 2017).

Therefore, it may also be argued by the necessity to expressly stipulate the state of retrial in Article (15 / f) of the Juvenile Law in order to cut off the path for every diligent who has a dissenting opinion and to keep pace with the legislation that preceded us, such as the Egyptian and Syrian legislators, and to achieve the greatest measure of criminal justice (Aloutor, 2007).

In its judgement No. (3277/2022) of 27 November 2022, the Jordanian Court of Cassation stated: "The juvenile accused confessed to the offense attributed to him in the police report that he made in the absence of the prosecutor, and through it he confessed to committing the theft. Where the prosecution presented evidence that he gave his statements voluntarily and without coercion in accordance with the provisions of Article (159) of the Law of Criminal Procedure, represented by the testimony of the investigator, where he confirmed that the juvenile accused gave his statements voluntarily and by his determination without pressure or coercion and in the presence of his mother's which is his guardian, and his statements were read to the accused and his mother, who placed her fingerprint on those statements. The Prosecution also presented evidence that the accused indicated the location of the theft and how it was committed, and that was voluntary without pressure or coercion" (The Jordanian Court of Cassation, 2022).

Conclusions

Giving the juvenile police the authority to adjudicate the dispute in juvenile cases raises a number of problems, among which is that this settlement is not subject to judicial oversight, which may lead to adjudication of certain cases without fulfilling the conditions stipulated by the legislator in Article (13) of the law, especially since the legal adaptation to acts that fall under the category of offenses is a sensitive matter. And no specific period has been specified for the dispute settlement procedures, by the juvenile police and even by the dispute settlement judge, which contradicts giving juvenile cases the status of urgency. Nor does the new law specify whether cases decided through dispute settlement are subject to appeal.

Settlement of the dispute between the victim and the juvenile who is in conflict with the law and what it may include in terms of redress, reform or compensation to the victim for the harms incurred, whether at the pre-trial stage by the juvenile police, or by the dispute's settlement judge, is one of the most important methods of restorative justice that has been developed.

Television-linked rooms have been set up in all courts of first instance in Jordan, and in the Grand Criminal Court, to allow testimonies of children, whether

they were witnesses or victims, to be heard in isolation from the offender, in order to avoid any psychological impact on the child and give him freedom during his testimony.

It is recommended to amend Article (13) of the Jordanian Juvenile Law to subject the settlement of the dispute by the juvenile police to the supervision of a dispute settlement judge who must confirm this settlement during certain periods, and to indicate whether the decision has been issued as a result of the settlement of the dispute is subject to appeal or not, and the addition of an article requires that in the event that the custodian, guardian, or lawyer does not appear with the juvenile, the social probation officer must attend with him during evidentiary and preliminary investigation stages.

The need to create a legal system concerned with juvenile justice in line with international conventions on the rights of the child, and to prepare the necessary institutional framework for establishing a specialized system for juvenile justice, developing the institutional capacities of those concerned with juvenile affairs, and facilitating justice procedures to promote the concept of child protection.

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