

The Effect of the Victim's Consent in the Crime of Human Trafficking Under the Jordanian Human Trafficking Prevention Law

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Abstract

This research addresses a critical dimension of human trafficking crimes, a pressing issue reminiscent of historical slavery and human exploitation. In particular, this study examines the role of the victim's consent in the perpetration of human trafficking crimes. Given that instances exist where victims may sometimes willingly participate in these activities, it becomes imperative to investigate the legislative and judicial stances regarding the culpability of the offender when such consent is present. The researcher initially delves into the concept of the victim and their involvement in the crime before expounding on the positions adopted by the Jordanian legislator and judiciary. It was concluded that the presence or absence of the victim's consent does not affect the criminal nature of exploitation in all its manifestations. Consequently, this research recommends the establishment of explicit and direct legal provisions addressing the issue of victim consent and its impact on criminal liability.

Keywords: Criminal law, human trafficking crimes, Jordanian law, the role of the victim in the crime

Introduction

Human groups' development has contributed to changing their thinking and concept about safety and providing protection for the group's members, which led to the abandonment of the concept of achieving justice by their own law that prevailed for a long period. Historically, it was considered the only way to maintain the security of human groups through the victim or his protector taking reciprocal retaliation for any act that constitutes a violation of the group's security or an attack on the victim (Usman, 2020). Since responding in kind was the ideal solution to

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prevent crime, it was natural for the will to play a major role in establishing justice so that the offender would not be punished if the victim consented and did not avenge himself.

But this scenario has faded today thanks to the development of human groups thinking in the context of their quest for better coexistence, especially when these groups began to form modern states. In modern societies, the responsibility for maintaining order and administering justice rests with the state rather than individual victims seeking private retaliation. This responsibility is referred to as Public Rights. It signifies the state's authority to punish those who disrupt the security of its territory, community, and citizens as part of the formal criminal justice system (AlKhatib, 2012).

In criminal justice, the predominant focus is frequently directed toward the offender and his involvement in committing the crime, thereby shaping the legal framework surrounding it. However, it is essential to broaden our perspective and consider the role of the victim. When scrutinizing the victim's role, we may uncover issues intertwined with the crime, sparking inquiries about its effects within the criminal process. Notably, one such issue arises concerning the victim's consent to participate in forms of exploitation that fall under the purview of human trafficking as a criminal offense. It is paramount to recognize that in such cases, the victim transcends the conventional role of a mere recipient of harm; they assume a dual role as both the victim and, to a certain extent, a participant in the criminal act. This dual role raises a fundamental question: Does the consent of a victim in cases of human trafficking impact the commission of the criminal acts that constitute this offense, and does the victim bear any legal responsibility in this context?

To comprehensively address the multifaceted implications of the victim's consent in human trafficking, this research attempts to investigate three key areas, examining them from a legal and judicial standpoint.

The Nature of the Victim in Human Trafficking Crimes

To comprehensively understand the impact of a victim's consent in facilitating various forms of exploitation within the realm of human trafficking crimes, it is necessary to elucidate the legal definition of this offense under Jordanian legislation. Furthermore, it was crucial to establish a clear understanding of the term "victim". The position taken by the Jordanian legislator aligned with international conventions, fostering a cohesive framework for the prevention and prosecution of human trafficking. This represented a significant international commitment, as underscored in the eighth article of the International Covenant on Civil and Political Rights of 1966 (ICCPR). This article obligates states to implement measures aimed at eradicating any practices that contribute to slavery

and human trafficking in all their manifestations, including slavery, the slave trade, and forced or compulsory labor. These measures encompass the adoption of state policies and prohibitions aimed at eliminating slavery and safeguarding individuals from any of its associated practices (AlSheikhli, 2009).

Article 31 of the ICCPR assumes a pivotal role in safeguarding the rights of the legally resident alien against arbitrary expulsion, thereby necessitating the provision of guarantees to enable them to assert their rights within the framework of the law and before competent authorities. It is pertinent to acknowledge that a significant proportion of human trafficking victims comprises foreign laborers. Hence, Article 31 serves as a crucial protective measure to ensure their capacity to defend their rights in the unfortunate event of being subjected to human trafficking. Jordan ratified the International Convention against Transnational Crime in 2000, along with its associated protocols, aimed at preventing and prohibiting human trafficking, with a particular emphasis on the protection of women and children. These protocols aimed to counteract the scourge of human trafficking and accord special attention to the vulnerabilities of women and children in this context (Sayed, 2016).

Article 2 of the same law stipulates that the State Party is committed to taking legislative measures to criminalize human trafficking and its initiation. Therefore, Jordan issued a Law to Prevent Human Trafficking No. 9 of 2009 as one of the requirements of the Protocol. The law defines the crime of human trafficking through Article 3 as follows:

A. For the purposes of this Law, "Human Trafficking Crimes" shall mean"

1. Attracting or transporting, moving, harboring, or receiving people for the purpose of exploiting them, whether by threat or the use of force or through any form of coercion, abduction, fraud, deceit, abuse of power, abuse of vulnerability, or through giving or receiving payments or any other privileges to secure the consent of a person who has control over those people; or 2. Transporting, moving, lodging, or receiving people who are under the age of 18 for *the purpose of exploiting* them, even if this exploit was not accompanied by the threat of the use of force or through any of the means stated in item (1) of this paragraph."

B. "For the purposes of paragraph (A) of this article, "Exploitation" shall mean exploiting people by forcing them to work without charge and under coercion, slavery, servitude, removal of organs, prostitution, or any other form of sexual exploitation."

C. "A Crime shall be deemed of a Transnational Nature under the following conditions: 1. if it is committed in more than one state or 2. Committed in one state but planned, prepared, directed, supervised, and financed in another state. 3. Committed in one state by an organized criminal group engaging in criminal

activities in more than one state, or 4. Committed in one state that grievously impacts another state."

It is worth observing that the Jordanian legislator has employed nearly identical phrases as those found in the relevant Protocol, notwithstanding the nuanced and distinct meanings and connotations these phrases hold within the sphere of public international law, distinct from their domestic counterparts. For instance, the term "Forced or compulsory labor," as referenced in both the domestic legislation and the Protocol, is thoroughly delineated within Article 2 of the International Labor Organization Convention No. 29 of 1930, which prescribes it as: "*All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.*" Additionally, the term "slavery" is explicitly defined in Article 1 of the Slavery Abolition Convention of 1926, characterizing it as: "*Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised..*" These international definitions are distinctive and specific, reinforcing the need for precise interpretation in accordance with their international legal contexts.

So, we can say that characterizing criminal definitions within domestic law often exhibits traits of generality, ambiguity, and imprecision stemming from the lack of explicit elucidation of the terminologies employed. The integration of the Protocol into the realm of international law was predicated on a multitude of international accords pertaining to labor and human rights standards that the global community had previously ratified. Numerous countries embraced these agreements, amending domestic legislation to align with the stipulated international norms. However, the scenario within Jordan differs significantly. The country faces a challenge where several actions should be criminalized under prior international agreements endorsed by Jordan, but if we made a rapid revision, we will discover that the national legal framework fails to harmonize with these obligations. This discrepancy is notably evident in the cases of forced labor, slavery, and compulsory service, which possess well-defined meanings and connotations in international law—a result of thorough discussions of previous international agreements. Notably, the definition of human trafficking in Jordan closely parallels the language employed in the Protocol, although some variances exist.

We contend that this discrepancy in terminology may contribute to some confusion in its practical application. This is because Jordanian law incorporates the phrase "for the purpose of exploiting them" prior to the phrase "by threat or use of force," inadvertently implying that these means are prerequisites for exploitation to occur. In contrast, the definition provided in the Protocol explicitly designates these means as methods of recruitment and transportation. This distinction is underscored

by the Protocol's stance concerning individuals under the age of eighteen. Article 3/C of the Protocol categorizes the recruitment, transportation, harboring, or receiving of a child for the purpose of exploitation as human trafficking, even when it does not meet the broader criteria for trafficking as laid out in subparagraph (a) of Article 3. In essence, the article asserts that the mere recruitment or transportation of a child for exploitation constitutes human trafficking, even in the absence of any coercive methods, such as threatening means.

We believe that the apparent ambiguity within Jordanian law can be potentially rectified by regarding the phrase "for the purpose of exploiting them" as an extra clause, with interpretive guidance to be sought from the Protocol. Nevertheless, the Jordanian legislator perpetuated this ambiguity concerning minors by stipulating that "Transporting, moving, lodging, or receiving people who are under the age of 18 for *the purpose of exploiting* them, even if *this exploit* was not accompanied by the threat of the use of force or through any of the means stated in item (1) of this paragraph." The addition of the phrase "*this exploit*" introduces an interpretive distortion, further corroborating the ambiguity inherent in the legislative drafting. Consequently, it implies that the means of force or threat thereof are contingent upon exploitation rather than recruitment and transportation—a manifest drafting error. This interpretation poses challenges in establishing the requisite criminal elements, as it suggests that the intent for exploitation is a mandatory constituent of the material element, necessitating its demonstrable actual occurrence for the commission of the offense. This diverges from the intentions of the Protocol's signatories, who aimed to criminalize trafficking per se, irrespective of whether exploitation had transpired, as prior legislation had already rendered it a criminal act.

Hence, we debate the Jordanian legislator's efforts to limit the concept of exploitation to the parameters delineated in domestic law, characterized by the omission of the term "minimum" found in the UN Protocol and the confinement of exploitative elements to those explicitly outlined in the legislation, did not produce the desired fruitful and successful result.

The Concept of the Victim in Human Trafficking Crimes

Generally speaking, a crime represents a violation of a legally protected right, and legislation is the sole source of its criminalization. For criminal responsibility to be ascribed to an act, its constituent elements must be present, with particular emphasis on the involvement of a human being (AlMajali, 2012). This connection can manifest directly, as observed in crimes perpetrated against an individual, such as homicide, where the life of a living person is lost (Issa, H.A., Shibli, M.A.(2021)). Alternatively, it may exist indirectly, encompassing a

person whose financial interests are harmed. The crime may be intended to inflict harm upon the property of a specific individual, resulting in damage to their health, which, in turn, may lead to permanent disability—a condition in itself constituting a criminal offense pertaining to the individual.

The Protocol identifies safeguarding women and children from human trafficking crimes as a fundamental objective of the Convention against Organized Crime. It additionally outlines various strategies and facets of victim protection, emphasizing the commitments states must undertake to ensure such protection. Despite the adoption of the Protocol to Prevent and Punish Trafficking in Persons, Especially Women, and Children, as a supplement to the United Nations Convention against Transnational Organized Crime, which underscores the necessity of protecting and assisting victims of human trafficking while upholding their human rights, it is pertinent to note that the Protocol does not expressly define the concept of a victim, to whom the state must guarantee the prescribed legal protection. So as a result, the United Nations General Assembly took a significant step in 1985 by adopting the Universal Declaration on the Basic Principles for Justice for Victims of Crime and Abuse of Power. To operationalize this declaration, a Practitioners' Guide was subsequently developed for the implementation of its principles and widely disseminated. This guide provided a precise definition of the concept of a victim (Matar, 2006). As per the delineation found in the earlier declaration, the concept of a victim was elucidated as "persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power."

The underlying premise of this declaration is that an individual should be recognized as a victim regardless of whether the perpetrator has been identified, prosecuted, or sanctioned for their actions. This approach aims to ensure legal protection for the victim, irrespective of the offender's identity. In the context of elucidating the nature of victims in cases of human trafficking crimes, legal jurisprudence defines a victim as any person subjected to a combination of factors, actions, and means delineated in Article 3/1 of the United Nations Protocol and Article 4 of the European Treaties against Human Trafficking.

In light of this perspective, victims can be categorized into four distinct groups based on their relationship to the crime. These categories include primary, secondary, vulnerable, and potential victims.

Here to note that we have different types of victim, can be divided (Matar, 2006):

- 1) Secondary victims: They are members of the direct family or people who are dependent on the victim and people who suffered to help the victims in their distress or to prevent them from becoming victims.
- 2) Vulnerable victim: He is a person who knows that he is in an unusual state of vulnerability or weakness, either because of age, physical or mental condition, or who has a special tendency to fall into a criminal act.
- 3) Potential victim: He is a person who belongs to a group at risk and has the potential to be trafficked. Measures must be taken to prevent the potential victim from turning into an actual victim.

Legal Consequences of Victims' Involvement in Human Trafficking Exploitation

The crime of human trafficking encompasses a complex amalgamation of interrelated and coordinated transgressions, rendering it arduous to attribute these actions to the sole agency of an individual. In this context, a collective of individuals is coerced or compelled through various means to engage in specific criminal actions. Furthermore, to qualify an incident as human trafficking, the victim must have undergone some form of coercion or compulsion. This situation negates the element of volition as one of the constituents of criminal intent, a psychological action that typically leads to an unlawful outcome (AlMajali, 2012). Consequently, opting for this perspective results in the dismissal of punishment for the victim (Alshible, M., 2023), a principle enshrined in the Jordanian Penal Code under Article 88, establishing a general prohibition against penalizing coerced individuals.

However, a pertinent question emerges: What if the perpetrators successfully persuade the victim to assist in these criminal activities, causing them to integrate into this criminal network after initially being compelled to do so? How does the national legislator interpret this scenario? To address these dimensions, we shall address the following points as follows:

The impact of the victim's consent from the domestic legislative perspective

Previously, it was established that a person cannot be penalized for being a victim of a crime. However, in the context of human trafficking crimes, the victim often finds themselves unwillingly entangled within the criminal system, deprived of their desire. But what if this paradigm shifted, and the victim of the crime willingly transitioned into a willing participant in criminal activities? To comprehensively address this issue, it is imperative to examine it from two perspectives: firstly, the impact of such willingness on the criminal liability of the victim, and secondly, the impact of the victim's will to be involved in the criminal actions on the perpetrator's liability. Nevertheless, before delving into this

discussion, it is crucial to underscore that the prerequisites of coercion and necessity must be met (Abdel Aziz, 2014). It is worth noting that fulfilling these conditions does not preclude criminalization, akin to the reasons for justification; rather, their role is confined to obstructing the punitive facets of the criminalization statutes. The effects emanating from this perspective can be expounded as follows:

a. Criminal liability resulting from the victim's consent

The Human Trafficking Prevention Law does not explicitly address the culpability of victims through dedicated clauses that either establish or disprove their responsibility, whether they consent to participate in these illicit activities or continue to resist. Article 12 of the law merely confers upon the public prosecutor the authority to discontinue the prosecution of those affected by human trafficking crimes except for specific cases. This implies that the legislator acknowledges the need to hold such individuals accountable for their actions, given that these actions constitute criminal offenses (Article 12 of the Jordanian law to Prevent Human Trafficking No. 9 of 2009). This aligns with the fundamental principles of criminalization and punishment (Alshible, M, 2020), which require the presence of criminal intent grounded in knowledge, voluntary choice, and the consideration of coercion imposed on victims.

The legislator has delegated this authority to the Public Prosecutor, signifying the legislator's intent not to penalize coerced individuals. The responsibility of investigating the ongoing coercion of the victim has been entrusted to the Public Prosecutor, with stringent oversight governing their decision. If the coercion subsequently evolves into the victim's consent, they will be subject to prosecution as any other criminal, irrespective of their status as a victim (Aladwan,2019).

We assume that this specific text underscores a substantial commitment on the part of the legislator to ensure the authenticity of a victim's status, particularly when the victim has been coerced into engaging in criminal activities. This scrutiny aims to integrate the victim into the legal framework while liberating them from the constraints imposed by formal procedures and requisite approvals. It is noteworthy that, in circumstances where there is an obstacle to prosecution, the Public Prosecutor may choose to retain the investigative case records. In the absence of such legal provisions, however, there remains a vulnerability that can be exploited by those seeking to take advantage of workers or victims.

Typically, individuals with preexisting vulnerabilities are targeted, and in Jordan, a prevalent profile of such victims includes those pursued by security forces, subjected to detention, and at risk of deportation. These situations can arise for several reasons, with the most significant factors including the issuance of an

absconding or expulsion order against the individual, overstaying their residency, lacking proper travel documentation, and facing criminal complaints, often related to theft, and occasionally a combination of these circumstances. In other scenarios, the defendant may be the one intentionally creating this state of vulnerability by withholding the victim's documents or coercing them into signing financial instruments (such as checks) with the intent of indebting and restraining them (Artima, 2014).

Notably, at the commencement of an investigation, the victim's legal status is frequently markedly more vulnerable than the accused's. Except for critical cases, the standard operating procedure entails the apprehension, transportation, and confinement of the victim within security centers, where incidents of escape or unaccounted absence are not uncommon. Subsequently, the alleged offender is summoned via telephone for the purposes of an inquiry. This established protocol is typically carried out by the Anti-Human Trafficking Unit, ostensibly in response to either a request from the complainant or a directive from the administrative governor of a specific region. Unfortunately, this course of action consistently results in the continued detention of the complainant. In the most favorable scenarios, the party detaining the victim may agree to her release, subject to the bail of a Jordanian citizen. However, it is essential to recognize that such a resolution is a rarity contingent upon rectifying the complainant's circumstances (Abdel Aziz, 2014).

In this context, the researchers posit the following hypothesis: What if it can be substantiated to the public prosecutor that the victim initially engaged in these acts involuntarily and, over time, committed these offenses with full volition? Under such an assumption, we – as researchers- suggest that it is incumbent upon the public prosecutor to identify the initial offense that the victim willingly committed and pursue prosecution accordingly, exclusively for the subsequent offenses. In the event that the precise nature of this initial offense remains elusive, the victim should face prosecution for the committed crimes. If the public prosecutor cannot definitively ascertain the victim's state of will, this is because the decision rendered by the Public Prosecution at the culmination of the investigation is not incriminatory; it does not entail the imposition of penalties. Therefore, it may be predicated on conjecture and speculation, in essence, justifiably characterized as a speculative decision.

b. Criminal liability of the perpetrator resulting from the victim's consent

The perpetrator wields considerable power in the context of this crime, primarily stemming from the control exercised over the victim (Munjid, 2012). In cases where the victim's apprehension is preceded by the perpetrator's menacing threats of

imprisonment, a common occurrence, particularly in human trafficking cases involving immigrants, the perpetrator remains largely unchallenged for his actions from the inception of the investigation to its culmination. This is a matter that necessitates legislative attention as the victims continue to grapple with the pervasive influence of the perpetrator throughout their trial (Abdel Aziz, 2014).

It is essential to highlight that Jordan's legal framework does not grant the victim any entitlement to secure legal residency or a work permit while the case is pending. Consequently, under the current legal provisions, the victim remains susceptible to the specter of detention and deportation at any given moment. The efforts made by the Anti-Human Trafficking Unit to facilitate the victim's return to the unit and placement in lodging to shield the victim from arrest, in some instances, are deemed inadequate, particularly when the lodging phase concludes or when complaints of theft are directed against the victim (AlShibli, 2013).

Hence, it is evident that the legislator expressly enunciates that the culpability of those engaging in the crime of human trafficking is contingent upon the commission of the act, irrespective of the victim's involvement by consent. This principle is articulated explicitly in Article 13 of the Human Trafficking Prevention Law. The researcher posits that when all the requisite elements align in favor of the perpetrator, their potential threat to society surpasses that of individuals who employ victims through coercion. Therefore, the victim's consent must be considered an aggravating factor in assessing the offender's liability.

The impact of the victim's consent from the domestic judicial perspective

After we examine the national legislator's stance concerning a victim's consent concerning the ramifications of various forms of exploitation, it is imperative to delve into the practical application of this matter within the judiciary. The researcher's role in this context is confined to commentary and vigilant scrutiny of judicial pronouncements. In this context, it is of note that when a victim of human trafficking initially acquiesces to engage in a form of exploitation but subsequently withdraws their consent, being coerced by the recruiter to perform actions previously accepted, they are treated akin to a willing participant (AlLaymouni, 2016).

A notable illustration of this legal precedent is found in the pronouncement of the Court of Cassation in its criminal capacity, Case No. (1822/2014), wherein it was stated: "... individuals involved in the brokering of organ sales recruited an individual and persuaded him to vend his kidney for \$5,000 in Egypt. After successfully persuading him, they facilitated his travel by issuing a passport. After that, he journeyed to Alexandria and resided there for a month. However, his passport was confiscated to prevent his departure due to his reluctance and refusal

to proceed with the kidney sale. Nonetheless, he was compelled to undergo the surgical procedure, receiving only a portion of the agreed amount (\$1,000), with the remainder withheld...." Remarkably, those accused of trafficking were charged with association, contrary to the provisions of Article 9(b) of the Human Trafficking Prevention Law and Article 76 of the Penal Code, despite the victim's initial consent to the criminal act (Jordanian Court of Cassation in its criminal capacity, Case No (1822/2014)).

This further encompasses a ruling by the Court of Cassation in its criminal capacity, Case No. (240/2013), which articulated: "...the victim exhibited signs of psychological distress as she departed her residence and sought refuge in Mukhtar Mall. Sensing blame, she left the mall and sat on the adjacent sidewalk. While in this vulnerable state, a taxi driver approached her, heard her narrative, and promised to take her to his siblings' residence for rest. However, he instead transported her to the domicile of the second defendant, who operated a prostitution network that exploited women estranged from their families. Here, the victim encountered other females and an individual with a non-heteronormative sexual orientation who exploited her. Subsequently, the defendants escorted the victim to a nightclub, where she encountered another female who shared her story and provided assistance." Notably, the defendants were prosecuted for the offenses of indecent assault and human trafficking despite the victim's initial consent and subsequent refusal to partake in said criminal activities. Nevertheless, the Court of Cassation applied the principle that consent holds no bearing, holding the victim accountable for the actions of the perpetrators or the facilitators (Jordanian Court of Cassation in its criminal capacity, Case No (240/2013)).

In another ruling from the Court of Cassation in its criminal capacity, Case No. (615/2015), it was outlined that: "The employee arrived in Jordan approximately a year and a half ago, facilitated by an intermediary in Bangladesh. Upon her arrival, the local office representative in Jordan escorted her from the airport to the office, where the employer promptly took her to work at her residence. The worker could not recall the precise address, and her working hours extended from 6 in the morning to 10 at night, with a meager diet consisting solely of bread. Furthermore, the worker endured physical abuse at the hands of the employer and was coerced to work at the employer's father's residence once weekly without compensation, in addition to performing tasks at her son's and sister's homes. Regrettably, the worker received no wages despite her entitled sum of 130 dinars. The workplace environment was characterized by intense pressure, verbal maltreatment, and degrading language from the household owner, who referred to her as an 'animal.' On one occasion, the employer physically assaulted the worker, prompting her to seek refuge at the employment agency. However, upon her return,

she was subjected to further abuse and was ultimately returned to the same residence. Subsequently, the worker fled the premises while the employer was asleep to Raghadan and secured part-time employment for three months at the request of the accused, who engaged Bengali workers who had fled from their sponsors' homes, employing them as day laborers and collecting their earnings, of which they received only a portion." Noteworthy is the fact that, although the victim initially consented to engage in actions that, in themselves, constitute human trafficking offenses, neither the legislator nor the judiciary attributed any impact to this consent concerning the liability of either the accomplice or the perpetrator. The researcher posits that the above analysis concerning Article 12 of the Human Trafficking Law is sound and merits consideration (Jordanian Court of Cassation in its criminal capacity, Case No (615/2015)).

Conclusions

Throughout this study, the researcher has argued and concluded that the victim's consent to engage in various forms of exploitation within the context of human trafficking crimes holds no bearing on either the culpability of the perpetrator or the victim's responsibility for the crimes committed. This conclusion was substantiated through an in-depth examination of the victim's role. Consequently, the impact of consent on the liability of the perpetrators was reviewed, and it became evident that this impact is established by a clear and unambiguous legal provision, which leaves no room for ambiguity. By scrutinizing the stance of the judiciary, it became evident that the judicial interpretation extends beyond the mere acceptance of the victim's initial consent, as it does not consider the victim's subsequent revocation of consent and coercion to participate in any form of exploitation as grounds for immunity from prosecution. In fact, an individual who withdraws consent may still be subject to prosecution, and this does not absolve them of criminal liability. This indicates that consent has no bearing on the responsibility of the victim.

Consequently, whether or not a victim's consent holds no sway over the criminal nature of forms of exploitation, the influence of coercion and other forms of duress is primarily limited to the prevention of victim prosecution, as determined by the public prosecutor. Moreover, punishment is prohibited under the general principles of criminalization and punishment. In essence, the victim's consent does not affect the liability of the perpetrators in any way. This implies that once a victim agrees to participate in any form of exploitation, they forfeit any protection from prosecution.

In light of these findings, the researcher recommends more than one thing or idea as follow:

- 1) formulating a legal provision that explicitly and directly addresses the impact of the victim's consent on criminal liability, similar to the provision that addresses the responsibility of perpetrators when victims consent.
- 2) Furthermore, the researcher suggests broadening the scope of criminalization to encompass anyone who recruits or attracts one or more individuals, thereby expanding the scope of punishment. The existing legal text has placed the national legislator in a problematic position, as it has narrowed the scope of criminalization to the extent that individuals who recruit only one or two persons may evade punishment on the grounds of the absence of the legal element of the crime.
- 3) The researcher also suggests that psychological experts evaluate victims to ascertain the continuance of their compromised will until their cases are resolved.
- 4) Additionally, it is recommended that victims' consent be considered an aggravating factor for punishment.

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