

LEGISLATIVE AMENDMENTS TO THE NEW POLITICAL PARTIES' LAW AND THEIR IMPACT ON PARLIAMENTARY WORK IN JORDAN

Muntaser Alqudah¹

Hashima Balas²

ABSTRACT

Objective: This study aims to examine the legislative amendments introduced by the Jordanian Political Parties Law and their impact on parliamentary work in the Hashemite Kingdom of Jordan. The objective is to foster collaboration between governments and local communities in promoting the rule of law, human rights, and inclusive community development.

Theoretical Framework: The research utilizes analytical theory and a descriptive methodological framework to explore the legislative context. Core concepts, including systematic political organization and power-seeking dynamics within political parties, provide a solid foundation for understanding the study's context.

Method: An analytical approach links the newly introduced legal provisions to their anticipated outcomes. This method involves a detailed examination of the new law, particularly Article 58, Paragraph 4 of the Election of the House of Representatives Law No. 4 of 2022.

Results and Discussion: Findings reveal that political parties in Jordan have long been evolving, driven by members' aspirations to form organized groups for power acquisition. Discussions highlight theoretical and practical implications, addressing how these amendments could shape legislative revisions and gender equality in political participation.

Research Implications: The study provides insights into enhancing inclusive governance by eliminating barriers to gender equality in parliamentary elections and fostering systemic reforms within political parties.

Keywords: constitutional amendments, political parties, strong institutions, parliamentary work, general electoral district, Sustainable Development Goals (SDG).

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1 INTRODUCTION

Jordan is moving towards updating its political life after the constitutional amendments came into effect, followed by the recent approval of the political party's law and the accomplishment of the election law for the House of Representative (Atbeesh, 2016), in a systematic progression in

¹ Ajloun National University, Ajloun, Irbid, Jordan. E-mail: montaseralqudah@anu.edu.jo

² Ajloun National University, Ajloun, Irbid, Jordan. E-mail: h.balas@anu.edu.jo



achieving these laws and issuing them. Thus, the next stage, within the constitutional frameworks regulating political life, has become complete and in need of implementation to establish a new Jordanian political reality, where social justice will be achieved by encouraging the establishment of peaceful societies in which no one is marginalized, providing everyone with access to justice, and building effective, accountable, and inclusive institutions at all levels. Therefore, people everywhere should be free from fear of all forms of violence and feel safe throughout their lives regardless of their race, creed, or sexual orientation in order to reach (Nations, 2024) parliamentary governments will be realized to some extent in the coming years (Al-Habashneh, 2010). This law came with new amendments that differed from the previous law in terms of defining a party, the fundamental principles of party establishment, regulating its mechanisms and programs, and other unprecedented updates and additions. The new party law will contribute to changing the prevailing societal perception of party work and altering the negative view of it (Al-Masaidin, 2015, p. 80). These updates are based on many considerations and pillars that integrate to form the general political scene (Khalil, 2005). The study's challenge is to examine the most important changes made by Jordanian Political Parties Law No. 7 of 2022, their primary effects and consequences on Jordanian parliamentary life, and their implications for Jordanian parliamentary work. The purpose of this study is to examine and assess how these revisions directly affected the political parties that were active in Jordan before the new law was passed.

2 THEORETICAL FRAMEWORK

2.1 INTRODUCING TO POLITICAL PARTIES IN JORDAN AND THEIR ORIGINS

2.1.1 The emergence of party life in Jordan

Political party life in Jordan emerged before the declaration of the establishment of the Emirate of Transjordan in 1921. In 1919 (Al-Masalha, 1999) some Jordanians joined the Syrian Independence Party, which established a



branch in Jordan. When the Emirate of Transjordan was established, some of its members participated in the first Jordanian government under the presidency of Rashid Talhouni in 1921. Subsequently, political parties in Jordan were founded, advocating for independence, resisting British mandates, and rejecting treaties that undermined the country's independence (Al-Sulaihat, 2012). Among the parties that emerged thereafter were the Muslim Brotherhood movement in 1943, the Arab Jordanian Party/National Front in 1946, the Jordanian People's Party in 1947, the Jordanian Communist Party in 1951, the Liberation Party in 1952, the Arab Nationalists Movement in 1952, and the National Socialist Party in 1954, which formed the government at the time, known as the National Government, under the presidency of Suleiman al-Nabulsi. Later, the Arab Socialist Ba'ath Party emerged in August 1955, and the first Party Law for the Jordanian State was issued in 1956 (Frehat, 2011). In 1957, due to the political circumstances that arose in the Jordanian political scene, a state of emergency was declared, and political activity was suspended until 1992 after the issuance of the Party Law (Al-Khaza'leh, 2007). Based on this law, several parties were founded, each having affiliations with the ideas and ideologies adopted by the parties (Al-Daja, 2005). Subsequently, the laws of 2007 and 2012 were enacted. According to these laws, parties appeared officially, and their number reached approximately 32 until April 1, 2008. These parties were centered around four political trends or currents: nationalist, Islamic, liberal, and lefties (Al-Habashneh, 2010). When the responsibility for overseeing political parties transitioned from the Ministry of Interior to the Ministry of Political and Parliamentary Affairs, Law No. 39 of 2015 on Political Parties was issued. The number of licensed political parties under the Ministry of Political and Parliamentary Affairs reached approximately 47 parties, representing the four aforementioned political currents (Al-Su, 2023). After the enactment of the new Political Parties Law No. 7 of 2022, which transferred the authority to regulate and monitor political parties from the Ministry of Political and Parliamentary Affairs to the Independent Election Commission, a party registry was established with the Independent Election Commission. This law addressed the freedom to establish political parties by granting Jordanians this right (Al-Qur'an, 2020). At least three hundred Jordanians can establish a



political party by submitting a written application to the party registry at the Independent Election Commission, expressing their initial ideas, and allowing them to engage in their activities. It should be noted that it is not permissible to establish a party on religious, sectarian, racial, factional, gender-based, or origin-based grounds.

Political parties in Jordan have been characterized by tribalism and personal traits, as well as a low level of institutionalization and a lack of cohesion among internal party units. Individualism has dominated their decisions and trajectory, influenced by ancient traditions, which has led to citizen disengagement and consequently weakened them (Al-Thabitat, 2018).

Also, The Jordanian legislator defined a political party in the new Political Parties Law No. 7 of the year 2022, in its third article, as follows: "A national political organization composed of Jordanians united by the values of citizenship, common goals, programs, visions, and ideas, aiming to participate in political life and public affairs through peaceful democratic means for legitimate purposes, including contesting elections in all their forms, including parliamentary elections, and forming or participating in governments in accordance with Article 35 of the Constitution." (Al-Husseini, 2012). In the researcher's opinion, this definition provided by the Jordanian legislator encompasses the following fundamental principles:

- 1. The pursuit of power:** One of the distinguishing features of a political party compared to other organizations is that it is an organization that seeks power, whether at the national or local level. Unlike the popular belief that the pursuit of power is a selfish endeavor aimed at achieving personal goals, the pursuit of power is the gateway for the party to implement the programs that represent its vision for achieving the national interest (Caspar *et al.* 2017);
- 2. Organized Collective Action:** The work of a political party is characterized by being an organized collective action that ensures its sustainability and continuity. Despite the importance of individuals and leaderships in the life of parties, the existence of the party is not tied to specific individuals (Al-Husseini, 2012);



3. Citizen Framing: The political party is a principal tool among the organizing mechanisms for individuals within society based on the programs it adopts, rather than relying on the primary affiliations of citizens determined by blood ties such as tribe, clan, lineage, or the religious, sectarian, ethnic, regional, or similar divisions. Therefore, the party becomes a tool for organizing individuals' participation in political life and a tool for unity and cohesion within society because it transcends all primary affiliations of the community (Nasraween, 2017).

2.2 THE CONDITIONS FOR ESTABLISHING PARTIES ACCORDING TO THE NEW PARTY LAW

In the new law, a new mechanism has been formulated for applying to establish a party, stipulating that the number of applicants must be at least 300 individuals (New Jordanian Parties Law, Article 6, 2022). Furthermore, the law requires that anyone wishing to be a founding member of any political party must have been a Jordanian citizen for at least ten years, be of full eligibility, not have been convicted of a crime or offense against honor, and not be a member of any other political party or organization (New Jordanian Parties Law, No. 7, 2022). Moreover, the required conditions for founding members or party affiliates must be considered, including the exclusion of officials or employees in specific sectors to keep these sectors away from political tensions and maintain neutrality (New Jordanian Parties Law, Article 6/B/6, No. 7, 2022). Likewise, the new law also stipulated that the percentage of women among the founding members should not be less than 20% of the total number of founding members (New Jordanian Parties Law, Article 11/A/4, No. 7, 2022). As well, it required that the founders be from at least 6 governorates of the Kingdom, with no fewer than 30 individuals from each governorate (New Jordanian Parties Law, Article 11/A/2, No. 7, 2022). Besides, the law specified that the number of founding members at the first founding conference should be no less than one thousand founders (New Jordanian Parties Law, Article 11/A/1, No. 7, 2022). According to the researcher, these changes were made to enable political parties to fulfill the national roles required of them within



institutionalized programs aimed at enhancing the economic and security stability of the nation, as well as attracting popular support in the Jordanian arena and countering any claims of dominance over the popular sphere within the boundaries of the kingdom (alziyadat, 2023).

2.3 THE IMPACT OF THE NEW AMENDMENTS ON THE EXISTING PARTIES BEFORE THE AMENDMENT

In a forward-looking perspective that diverges from previous laws, the new law has provided a wide space for parties to work together, selecting strategies that align with their organization and meet the licensing requirements. This can be achieved through coalition-building, alliances, or mergers to achieve common goals. Conditions have been set to encourage parties to pursue this path, including financial allocations for parties in the event of a merger. Additionally, the future outlook, considering the current state of party work in Jordan today, recognizes approximately 49 existing parties and 11 others in the process of establishment. Given the large number of parties in the arena, some of which share significant similarities, the law includes provisions to encourage licensed parties or those listed for establishment to build bonds of unity among themselves (New Jordanian Parties Law, Article 32, 2022).

The establishment is an attempt to build bonds of unity among parties. In a related context to the foregoing, the current law will provide a common ground for parties to engage in major dialogues and discussions that align with the law's provisions (Sharqawi, 2005). And this option allows parties to determine their course of action. However, some parties view this direction as weakening their political activities by imposing a specific agenda. Otherwise, party dissolution becomes the last resort, especially given the requirement for existing parties to rectify their status within a specified timeframe. In the new law, we find that the registry and responsibilities of political parties have been transferred to the Independent Election Commission from the Ministry of Political and Parliamentary Affairs. Consequently, the administrative body responsible for overseeing party affairs will now limit interventions by those in



power that may occur in the future, promoting transparency in dealing with everyone in this regard (New Jordanian Parties Law, Articles 24-27, 2022).

Regarding financial empowerment, the law introduces facilitations for financially supported parties. Under the law, a specific system named the Financial Contribution System to Support Political Parties was issued by the Jordanian Cabinet, outlining conditions for providing financial support to parties, the amount, and the specific purposes for which it can be disbursed. A budget allocation has been made in the general budget to support parties from the state treasury funds (New Jordanian Parties Law, Article 15, 2022).

2.4 THE LEGAL IMPLICATIONS OF AMENDING THE POLITICAL PARTIES LAW AND ITS IMPACT ON PARLIAMENTARY LIFE IN JORDAN

It is evident that the new Political Parties Law No. 7 of the year 2023 has introduced new legal provisions regarding the definition of a political party, the requirements for establishing one, including the number of founding members and the conditions they must meet, as well as financial funding for parties, as we mentioned earlier. However, it is necessary to clarify the impact of these amendments on the participation of parties in parliamentary elections and the legal implications of a party's success in securing seats in the House of Representatives. This can be outlined as follows:

2.5 THE LEGAL REQUIREMENTS FOR A PARTY TO PARTICIPATE IN PARLIAMENTARY ELECTIONS

The Jordanian legislator stipulated several conditions in the new Parliamentary Elections Law No. 4 of the year 2022 for the participation of political parties in the upcoming parliamentary elections. The party is not allowed to participate in the forthcoming parliamentary elections unless it meets these conditions, which include: The requirement for candidacy in the elections is only permissible through the national list at the level of the kingdom: As a general rule, it is not permissible for a party to contest parliamentary elections with a party list except through the general electoral



district, in accordance with Article 8/c of the new Political Parties Law. This general district has been allocated 41 seats out of the total seats in the Jordanian House of Representatives for the upcoming elections for the twentieth council.

As well, members of the general list formed by the party must meet the requirements outlined in Article 10 of the new Electoral Law (Election Law for the House of Representatives, Article 10, No. 4, 2022). And, any person holding a position specified in Article 11 of the Parliamentary Elections Law No. 4 of the year 2022, and if among the positions for which it is permissible for the person to be affiliated with a party according to the provisions of the new Political Parties Law No. 7 of the year 2022, must resign from their position sixty days before the designated date for the voting (Election Law for the House of Representatives, Article 11, No. 4, 2022). Also, members of the party are not permitted to nominate themselves with any other party or political alliance (Election Law for the House of Representatives, Article 13/C, No. 4, 2022), member cannot nominate themselves on the party list unless they have been a member of the party for a period of no less than six months before the day of the election (Election Law for the House of Representatives, Article 13/D, No. 4, 2022).

Accordingly, the researcher believes that the Jordanian legislator has made a commendable decision by imposing these conditions on political parties for participating in the upcoming parliamentary elections. Through these conditions, the seriousness of the party's participation in the elections is ensured. Additionally, it introduces a new guarantee by stipulating specific conditions, as previously mentioned, regarding financial expenditures and setting a maximum limit for campaign spending. Such a condition ensures equal opportunities among parties and prevents money from becoming a means of influence or favoritism, leveling the playing field among parties (Al-Khasawneh, 2002). By imposing such conditions, the legislator emphasizes that the electoral program becomes the true strength of the party in convincing voters and attracting them to vote for its list. This clearly indicates the state's genuine intention to continue forward in the path of political reform



2.6 THE LEGAL IMPACT OF THE SUCCESS OF PARTY CANDIDATES IN THE PARLIAMENTARY ELECTIONS ACCORDING TO THE NEW PARTY LAW

In the first section of this discussion, we talked about the conditions for party participation in the parliamentary elections for the twentieth council, through forming an electoral list on the general list at the level of the Hashemite Kingdom of Jordan, which is allocated 41 seats out of 138 seats in the House of Representatives. These seats will become 50% of the total number of seats in the House of Representatives upon the election of the twenty-first council. Moreover, in the future, they will also constitute 65% of the total number of seats in the House of Representatives upon the election of the twenty-first council. This means that within nine years from the enactment date of the new House of Representatives Election Law No. 4 of 2022, the majority of seats in the House of Representatives will be allocated to political parties (Election Law for the House of Representatives, Article 71, No. 4, 2022). The political parties are civil society institutions established according to the provisions of the law and operate under the umbrella of the constitution.. Additionally, most deputies work individually and do not constitute any significant pressure force on the governments under the dome (Al-Habashneh, 2010).

In the second discussion paper of King Abdullah II ibn Al Hussein published on January 16, 2013, the King states, "The path to deepen our democracy lies in transitioning to effective parliamentary governments, where the majority coalition in the House of Representatives forms the government." Additionally, the King adds in the same paper, "We will proceed with launching the approach of parliamentary governments, including the method of selecting prime ministers and the ministerial team. Although comparative international experiences indicate the need for several parliamentary cycles to mature and stabilize this practice, what determines the timeframe for this democratic transition is our success in developing political parties based on programs, attracting the majority of citizens' votes, and having qualified leaders capable of bearing the responsibility of governance." Moreover, the analysis of what is stated in the second discussion paper indicates a royal conviction and



inclination towards the transition to parliamentary governments. In Jordan, we adhere to a parliamentary system with three main pillars: the executive power, which consists of the King and the Council of Ministers (the Amended Jordanian Constitution, Article 40); the equality between the two powers, where neither one is subordinate to the other and each derives its powers from the constitution (the Jordanian Constitution, Article 25-26); and cooperation and mutual oversight, because the separation between the two powers is flexible rather than absolute and there are aspects of mutual oversight to achieve the desired balance. The constitution neither obliges nor prohibits the formation of a parliamentary government.

In light of the foregoing, several questions arise: What is the most suitable model for the Jordanian state in implementing parliamentary governments? Will the government be formed from members of the House of Representatives, and thus their appointment process be conducted? Or will the parliamentary majority in the House of Representatives be asked to nominate the Prime Minister and his/her cabinet from outside the council. Furthermore, does the appointment of MPs as ministers' conflict with the principle of separation of powers? Moreover, does it undermine the principle of relying on competence in managing state affairs? Does allowing ministers to run for membership in the House of Representatives not violate the principle of equal opportunities, considering that a minister may use their influence to win a seat in the House of Representatives? (Al-Qudah, 2023). Despite the drawbacks mentioned earlier and the concerns about the formation of parliamentary governments, we believe that the response to the second discussion paper by His Majesty King Abdullah II reflects a genuine willingness on the part of the Jordanian decision-maker, the King, to involve the people directly in the power process through the formation of parliamentary governments (Al Majali), 2016. This is evident in recent constitutional amendments and the issuance of a new law on political parties, ensuring the formation of genuine national parties capable of persuading Jordanian citizens to join them. Furthermore, the amendment of the election law for the House of Representatives, which established a nationwide constituency specifically for political parties,

reinforces the positive aspects of forming parliamentary governments (Al-Musaideen, 2015)

2.7 THE LEGAL EFFECT OF THE RESIGNATION OR DISMISSAL OF A DEPUTY FROM THE PARTY, WHO OBTAINED A PARLIAMENTARY SEAT THROUGH THE PARTY:

Article 58 of the new Parliamentary Elections Law No. 4 of the year 2022 addressed the issue of vacancy of any seat in the general electoral district. It stipulates that if any seat in the general electoral district becomes vacant for any reason, it shall be filled by the candidate who follows the winning candidate in the same list (Election Law for the House of Representatives, Article 58, 2022).

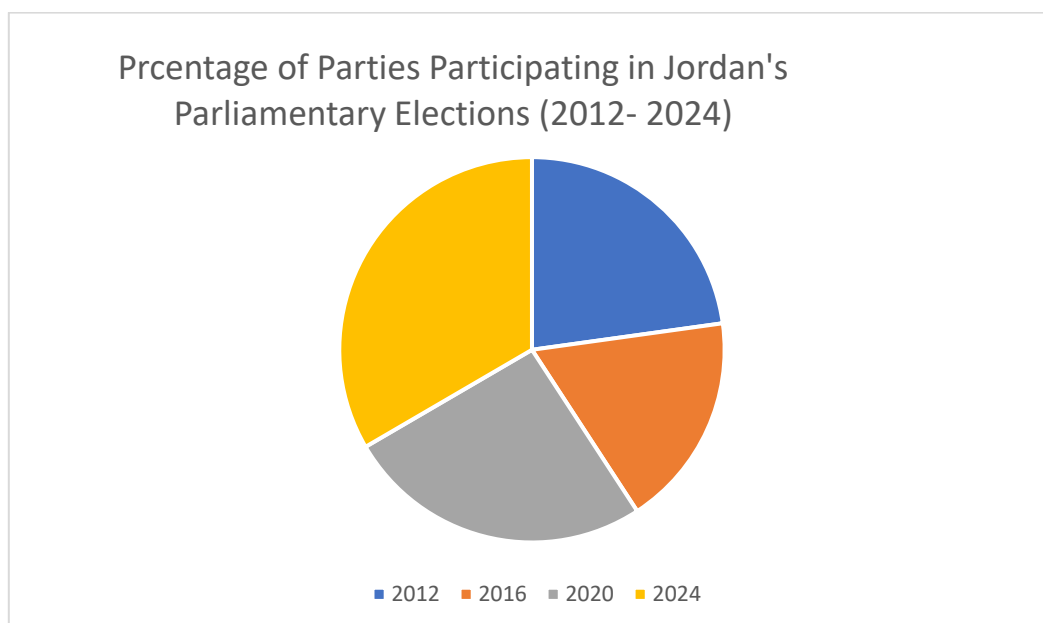
A significant question arises in this context: What is the legal effect of the resignation or dismissal of a deputy from the party that succeeded in obtaining a parliamentary seat through the general electoral district using the party list to which they belong? This issue was addressed by Article 58, paragraph A, item 4 of the previously mentioned new Electoral Law, which stipulates that if a deputy who won from the party list of the party to which they belong resigns or is expelled by a final decision, their seat shall be filled by the candidate next in line on the same list from which they won. If this is not feasible, the seat shall be filled from the list immediately following it, according to the order specified in the Electoral Law for the House of Representatives No. 4 of 2022.

It is worth noting that the new Electoral Law for the House of Representatives did not clarify the meaning of the final decision to expel a party member. Moreover, the Jordanian legislator did not specify in the new Parties Law No. 7 of 2022 how a member could be expelled from the party. Instead, it merely indicated the necessity for each party to have a statute that specifies the authority responsible for decisions regarding violations committed by party members. It would have been more appropriate for the Jordanian legislator to clarify the meaning of the final decision to expel a party member to avoid any ambiguity and confusion that could arise when implementing the law (Al-Amoush, 2024). Hence, this clarification would prevent situations where

party members elected to the House of Representatives are unfairly expelled due to the arbitrary decisions of influential figures within the party. Such decisions may be retaliatory and lack a legitimate justification, especially if permitted by the party's statute (Political Parties Law, Article 7/I, No. 7, 2022). Furthermore, building upon our previous discussion, if a deputy who obtained a parliamentary seat through nomination on a party list in the general constituency loses their status as a member of the party to which they belong, they consequently lose their status as a deputy. Thus, the Jordanian legislator made a wise decision by stipulating this rule in Article 58 of the new Electoral Law for the House of Representatives (Al-Amoush, 2024). The parliamentary seat belongs to the party, not the individual occupying it. This rule establishes a parliamentary work based on programs rather than personal whims of the members of the House of Representatives. It obliges party deputies to implement and adopt the party's policies and programs within the parliament, fearing expulsion from the party and losing their status as deputies (Al-Qudah, 2023).

Table 1

Percentage of Parties Participating in Jordan's Parliamentary Elections (2012-2024)



- 2012: 22 parties participated out of 34 registered parties, which is approximately 64.7%.
- 2016: 25 parties participated out of 49 registered parties, which is only about 51%.
- 2020: 41 parties participated out of 56 registered parties, which is nearly 73%.
- 2024: 36 parties participated out of 38 registered parties, which is about 94.7%.

The noticeable increase in 2024 reflects amendments to the electoral laws that encouraged greater participation from parties.

3 METHODOLOGY

The researcher employed a descriptive approach by describing the facts and events that occurred previously and linking them to the legislative amendments on the Jordanian Political Parties Law, the subject of the study. Additionally, the researcher utilized an analytical approach by analyzing the legal texts and linking them to the most important previous outcomes under previous laws, and assessing the impact of these amendments on the expected outcomes in the near future.

4 RESULTS AND DISCUSSIONS

4.1 RESULTS

- Party life in Jordan is ancient, dating back to the establishment of the Jordanian state, emerging from a democratic ideology embraced by the highest political leadership in the country, represented by the Hashemite family;
- One of the most important goals of establishing political parties is the desire of their members to pursue power and to organize themselves collectively in a structured manner;
- The Jordanian legislator did well in tightening the conditions required for the establishment of parties in the Hashemite Kingdom of Jordan. This ensures the seriousness of the founders in establishing genuine, active political parties in the domestic national arena;
- Political parties are not allowed to participate in parliamentary elections except through the general electoral district defined by the provisions of Electoral Law No. 4 of 2022. This district allocates 41 seats in the 20th Council out of a total of 138, with an increase in the number of seats in



the general district in the 21st Council to become 50% of the total number of seats and to reach 65% in the 22nd Council;

- The formation of a genuine parliamentary government can only be achieved during the term of the 22nd Parliament because the percentage of party seats among its members will constitute a party majority, allowing them to form a parliamentary government capable of gaining the confidence of the Council;
- The loss of a deputy who won a party seat in terms of his membership in the affiliated party leads to the loss of his parliamentary seat according to the provisions of Article 58 of Electoral Law No. 4 of 2022. This implies that the parliamentary seat is essentially owned by the party, not the deputy.

4.2 DISCUSSIONS

- The researcher recommends to the Jordanian legislature to abolish the women's quota, as the Jordanian Constitution equals between males and females in rights and duties. The ongoing development in our Jordanian society has eliminated all gaps between males and females, and females have become capable of participating in parliamentary elections on an equal footing with men, especially with the change in the previous negative perception about female parliamentary work, as women have achieved excellent successes in parliamentary work in reality;
- The researcher recommends to the Jordanian legislature to amend Article 58, paragraph (a), item 4 of the Electoral Law for the House of Representatives No. 4 of 2022, by removing the ambiguity in the phrase "the deputy is dismissed by a decision that has acquired finality", as it is currently unclear and leads to confusion when applied;
- The researcher hopes that the Jordanian legislator will amend the texts of the articles included in the Jordanian Election Law of 2022, which allow the formation of party coalitions to participate in parliamentary elections, so that the party wishing to participate in the elections is able to achieve success on its own and not rely on others.



5 CONCLUSION

In the Hashemite Kingdom of Jordan, political parties are now a basic prerequisite for parliamentary elections, according to researchers. The current tendency of basing the entire parliament on parties, with the party serving as the representative instead of an individual, promotes political parties' success by increasing their efficacy, strength, fairness, and continuity. Without the required legal changes, political parties would not have arrived at their current position. Examining the Political Parties Law's legislative revisions and their effects on parliamentary activity was the goal of the study. It became evident that the desire of political party members to seek power and organize themselves collectively in a systematic way is one of the primary goals of the establishment of political parties. Up to the twenty-second parliament, when the percentage of party seats among its members will constitute a party majority, they cannot create a true parliamentary government until they can create a legislative government that can gain the council's trust. Therefore, from a theoretical and scientific standpoint, analyzing the recent legal changes and looking at the parties' actual presence helps to uncover the true power of political parties.

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