

Digital character assassination in the Jordanian law



Ahmad Ali Al-Amawi^a  | Hashim Balas^a 

^aAjloun National Private University, Ajloun, Jordan.

Abstract One of the rights inherent in a legal personality is the ability to maintain the individual's dignity and treat himself with respect, regardless of his social status. The rise of cybercrime has made it possible to launch digital attacks on someone's honor or reputation, creating a need for rules that limit what can be posted on personal pages and websites. The adoption of Cybercrime Law No. 17 of 2023 shows that Jordanian lawmakers have been proactive. Through the use of a descriptive and inductive analytical approach, this research demonstrated the uniqueness of this legislation, which prohibits the distribution or attribution of any works aimed at defaming a person's reputation. Presenting an incorrect image of the targets and isolating them socially is the deliberate moral destruction of a person, organization, institution, or social group through spreading rumours, fabricating accusations, and manipulating data and facts. This procedure is similar to the deliberate assassination of individuals. Lawmakers in Jordan have tightened penalties for the perpetrators of this crime and those who helped commit it. The study found that although the goal of character assassination and the crime of digital defamation is to harm the victim's reputation and dignity, there is a significant difference. Character assassination differs from digital defamation in that it requires a specific goal: the moral destruction and social isolation of the targeted individual. This paper aims to clarify the term character assassination, analyze the legislative text that explicitly criminalizes it, identify the elements of this crime and how it is committed, verify the criminal protection procedures decided by the Jordanian legislator, and explain the reasons that prove these crimes. This paper relied on the descriptive approach in studying the phenomenon. Character assassination and gathering information related to this field.

Keywords: moral assassination, personality, honor, reputation, defamation, electronic

1. Introduction

When contemporary legislation introduced the concept of the legal personality of the individual, it typically emphasized the protection of all his rights, including safeguarding his honor and status, and it criminalized any acts that assaulted these rights. With the emergence of information technology and the increased uncontrolled use of social media sites, cybercrimes have been targeted at individuals' reputations. Therefore, it was necessary to enact legislative measures that guarantee the essential protection of personal freedom, regulate online content, and hold perpetrators of character assassination liable for the crimes. However, digital character assassination is defined as any deliberate assault targeting an individual's reputation by publishing harmful content, disseminating faked information, or posting images or videos that would degrade their honor and dignity, distorting their reputation and social status via digital means (truth, 2023).

In this regard, Jordan has made a qualitative leap by reviewing the provisions of Cybercrime Law No. 27 of 2015 and issuing Amendment No.17 of 2023. These amendments principally target to uphold the proper use of electronic platforms. Remarkably, this law is distinguished from previous Jordanian penal legislation by encompassing an explicit text that punishes - for the first time - the crime of character assassination.

Regrettably, there is no precise definition of "character assassination" in the Jordanian cybercrime law, despite the recent term and the legislature's strong stance against this crime (especially concerning fines assessed against violators). This lack of clarity could pose challenges to implementing the law's requirements in practice, which would be a severe problem. Therefore, it is necessary to clarify the meaning of character assassination, its intents, goals, and ramifications, and outline the legislatively imposed legal protections. This calls for a review of the laws governing this offense and sets it apart from electronic defamation, while the two are comparable in specific ways.

This paper aims to elucidate the term character assassination, analyze the legislative text that explicitly criminalizes it and other pertinent legal texts, identify the elements of this crime, how it is committed, and investigate the criminal protection measures that the Jordanian legislator has established in addition to elucidating the grounds establishing the offenses of electronic insult, slander, and defamation (law).

This research paper relied on the descriptive approach in studying the phenomenon of character assassination and collecting information related to this area. Furthermore, the inductive analytical approach was employed to clarify this



phenomenon, analyzing the legal texts to reach accurate practical results. The study will be divided into an introduction and two sections, each encompassing three subsections. The last section presents the results and recommendations.

1.1. The right to the protection of honor and reputation

1.1.1. The right to protect honor and reputation

The term assassination is usually used to describe the intentional (physical) act of killing politicians and public figures, often for political, ideological, or military purposes. On the other hand, character assassination, which is punishable by the Cybercrime Law, represents a moral crime of assassination. They usually fall under the umbrella of crimes against honor, dignity and reputation. This section presents several issues, including the nature of honour, status and reputation, assassination crimes in the Jordanian Penal Code, and the crime of honor killing as a registered crime, which also falls on a legal person, because it has a physical existence and has the right to litigate. He has rights and responsibilities. As for the natural human being, he acquires the human personality as soon as he is born alive, even if certain rights are established for him while he is a fetus in the womb (Balas, 2024).

1.1.2. Honor and reputation

From an objective perspective, honor and reputation refer to each person's standing within society and its associated rights. That is, to be accorded the respect and trust that his social standing demands. The personal dimension indicates that each individual recognizes their inherent worth and believes that society's members should accord them dignity. Any act that would lessen the victim's regard in his community is considered an assault on his honor and reputation (Namur, 1990).

Honor and reputation are closely related to one's social status. Individuals can be qualified to hold a particular social position by various attributes, and each attribute embodies a measure of decency and thoughtfulness. These attributes determine the victim's ability to carry out his social role, and an attack on the victim's honor and reputation arises when the accused deliberately betrays society's confidence in the victim's capacities. These traits are separated into two categories: acquired and connected to the victim's role in his interactions with society's members, and intrinsic and derived from human dignity (Hosni, 1986).

The victim's capacity significantly correlates with their social standing in these crimes. The victim could be a natural person or a legal person (entity). The law assures him that his rights, including the right to protect his honor and reputation, will be upheld as long as he possesses legal personality. Since the legal person serves a societal position, the law must provide protection for everything associated with carrying out the duty of the position he occupies (Hosni, 1986).

An attack upon an individual honor and reputation may take several forms - verbally, in writing, or a gesture - that may undermine society's respect for the victim, who represents a public figure. In this type of crime, the mere act of implying danger or threatening individuals with their reputation is sufficient to render the offender liable, meaning that accusing the victim of some disgraceful qualities is considered a crime even if no one believes what the perpetrator attributed to the victim (Hosni, 1986).

1.1.3. Crimes against honor and reputation in the Jordanian penal code

The Jordanian Penal Code devotes a chapter to crimes against honor related to public authority, involving defamation, insult, and dishonor. Articles (188-190) stipulate provisions that criminalize assault against a public employee while performing his job or against one of the official bodies, courts, public administrations, or the army. Articles (358) to (367) of the same law also included provisions related to the crime of defamation, slander, and humiliation.

This implies that the Jordanian lawmaker has criminalized every act that leads to slander, defamation, and humiliation against a natural person and a legal person or a public employee in his capacity. However, the lawmaker distinguishes the severity of punishment based on the legal personality of the victim.

Article (188) defines defamation as "the imputation of a certain matter to a person – even if it was done with doubt – which might negatively affect his/her honor, dignity and exposes him/her to the hate and scolding of society regardless if such matter is punishable by law or not." Where insult is referred to as "assaulting the dignity and honor of another person or his/her reputation – even if it was done with doubt – without accusing him/her with a specific matter."

Even though defamation and insult against others are two distinct offenses under Jordanian law, they are both subject to specific common laws, mainly because they must be fulfilled for an act to qualify as defamation or slander against others. They are comparable in that they both result in anguish and material or moral harm to the victim, as well as an assault on his honor and reputation, which is the basis for prosecution. They share the physical element of the crime, which is the attribution of a specific incident in the crime of defamation or a non-specific incident in the crime of insult against a victim in a way that affects his honor and prestige. Imputation is achieved as soon as the perpetrator reports or ascribes an incident that may potentially be truthful or false to the victim. This information would terrify the public regardless of the possibility of the incident being actual, even if only temporarily. It would lead to the victim being despised by members of society, thus degrading his reputation and dignity in their eyes and exposing him to hatred and contempt (Namur, 1990; Al-Qadi, 2013).

Article (190) of the Penal Code defines humiliation as "every humiliation or cursing – besides defamation and insult – which is directed to the victim through the use of words or gestures or writings or drawings that are not made public, or through a phone call or a cable or harsh treatment." By contrasting the legal texts, we can see that insult and defamation share similar characteristics with humiliation in that they all undermine a person's honor and reputation. But unlike defamation, humiliation does not entail assigning the victim a particular harmful matter, nor does it necessitate it. It always happens face-to-face in public, although defamation can happen virtually or in person (Namur, 1990).

Imputation can be committed in several ways, including insults, written words, or illustrations that provide particular indications or symbolic meaning, in addition to cartoons, pictures, movies, and symbolic motions like winking or hand gestures that communicate specific ideas. For instance, if an action is customarily used to express contempt for a confident person, it is considered defamation. Consider the scenario where someone asks about a crime, and someone else in the group points out to the accused person. Imputation does not always have to be said directly; it can simply be implied in speech by wordplay, exposition, or implication (Jaafar, 2013).

The slanderer may resort to using symbolic methods, yet he is considered to have committed the crime of defamation. Imputation is achieved regardless of whether the process of expression is explicit or implicit or whether it is as a matter of certainty or done with doubt. Notably, the third paragraph of Article (188) of the Penal Code set specific grounds for establishing liability, including when the name of the victim was not explicitly stated when the crimes of defamation and insult were committed, or if the accusation were ambiguous but evidence conclusively link the matter to the victim, the perpetrator of the defamation or insult shall be considered as if he mentioned the name of the victim (Ramadan, 1986).

Regarding imputation publicity, "publicity" refers to the presentation, distribution, propagation, and publishing of slanderous statements specified in the law. Publicity leads to people knowing of the disparaging remarks that damage the victim's honor and dignity and lower their social status, which forms the basis for the criminality of slander and defamation. The justification for making these offenses illegal is not because the victim was physically harmed but rather because the public dissemination of derogatory comments about them damages the victim's reputation and dignity. This justification is satisfied only by publicity, even if the victim is unaware of the precise charges leveled (Jaafar, 2013; Namur, 1990).

As for the grounds for rendering defamation and insult punishable, Article (189) of the Penal Code specifies that these crimes shall be committed in person (face to face), that is, they took place in a gathering while facing the victim and in a place where other people can hear regardless of their number indicating that if no one was present, the crime should not be established. In case of in absentia defamation and insult, it has to take place while meeting with a number of individuals, either together or separately. This indicates that the victim's presence in person is not required to render the offender liable for committing a crime of defamation or insult. We emphasize that if a person speaks in front of other people and attributes a shameful matter to the absent victim, thereby exposing him to contempt and hatred, then he is liable for the crime of defamation or insult, according to the facts imputed (Namur, 1990).

The Jordanian Penal Code also considers written defamation and insult illegal and punishable if published, shared, or distributed among individuals or groups. This includes writings, drawings, comic drawings, and mailing open, unsealed letters and postcards to the victim (Namur, 1990).

1.1.4. Attacks on honor and reputation as a crime of publications

One of the most fundamental human rights is the freedom of thought, expression, and access to information. Therefore, conveying news through printed or online media is a social responsibility since the public has the right to access information (Namur, 1990) and be informed about pertinent issues. Media plays a pivotal role in ensuring that society members are knowledgeable about events across various domains.

Occasionally, problems could occur from the news being published or shared by journalists that infringe people's rights, including slander and defamation. In this case, the right of a person to protect their honor and reputation clashes with society's interest in information sharing. The protection of a person's privacy, honor, and social standing is guaranteed by legal laws, even if society's interests typically take precedence over personal considerations. However, Article (7) of the Jordanian Press and Publications Law of (1998) assures the necessity of respecting public liberties, safeguarding the rights of others, and refraining from encroaching on their private life.

However, a violation of the content of Article (7) is regarded as an abuse of power or an abuse of the right. Publishing news based on the right to expression and access to information must be within the limits of this right and not exceed it. However, in some cases, a journalist/ newspaper is obligated to publish news even if it involves a violation of the honor of an individual, such as publishing official communications and judicial announcements published in the implementation of a judicial ruling; permissibility here is grounded on performing the duty (Azmakna, 2017).

On the other hand, the ability to criticize is seen as a more developed type of free speech driven by knowledge, education, and a desire to progress civilization and society. It's not acceptable, though, unless it's done in good faith and without the goal of slander or defamation that would subject the perpetrator to legal action. The freedom to criticize does not allow for defamation as long as criticism stays within reasonable bounds and focuses only on performance flaws rather than individuals' personalities. Based on these grounds, it will be dealt with according to the Justification Reasons included in Article

59 of the Jordanian Penal Code, which states, "There is no crime if the act occurs while exercising a legal right and without the misuse of such right." Finding a balance between public and private interests requires telling the truth to the public and holding those in charge of public affairs accountable for their actions, which impact society, provided it doesn't jeopardize their respect and dignity (Azmakna, 2017).

In any other case, the written defamation and slander that is broadcast among individuals or distributed to a group of individuals in the form of writings, sketches, mocking pictures, or drafts of drawings, as well as the slander or defamation through publications, which occurs through daily newspapers, constitute a violation of honor and reputation. According to Articles (73) and (189) of the Penal Code, publishing anything, no matter how brief, in any form of publication or media—including electronic publications—is punishable as a publications crime because it is seen as a violation of the right to free speech, which is protected by both the constitution and the law as specified in Article (15) of the Jordanian Constitution of (1952) with the latest amendments in (2023) declared as much.

Publicly available content is seen as an offense when it exposes someone to defamation, slander, or humiliation beyond the bounds of the lawful opinion freedom. Publications crimes require that an announcement of an idea, fact, opinion, or sentiment infringe upon the freedom of expression, the right to free speech, and the right to contact the public through publication. Additionally, the content must be illegal (Azmakna, 2017). Article (78) of the Penal Code stipulates, "If a crime is committed through the use of newspapers, the manager in charge is considered to be the publisher; if there is no manager in charge, then the editor or the chief editor of the newspaper shall be considered as the publisher."

According to Article (41) of the Press and Publications Law of (1998), a lawsuit in the case of periodicals' violations shall be filed against the responsible chief editor of the publication, the writer, or the person who prepared the material in it in their capacity as the initiators. The publication's owner shall be responsible collectively and equally for the personal rights stemming from those crimes and the court expenses. He will not be held accountable unless his actual participation or involvement in the crime is proven.

In crimes of non-periodical publications, they are brought against their author as the initiator and the publisher as the accomplice. If the author or publisher of the publication is unknown, both the proprietor and the manager of the printing press shall be prosecuted under Criminal Law.

It is noteworthy that, in addition to being a crime of publication, the content in question also qualifies as a crime of character assassination if it is published electronically and contains defamatory statements intending to harm someone's reputation. This is because the content in question satisfies all the requirements outlined in the criminalization text in a way comparable to that. In the second section, we will go into further detail. It should be noted that, unlike the Press and Publication Law, a general law, crimes of defamation and slander perpetrated through websites, social media platforms, and electronic magazines are subject to the Electronic Crimes legislation specific legislation. According to Resolution No. (8) issued by the Special Bureau for Interpreting Laws in (2015), the particular description is adhered to if the act fits the general and the specific description.

1.1.5. Criminal protection for the crime of character assassination in Jordanian legislation

Electronic crime (e-crimes) has emerged as a natural byproduct of scientific and technological growth, along with new crimes not covered by previous penal codes. E-crime is a criminal activity in which computer technology is used, directly or indirectly, as a means or goal to carry out the intended criminal act, including character assassination, which is covered and explicitly punishable in the Electronic Crimes Law.

Therefore, this research deals with the nature of character assassination in the first subsection, the legal model for character assassination in the Cybercrime Law is presented in the second subsection, and the third deals with electronic defamation and its relationship with character assassination.

1.1.6. Character assassination

Linguistically, assassination refers to the willful killing by a sudden, secret, or planned attack based on maliciousness, deception, and internal hatred (Ibn Manzur, 2000). Character is a set of largely stable personal qualities based on behavioral, emotional, and cognitive standards. It is not to be confused with reputation, which is a general opinion held by society about an individual based on actions and behaviors that are visible to them. Character is a person's personality, whereas reputation cannot always reflect those attributes (Samoilenko et al., 2019).

Character assassination, in terminology, means the deliberate destruction of the reputation of individuals. It is an intentional and continuous process that aims to destroy the credibility and reputation of a person, institution, organization, social group, or nation by raising false accusations, promoting rumors, and manipulating information. Exaggeration, deceit, and factual manipulation may be used to paint an inaccurate picture of the targeted characters, which could result in rejection from their family, friends, coworkers, and community. These behaviors are frequently challenging to undo or fix. This act is comparable to a human assassination, and the harm may last for a long time, even centuries following their passing. It is commonly committed against public figures.

Five components comprise the foundation of character assassination: the attacker, the victim, the mediator, the audience, and the text. The attacker is a person who intentionally damages another person's reputation to incite public outrage and weaken the target's social status. Usually, the target is a well-known person who has attained recognition, high social standing, or a positive reputation. He can suffer societal consequences if the attack is connected to a public figure. As a result, the public's perception of him is negatively altered by persuading a sufficient number of people of the malicious content directed towards him, regardless of the integrity of the information. Attacks against the intended victim can target the person's past behavior, personality, social affiliation, or distinctive identity, whether true or false, such as being a man or a woman, young or old, white or black. Whether a foreigner or a native-born citizen. In this case, the problem is not with the person's actions but with who they are. Saying this about a female political candidate: "What do you think she'll be like? Because it implies that she is incapable of accomplishing some things, the statement "she is a woman" is regarded as an attack on the candidate's character, due to her gender, such as having a position in the public eye, enforcing rules, or making suitable judgments.

As for the mediator or means, it is the means of communication or information, whether it is a brochure, poster, tweet, or negative advertisement. The means of communication may be a news channel, an online forum, or any other media means. It is conducive to personal assassinations and affects society and its perceptions and behaviors. It relies on symbols, slogans, and familiar cognitive associations to reach the broadest possible audience. It allows ordinary people to quickly identify and access dramatic texts and emotionally charged speeches, allowing them to take the necessary mental actions to reach quick judgments (Samoilenko et al., 2019).

One of the main reasons for character assassination is the aggressive behavior of some people, exemplified by deeds and words that cause others to suffer morally or monetarily, impacting both their private and public lives. Envy, hatred, and self-love are frequently the driving forces behind attempts to discredit the target and tarnish his reputation. Competing for a job, wanting to be in a leadership role, and wanting to exact revenge on coworkers are some of his motivations, in addition to the desire for attention, which leads one to live in delusion and see himself as outstanding in their eyes and belittles those who are inferior to him.

Character assassination can also be motivated by emptiness and a failure to spend time constructively. This is especially true in light of the widespread availability of current communication tools for all socioeconomic classes, which has led some people to circulate false information, spread rumors, and cause harm to others (Al-Ghazali, 1433).

One of the main objectives of character assassination is to prevent the victim from engaging in public life and from working for fictitious reasons. This can be achieved by casting doubt on the victim's abilities or hiding specific facts, creating doubts about the victim's background (Al-Rida & Ammar, 1988), frustrating the victim, destroying his reputation and dignity, lowering his status and prestige, and manipulating his public persona using defamatory remarks and intentional slander to incite disdain and hostility towards him in his society.

In addition, it seeks to undermine the targeted person's morals and values, fabricate untrue information and attribute it to him via media channels, lower his spirits, and instill a sense of unease, unease, and lack of sincerity in his job (Al-Rida & Ammar, 1988). One of its objectives is to tarnish the reputation of the legal personality, including organizations, businesses, universities, etc., to divert attention from the issue. Other objectives include blackmail and pressure from the political and administrative spheres and the removal of a significant figure whose objectives and policies conflict with those of other leaders. Furthermore, they may aim to frighten, threaten, and create fear and anxiety in the minds of those targeted.

Character assassination has severe detrimental effects on people as well as society. Cognitive tyranny is one of its most prominent effects, reflected in a person's arrogance, steadfast commitment to their opinions, and conviction that they are the only ones with wisdom. This way of thinking monopolizes decision-making, excludes morally opposing views, discourages involvement in public life, usurps the right to participate in governance, and imposes beliefs or agendas on others without obtaining their permission or aligning with their goals (Al-Baydani, 2012).

Its impacts also include making the targeted person feel more anxious, depressed, and frustrated. He can experience a nervous and psychological shock that causes him to lose hope for the future and his sense of psychological stability (Abu Halawa, 2013). On the other hand, character assassination promotes moral degradation and corruption, which might inspire someone to carry out an attack. Against others without having any control over his words or deeds eventually causes societal disarray and unrest and morally undermines the public's trust (Abu Halawa, 2013) in the deceased individual or the organizations that assassinated various media or communication channels. In addition to hindering comprehensive development, this also impacts an individual's social values and ethics of honesty, loyalty, and trustworthiness. It also erodes an individual's sense of genuine national belonging, undermines trust within a society, impedes prosperity by excluding the privileged, and may even result in intentional sabotage and blackmail (Al-Hamus & Kamal, 2010).]

1.1.6. *The legal model for character assassination in the cybercrime law*

Despite the novelty of the term character assassination in Jordanian legislation and the existence of a text punishing its perpetrator, there is no definition for it. Article (16) of the Jordanian Cybercrime Law stipulates that: "Whoever intentionally spreads, ascribes, or attributes to a person, or contributes to it through an information network, information technology,

information system, website, or social media platforms, acts that would assassinate his personality shall be punished by imprisonment for a period of no less than three months or a fine of no less than (5000) five thousand Dinars and no more than (20000) twenty thousand Dinars, or both penalties."

Through analysis of the previously provided text, three fundamental elements must be available to establish a complete crime: the criminal act, Harm or dangerous consequences, and the causal relationship between the act and the causation. The criminal act 'actus reus' typically includes three main categories: the actions (positive), which usually refer to violating the rules. Omissions (negative) indicate failure to act when legally required, and state of being refers to possessing items or substances prohibited by law. Result (Harm or injurious consequences) means the actual consequences of committing the criminal act. Causation is the physical link between the criminal act and the result. The result must be attributed to the act for the offender to be held responsible (Al-Saeed, 1983).

The Jordanian lawmaker criminalized character assassination through Article (16) and defines specific grounds for rendering an action as a crime punishable by the law; these include:

a) Rumor:

Linguistically, it refers to spreading, broadcasting, or displaying news (Abu al-Fadl, 2000); it involves disseminating news from a source to members of a particular group under particular circumstances and for a purpose the source wishes to pursue without the awareness of others. Rumors have been used as the earliest and most primitive tool to defame and damage people's character and dignity. It is characterized by how quickly it spreads and is accepted by the target group. It has the power to incite emotions and feelings of fear, suspicion, and hatred. It may also foster a selfish mindset and demolish morale. It erodes societal norms, values, and traditions, creating a breach in the connection between the people and the leadership. Its impact can be more severe than the effect of weapons (Al-Khatatneh, 2011). It is the first mechanism the lawmaker specified at the opening of the text of Article (16) for criminalizing character assassination.

b) Ascribing, or attribution:

The idea of attributing an action to a person, whether true or false, unites these two concepts, whose meanings are equivalent. Regarding the question of attribution and ancestry, these are acts that cause harm to the targeted person's dignity and prestige and undermine his credibility and reputation in the community (Abu al-Fadl, 2000).

c) Commission of the criminal acts via digital means:

These means may include information networks, technology, information systems, websites, or social media platforms. Given the availability of the element of publicity required for this sort of crime, there is no doubt that such actions would achieve the offender's goal of disseminating the actions, ascribing them to the targeted person, and defaming him.

As we previously stated, the criminal result of this act is the targeted person's reputation being destroyed, his dignity and prestige being undermined, and his public perception of him being distorted. The perpetrator's illegal actions intended to assassinate the victim's reputation are what led to this result, according to the causal link.

2. Mental Element

Character assassination is a deliberate crime specified explicitly in the article above (Whoever intentionally spreads, ascribes, or attributes to a person...). Article (63) of the Jordanian Penal Code defines criminal intent as: "Intent is the will to commit the crime as defined by law." We will discuss this element in detail when distinguishing between the crime of electronic defamation and character assassination. It is noted that Article (27) of the Cybercrime Law emphasized that the punishment shall not only include the perpetrator of this crime but rather extended to include everyone who contributed to its commission, partners, interveners, and instigators as well, as it stipulates that "Whoever intentionally participates in, interferes or incites the commission of any of the crimes stipulated in this Law shall be punished with in the same manner specified for its perpetrators."

Due to the seriousness of this type of crime and the damage it inflicted to the victim, the Jordanian Law has given cases committed in violation of this law's provisions the status of urgency. The court sessions for these crimes are held at least once a week, provided that they are decided within a period not exceeding three months from the date the court bureau receives them. This is explicitly specified in Article (34) of Cybercrimes Law.

As for the penalty for character assassination, it is noted that the amount of the punishment has been tightened. Although this crime is a misdemeanor, the legislator has taken the exception stipulated in Articles (21) and (22) of the Penal Code, that is, If the general rule for the imprisonment penalty for a misdemeanor ranges from one week to three years, and a fine from five to two hundred dinars. The exception is what the law stipulates otherwise. The imprisonment penalty decided by the legislator in the Cybercrime Law is not less than three months or a fine of not less than five thousand dinars and not more than twenty thousand dinars, or both penalties as stated in Article (16) of the same law.

It is also noted that the Jordanian legislator, through Article (25), renders the person responsible for the actual management of the website or social media platform or the person in charge of any account, public page, group, channel, or

the like liable for the illegal content, and the crimes committed in contrary to the provisions of this Law related to the same content shall be punished in the same manner specified for its perpetrator. It is also noted that the lawmaker did not select a specific characteristic or social or political position in the person targeted for assassination, and this means that any person could be the subject of this crime.

2.1. *Online defamation and its relationship to character assassination*

This section introduces the concept of online defamation, its similarity and character assassination, and the mental element as a criterion for distinguishing between them.

2.2. *The similarity between character assassination and online defamation*

Character assassination and online defamation are similar in that both involve distributing negative information about an individual to scandalize them. Defamation, slander, and humiliation via electronic means constitute the crime of online defamation. Misuse of information technology media can result in various crimes, depending on the intent and mode of use. Defamation and slander can occur in person through direct contact channels, in writing, absentia, or through publications, and all these forms are carried out through electronic written, audio, or video communications made possible by modern information technology.

Furthermore, it might be through mobile phones, the Internet, or email. Using these techniques, the offender may ascribe a particular incident to a specific person—even if it is in suspicion and questioning—which means he risks having his honor, dignity, and status undermined by others. By attributing a deplorable trait to a person without citing a specific occurrence, he violates their honor and dignity and implies that they deserve scorn. Consequently, these offenses are committed when they result in publicity, which can be attained by publishing and sharing written content or by hearing other people's audio or visual messages (Jaafar, 2013).

Lawmakers in Jordan rendered cyber defamation illegal. The offender of this act communicates, resends, or publishes data or material that involves defamation, slander, or humiliation of any person—natural or legal—via an information network, information technology, information system, website, or social media platforms. The legislator also punished the perpetrator of this crime with the same penalty prescribed for the perpetrator of the crime of character assassination. As stated in Article (15/b) of the Cybercrime Law, If the crime of defamation is directed at one of the state authorities, its official bodies, or its public administrations, the public rights lawsuit is filed directly by the Public Prosecution without the need to file a complaint or claim a personal right.

Notably, Article (20) of the same law defines a penalty for whoever utilizes an information network, information technology, information system, website, or social media platform to publish a recording, image, or video of what a person is keen to preserve and not show or conceal from the public with the intent of defamation, offense, or obtaining any benefit from that, even if he received such images photos, recordings, or videos legitimately. Paragraph (b) of the same law also penalized whoever uses an information network, information technology, information system, website, or social media platform to perform installation, modification, or manipulation of a recording, image, scene, or video of what a person is keen to preserve and not show to the public with the intent of defamation, offense, or obtaining a benefit from that. In this regard, as defamation is understood in the previously mentioned sense, which means exposing and insulting the targeted person, precisely what happens, the researcher believes that the two types of crimes listed in Article (20/a) and b, if they are committed to defame or insult the victim, are considered practical applications of character assassination.

The crime of digital defamation, which is outlined in Article (15) of the same law, is comparable to the crime of character assassination in that both are committed using the same electronic means and have the same objective of harming the targeted person's reputation, dignity, and credibility, with the consequent adverse psychological effects on him. This is especially true given that the most significant acts that can be spread through character assassination, in terms of means and goals, are defamation, slander, and disregard. Although the punishment prescribed for each is the same, the difference in the criminal intent required for each crime to occur makes it easier to prove the crime of digital defamation in a practical arbitration setting than the crime of character assassination, which we will discuss later.

2.3. *The mental element as a criterion for distinguishing between the two crimes*

Using technology to commit acts of slander, contempt, or defamation intentionally is prohibited. These acts do not require specific criminal intent since the relevant criminal purpose is generic. Basic legal principles hold that general intent requires both knowledge and intent. It is essential to comprehend the components of the offense, including the ramifications of the actions ascribed to the victim and how they could harm their reputation. Although awareness is usually presumed, the accused might refute this by presenting proof that their words had a non-defamatory intent and were unaware of their indications in the pertinent context (Al-Saeed, 1983).

One of the conditions for criminal intent is knowledge of the publicity of the imputation (accusation) that constitutes defamation or slander. The perpetrator must intend to commit criminal behavior without coercion or threat. Once the criminal

intent (knowledge and intent) is present, the motives for committing a crime do not matter after that, such as revenge or harming the reputation of the victim, as the motive does not affect the availability of criminal intent, just as it does not affect this intent if the offender believes that the accusation, he placed on the victim is true, because it is not an element of the crime to lie about the facts (Namur, 1990).

The criminal and specific intent are essential for establishing the crime of character assassination. The particular purpose is the reason that causes the perpetrator to commit the act or the ultimate goal he seeks. Motive is regarded as an element of criminalization in the circumstances specified by the law according to Article (67) of the Penal Code. Specific intent is clearly stated in Article (16) of the Cybercrime Law, which is the intention to commit character assassination and deliberately destroy his reputation, distorting his image, questioning his credibility, undermining his dignity and respect, and isolating him socially.

2.4. Proving criminal intent

In crimes of defamation and slander in general, and the crime of online defamation, the criminal intent must be present, including knowledge and intent. The Public Prosecution has the burden of proving that the perpetrator was aware that his statements included defamation or slander and deliberately attributed these statements to the victim and spread them among the people.

However, if the ascribed content is deemed offensive, the presumption of intention falls upon the perpetrator; the prosecution must only demonstrate that it originated from them. Merely stating the intent is adequate for the court to acknowledge the statements proven to have been issued by the accused; explicit discussion of intent is not obligatory. In such cases, the accused bears responsibility for refuting any implication of criminal intent (Al-Qadi, 2013).

However, we argue that the difficulty with character assassination is establishing the precise illegal intent. It might not be immediately apparent since it is internal to the offender. To prove deliberate intent of assassinating a character, one must do more than show that the assigned topics are offensive. The Public Prosecution bears the burden of demonstrating this intention. If the court finds someone guilty, it must give the arguments, supporting documentation, and logic for its decision. The primary factor used to differentiate between the crime of character assassination, covered by Article 16 of the Electronic Crimes Law in the legal application, and the crime of electronic defamation, governed by Article (15) of the same law, is whether or not this intent exists.

In our opinion, the Jordanian lawmaker has provided arguments that would allow defamatory remarks to be published, such as when the information is accurate, and disclosure is in the public interest as stated in Article (198) of the Penal Code. But to repair the violation by holding those accountable, as stated in Articles (169) and (192) of the Penal Code, the person distributing the defamatory words must do so in good faith and expose information that would benefit society (Al-Qadi, 2013).

Although the Jordanian legislator did not provide any exceptions to character assassination, the reason for this is undoubtedly clear since character assassination is based on specific criminal intent and does not consider the availability of an element in the case of the perpetrator's good faith or the nobility of his goal, unlike the reason for justifying electronic defamation and slander on the grounds mentioned above.

3. Conclusion

The study reached a number of results and recommendations, which we list as follows:

The study demonstrated that if the term "assassination" is frequently used to refer to the planned assassination of politicians and other public figures, meaning that the targeted individual is killed to accomplish political, ideological, or military goals, then "moral character assassination" refers to the intentional moral destruction of the reputation of a person, organization, or group in a way identical to the professional murder of human life, by fabricating accusations and circulating rumors to create an inaccurate picture of the targeted person, which causes him to be shunned by his community, family, or workplace.

Regardless of socioeconomic standing, one of the rights connected to and arising from legal personality is the right to protect his honor and reputation. Therefore, the Cybercrime Law No. (17) of (2023) included texts that criminalize online assault, including criminalizing spreading rumors or ascribing any acts that would lead to character assassination. The Jordanian lawmaker increased the penalty for character assassination based on the exception provided for in Articles (21) and (22) of the Penal Code. There is no doubt that this is due to the seriousness of this crime's subject and its impact on the victim.

The Jordanian legislator did not restrict punishment only to the perpetrator of character assassination but instead extended the criminalization and punishment to include whoever contributed, participated, intervened, or incited to commit it, in addition to the person who is responsible for the actual management of the website, social media platform, or anything similar. They shall be punished with the same penalties prescribed for the original perpetrator.

While the crime of character assassination and the crime of electronic defamation, as defined by Article (15) of the Cybercrimes Law, are similar in that they both involve the use of electronic means and harm the victim's reputation and dignity because of the psychological effects they have on him, the mental element serves as the dividing line between the two crimes. The cognitive component of the crime of electronic defamation does not depend on the reasons behind the defamation—

instead, it just requires a general criminal intent. But for the crime of character assassination to have a mental component, there must be both a general criminal intent and a specific intent that is demonstrated by socially and morally isolating the targeted individual.

4. Recommendations

Given the novel usage of the term "character assassination" in Jordanian criminal law, as well as the inclusion of a legislative text that criminalizes and punishes it under Article (16) of the Electronic Crimes Law, we implore our legislators to define the term's scope and regulate its meaning, emulating the definitions of terms or contemporary words found in Article (2) of the same law, to make its definition clear and make it easier to distinguish it from other crimes that may be confused with or resemble it. Law enforcement personnel can apply the legal texts accurately, avoiding implementation errors.

Character assassination is punishable in Jordan if carried out electronically, as declared in Article (16). However, the crime remains unpunished if carried out through traditional means, and there are elements of malicious imputation and publicity as specified by the Penal Code. Without a doubt, this is a legal loophole that we hope our politicians will address and make clear how the law feels about it.

Ethical Considerations

Not applicable.

Conflict of Interest

The authors declare no conflicts of interest.

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