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Promoting Transparency and Integrity Through the Disclosure of Financial Interests in Jordan

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Abstract

The purpose of this article is to explore the statutory standards for disclosing financial interests for public offices as provided in the Jordanian Illicit Enrichment Law of 2014. The IE law establishes a specific department for disclosure of interests under the administration of the Ministry of Justice, which is responsible for receiving financial disclosure statements from persons subject to the law. It also sets criminal penalties on anyone who violates the regulations for disclosing the financial interests of assigned persons, their wives, and minors, as well as anyone who willfully provides erroneous data in personal statements provided by them. Despite the existence of a clear mechanism that works to ensure transparency and integrity in public life through the system of disclosing financial interests, these rules have not been efficiently implemented, and the number of individuals prosecuted for breaking the law has been minimal. As a result, the purpose of this study is to uncover flaws in the system of revealing financial interests, taking into account the organization of the department in question as well as the procedures for submitting financial interest declarations by holders of public office, their spouses, and minors.

Keywords: *Illicit Enrichment Law, Financial Disclosure Department, Conflict of Interests, Transparency and Integrity, Statements of Financial Interests.*

Introduction

In most countries, normal individuals have ever-increasing expectations of their senior officers to offer better levels of honesty and probity in public life. Growing expectations from what is now a well-informed society mount the pressure on those who hold senior positions to ensure that their public duties are exercised in a fair and unprejudiced way, and that their public decisions are not improperly affected by self-interest, which is, of course, a reasonable expectation.

In this setting, conflicts of interest in many forms can frequently occur between top civil servants' private financial interests and their public duties, which have become significant and widely documented issues around the world. The behavior of these individuals in such positions of trust and empowerment have been the subject of much deliberation, and, as a result, there are now significant considerations in the day-to-day work of these people, who ultimately occupy positions of trust and partake in the fundamental mission to serve the public's interests.

This situation has intensified the pressure on the relevant authorities to put in place robust measures that actively ensure that senior officials do not use their public positions to make illegal

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financial gain, and that any conflict of interest that arises is quickly identified and resolved in the most appropriate and efficient manner.

'Integrity' in relation to public life is used to refer to the proper use of funds, resources, assets and power for the official purposes for which they are intended to be used. In this sense, the opposite of 'integrity' is 'corruption' and 'abuse', which have severe implications on the political and economic systems in the state (Nasrawin, 2011). Yet, there is a clear nexus between corruption and misusing the power of public office for private interest, in that whenever an agent is given discretionary authority, corruption provides a way for the objectives of the higher authority to be undermined (Rose-Ackerman, 1981).

One strategy to ensure integrity and transparency in public life is for holders of prominent offices to declare their own financial interests, as well as those of their spouses and minor children, upon taking office and on a regular basis. There is constantly a call to strengthen the preventative measures in Jordan to prevent corruption and abuse of position for private financial benefit.

The Illicit Enrichment Law No (21) of 2014

The disclosure system has been part of Jordan's legal system since 2006, when the Financial Disclosure Law No. (65) of 2006 (FD Law) was passed. The FD Law established a special department in the Ministry of Justice known as the Financial Disclosure Department (FDD) and specified the individuals covered by its provisions. However, the FD Law was replaced by a new act, The Illicit Enrichment Law No. (21) of 2014 (IE Law), which broadened the scope of those subject to its provisions while retaining the overall framework for providing disclosures of financial interests. The IE Law was later revised in 2018, increasing the spectrum of individuals covered by the act and enhancing the penalty for those who breach its provisions.

The FD Law was enacted as part of Jordan's legislative efforts following the ratification of the United Nations Convention against Corruption (UNCAC) in 2003 (Rose, 2013), which was ratified by the Ratification Law No. (28) of 2004 in accordance with the provisions of the Constitution. The UNCAC is one of the conventions that has an impact on Jordanians' rights, hence its entry into force requires the consent of Parliament, as provided in Article (33/2) of the Constitution, which states

"Treaties and agreements which involve financial commitments to the Treasury or affect the public or private rights of Jordanians shall not be valid unless approved by the National Assembly. In no circumstances shall any secret terms contained in any treaty or agreement be contrary to their overt terms".

The establishment of the charge of illegal enrichment aims to improve states' abilities to combat corruption and reclaim assets. Based on the idea that unexplained wealth of a public official may, in fact, be visible proceeds of corruption, illicit enrichment was identified as a non-mandatory crime in Article 20 of the United Nations Convention against Corruption, and defined, when committed intentionally, as "significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income" (Klitgaard, 2015).

The IE Law includes provisions for the concept of illicit enrichment, stating who is subject to the terms of the law, and retaining the FDD as a competent authority to receive financial disclosure statements from persons assigned under the law. The IE Law also sets criminal penalties on anyone who violates the regulations for disclosing the financial interests of assigned

persons, their wives, and minors, as well as anyone who willfully provides erroneous data in personal statements provided by them.

Although the IE Law superseded the previous law, the FD Law, it is critical to understand the reasons for changing the name of the law, as well as the legal and political implications of this move. The change in the name of the law from "Financial Disclosure Law" to "Illicit Enrichment Law" represents a shift in public policy about the issue of integrity and transparency in public employment. The title of the law, financial disclosure, reflected a preventive component, implying that the legislative regulations for financial disclosure were intended to avoid corruption and the abuse of public office. However, the term "Illicit Enrichment" implies both a remedial and punitive component, as it comprises signs that exploitation of public office resulted in the occurrence of illicit enrichment, and the submission of financial statements is for the purpose of prosecution.

The general rule in the field of crime and punishment is that the principle is clearance of liability, and that dealings with others must be based on the assumption that they are innocent and have not committed any crime punishable by law, unless a final judgment is issued against them by the convicting court (Al-Hiyari, 1972). Article (101/4) of the Jordanian Constitution has enshrined the presumption of innocence, stating that "*the accused is innocent until proven guilty by a final judgment*".

The burden of proof has been shifted from the prosecutor to the defendant as a new prosecution strategy because the law's current name, "Illicit Enrichment," suggests that senior employees have illicit enrichment and that they must reveal their financial interests to demonstrate the opposite (Singhal & Malik, 2012).

The Concept of "Illicit Enrichment"

Illicit enrichment is defined as a considerable increase in a public official's or other person's assets that cannot be rationally explained in connection to his or her income (Vaissiere, 2012). Article (4) of the IE Law defines "Illicit Enrichment" as all movable or immovable property that officials have acquired as a result of abusing their position, as well as any increase in such property based on financial disclosures they have made about themselves, their spouse, or their minor children while they have been employed, provided that the increase is out of proportion to their financial resources and they are unable to provide a good reason for it.

To prove illicit enrichment, the assigned person's financial liability must increase in proportion to his financial resources, as represented by his salaries and allowances from public office, and he must be unable to demonstrate a legitimate source for this increase. If both elements are satisfied, the presumption will be that the individual concerned has gained illegal enrichment, until shown otherwise (Muzila et al., 2012).

Given that the charged individual can transfer ownership of any money or property to the name of his wife or any of his minor children in order to avoid criminal responsibility and defend suspicions of illegal enrichment, the IE Law has done a good job of extending the list of people whose financial liability may increase to include the charged person's wife and any minor children (Kamali, 2013).

Adult children are exempt from revealing their money and financial assets since they have a financial duty independent of the official in question. They also have their own legal identity, allowing them to engage in all legal activities, such as contract negotiations and economic

transactions. Adult children's increased financial responsibility could be attributed to the commercial and financial activities they conduct independently of their father, who works in the public sector (Dornbierer, 2021).

In contrast, adult children who are found to have benefited their businesses from their father's official position still face legal repercussions. If it can be shown that the adult children of the person in charge profited from their father's involvement in government jobs in order to obtain unlawful enrichment, then the Penal Code will be applicable to them. It is not necessary for the person assigned to submit the financial disclosure statements to disclose to the FDD the assets and funds of his adult children.

Financial Disclosure Department (FDD)

Article (5) of the IE Law states that

"A department called (Financial Disclosure Department) established in the Ministry of Justice, linked to the Minister of Justice, presided by a Court of Cassation judge nominated by the Judicial Council, assisted by the necessary number of employees for the department's work".

This department was established in 2006 because its name was related to the previous law, the Financial Disclosure Law. However, when the new IE statute was enacted in 2014, the department's name was left unchanged, giving the FDD a name that had nothing to do with the statute that founded it.

Since its formation, the FDD has been housed under the Ministry of Justice and is administratively linked to the Minister of Justice. It is the same situation as under the IE Law, which did not grant the FDD legal status with financial and administrative independence, but rather treated it as a department of the Ministry of Justice. It is thus related to the Minister of Justice, who is a member of the Council of Ministers, and among the people who are required to declare their financial holdings.

From an international standpoint, the FDD associated with the Ministry of Justice violates international rules for preventing corruption in the public sector. International and regional anti-corruption treaties oblige member nations to establish one or more national bodies independent of any government agency in order to carry out their functions effectively and without undue influence (Abu-Morad et al., 2016).

As a result, it is reasonable to suggest the establishment of an impartial national authority tasked with monitoring the financial declarations of those charged under the law. Another idea for ensuring the FDD's independence from executive authority is to delegate its work to an independent national authority with jurisdiction over corruption and integrity, such as the Integrity and Anti-Corruption Commission, which will be discussed later.

FDD presided on by a Court of Cassation Judge

The IE Law requires a judge from Jordan's highest court, the Court of Cassation, to preside over the FDD. This is one illustration of the department's lack of independence, which extends beyond its administrative ties to the Minister of Justice.

Some argue that delegating the presidency of the FDD to a Court of Cassation judge has negative legal consequences, the most important of which is that it is considered the incursion of the judicial authority into acts that fall outside its constitutional jurisdiction of settling disputes

between individuals. Article (102) of the Constitution specifies the work of judges in the courts, stating

"Civil Courts in the Hashemite Kingdom of Jordan shall have the right to exercise jurisdiction over all persons in all civil and criminal matters, including cases filed by the Government or filed against it, with exception of the matters in respect of which jurisdiction is vested in Religious Courts or Special Courts in accordance with the provisions of this Constitution or any other legislation in force".

Furthermore, in cases involving financial disclosure statements, the FDD's presiding Court of Cassation judge will serve as both the litigant and the judge. Article 9 of the IE Law states

"The department must follow up the submitting declarations in accordance with the provisions of this law and take the legal measures stipulated in it against those who fail to submit them on their specified dates".

This legal ruling requires the judge, who is the head of the FDD, to take all legal action against those who have failed to disclose their financial liability in accordance with the provisions of the law, including referring the violators to the Public Prosecution, which is part of the judicial authority in which the judge of the Court of Cassation serves (Olaimat, 2020).

The judge of the Court of Cassation who heads the FDD is not required by the IE Law to devote himself fully to his work in the department; he is free to perform these responsibilities while simultaneously serving the highest court and the judicial authority inside the department. This will affect the department's capacity to perform the administrative duties that have been delegated to it, which are crucial in preventing corruption and attaining the highest standards of integrity and openness in public service.

Additionally, it is against the independence of judicial authority guaranteed by the Constitution for a judge of the Court of Cassation to preside over the FDD. Article (97) of the Constitution states that *"Judges are independent, and they are not subject to any authority, in their jurisdiction, other than that of the law"*.

The FDD's leadership, which is delegated to a working judge in the judicial authority, also violates the separation of powers principle, which holds that the judiciary must remain independent from any interference in its business or in the affairs of its judges, notably the executive authority. The FDD's legal system must therefore be reexamined in order to establish its independence, avoid subordination to any government agency or authority, and elect a president who is unaffiliated with any of the state's three authorities—particularly the judicial branch, which is regarded as independent by the Constitution.

Individuals Subject to the Requirements of the Illicit Enrichment Law

Article 3 of the Illicit Enrichment Law stipulates the kinds of people who are subject to the law's provisions and must submit financial disclosure forms, as well as their wives and minor children, including members of the state's three authorities, senior employees in independent bodies and institutions, and municipalities, as well as ambassadors, presidents, and political party secretaries.

Expanding the number of people responsible for providing financial disclosure statements needs a review of the FDD's legal standing, which is led by a part-time Court of Cassation judge and administrative subordinate to the Ministry of Justice. As the number of assigned positions

increases, so does the number of financial statements that must be given upon taking a public office and every two years thereafter in line with the requirements of the legislation for each assigned, his wife, and minor children.

As more people are subject to the law's provisions, more complaints regarding claims of illicit enrichment will be filed, increasing the administrative workload for the FDD for review and follow-up. This necessitates the FDD having a full-time head and administrative independence when it comes to making decisions regarding financial disclosure statements.

The IE Law empowers the Council of Ministers to subject the incumbent of any other post to the norms of the law. The Council of Ministers has complete right to submit the incumbent of any position it considers appropriate to the financial asset disclosure processes. This decision breaks good precedent by applying a broad and abstract legal norm that is supposed to be explicit and tailored to the specific individuals involved.

To ensure legal status stability, the category of persons subject to any legal text must be defined solely by an explicit provision in the law, and no party or authority may broaden the scope of application of the law to include persons or groups not included in it unless a minimum set of standards and principles are met. That can be relied on when making a decision to subject new individuals to the provisions of the law.

In terms of declaring financial interests, the IE Law has assigned all groups of people subject to its merit to a single standard mechanism for disclosing their financial holdings, regardless of their work type or duties. For the purposes of financial disclosure, the law equates members of the executive, legislative, and judicial branches with top state officials such as leaders of official public institutions, civil and military, higher-class employees, ambassadors, and heads of independent bodies.

At a time when representatives of contemporary democracies are required to disclose any new funds or gains as soon as they own or obtain them, it is unacceptable for MPs and Senators to submit their financial disclosure statements every two years. These gains should also be expanded to include accepting gifts of a specific amount or invitations to lunch or dinner.

In a similar vein, serving in the legislative branch is not considered a full-time job because both senators and members of parliament are free to manage their own financial, business, and professional affairs while in office. Any member of parliament or senate has the right to trade shares on a daily basis or to serve on the board of directors of any public shareholding company in exchange for a salary or monthly bonus. A more stringent process for disclosing their financial benefits is required to resolve the potential conflict of interest between their private company and their representative duties (Al-aydaleh, 2024).

Judges, on the other hand, work full-time and are not permitted to conduct any business while serving on the bench. The president and members of the Constitutional Court, the heads and members of independent bodies, and higher-level personnel in public official departments are likewise forbidden from conducting their own private activity while holding public office. Ministers are barred from serving on a firm's board of directors, participating in any commercial or financial business, or collecting a salary from any corporation while serving in their ministry, according to the rules of Article (44) of the Constitution, which reads

“The Minister may not purchase or lease any Government property even if this is in public auction. He may not, during his ministerial office, be a member of the board of

directors of any company, take part in any commercial or financial business or receive a salary from any company”.

Members of the legislative authority are more likely to increase their financial interests than the other categories stated in the law since they have the capacity to engage in private financial operations. As a result, their financial disclosure is required more frequently than other categories, and the nature of the financial interests that must be disclosed differs from those assigned under the law, including the professions and businesses in which they engage, the presidency and membership of private companies, and commercial contracts with ministries, authorities, and governmental institutions.

As a result, the nature of the responsibilities performed by specific organizations subject to legislative laws, particularly MPs and Senators, mandates the development of their own systems for declaring financial responsibility. They exercise constitutional powers through legislation and oversight of the executive authority's work, which necessitates maintaining the highest levels of integrity and transparency in their financial interests by requiring them to declare more frequently about their own money or that of any of their family members during their tenure in the legislative authority.

Procedures for Submitting Financial Disclosure Statements

All relevant authorities are required to provide the FDD with the names of those who are linked with them and to whom the law's provisions apply within sixty days after their inclusion in the requirements of the legislation. This is the first stage in the precise and methodical steps for filing financial disclosure statements that are outlined in the IE Law.

The financial statement includes several pages, some of which are devoted to the assigned personal information, such as his national number, position, date of employment start, address, and quadruple name, as well as the national numbers of the assignee's wife and minor children. Along with pages pertaining to in-kind rights and benefit contracts for the assignee, his wife, and his minor children both inside and outside the Kingdom, it also contains special pages that disclose the assignee's movable and immovable property both inside and outside the Kingdom, its value in Jordanian dinars, and the value of those properties in Jordanian dinars. Additionally, it provides an accurate description of these rights and benefits, as well as their value in Jordanian dinars.

Additionally, the disclosure statement includes pages detailing the debts owed by the assigned, his wife, and his children to third parties, along with the value of those debts and the parties owed them. Also, there are pages detailing the debts owed by the assigned, his wife, and his children to third parties, along with the creditors and their respective values.

However, the inability of the assigned to compute an accurate or even closer evaluation of these funds and rights poses significant risks with regard to the assigned's request to ascertain the value of movable and immovable property, rights in rem, and benefit contracts that belong to him, his wife, or one of his minor children.

Although the FDD prepared a two-page "Guidelines Bulletin" that defined some legal rules and terminology contained in the disclosure statement items as stated in civil law and IE Law, the financial disclosure form is also criticized for lacking an instructional guide on how to fill out the contained items, as the matter is limited to a simple explanation of the item at the end of each page of the declaration.

The Timeframe for Submitting Financial Disclosure Statements

Within sixty days of receiving the disclosure form, assigned individuals who start working in the public sector must submit their financial disclosure statements and those of their spouses and minor children. The obligation to disclose financial assets does not stop when an employee begins working; rather, they must submit these declarations every year, in January of every two years, throughout the duration of their employment, subject to the laws.

The purpose of requiring the assigned to submit these disclosures on a regular basis, every two years after taking office, is to keep that person under constant supervision in the event of an increase in his financial liability, his wife, or any of his minor children that is not commensurate with his financial resources from the position he holds. The occupant of a public office must continue to comply with the conditions of the IE Law and file financial disclosure statements every two years while in office. It is not enough to file this disclosure declaration while in public service.

Even after the end of his employment relationship, the assigned must submit to the FDD disclosure statements of himself, his wife, and minor children within sixty days of his leaving the job or the loss of his capacity, provided that these disclosure statements include all the changes that may occur to the financial liability and its sources.

The purpose of subjecting the employee to the provisions of disclosing his financial assets after the end of his job is to ensure control over any increase in his financial liability after leaving the job, given that any exploitation of the public position may manifest itself after the employee's separation from the position he was holding in the public sector. The application of the IE Law to assigned persons following the termination of their employment relationship and loss of capacity is a positive development that strengthens preventive measures to reduce corruption and the use of public office to serve the assigned persons' private financial interests.

However, the period of time during which the provisions of this law extend to the assigned persons after the end of their work, which is specified for sixty days, is considered a relatively short period, so that any individual can wait for its passage in order to start benefiting from any benefits or gains achieved during his tenure in the public office.

Some countries have attempted to address this issue by prolonging the period of interest for several years after the public person has completed his or her duties or term of office. Argentina, Colombia, and Panama, for example, have extended the period of interest from two to five years after leaving government (Muzila et al., 2012).

To that end, it is recommended that the IE Law be amended to increase the time period during which the assigned person is required to submit financial disclosure statements after leaving the public position, so that this period is at least six months, in order to ensure that no unjustified increase in liability appears for him, his wife, or any of his minor children.

The major issue remains a lack of complete coordination between government departments, on the one hand, and the FDD, on the other, in terms of informing the latter about the hiring or firing of a new employee of assigned persons by law, in order for the FDD to communicate with him for the purpose of submitting financial disclosure statements related to him, his wife, and his minor children in accordance with the provisions of the law.

To enable the FDD to enforce the law's provisions regarding the follow-up of the submission of financial disclosure statements by the legal deadlines, it is proposed that a national database be

created that pertains to the individuals assigned to submit financial disclosure statements. This would require each department, institution, or national organization to regularly update its data on new employees or those whose employment relationship has terminated.

Additionally, it is recommended that liaison officers for the FDD be chosen from among all government departments, institutions, and national bodies where assigned personnel are employed. Their role would be to serve as a liaison between the FDD and law enforcement officials in those departments and coordinate with the FDD in a manner that helps the FDD to carry out its duties in compliance with the law.

In any case, the assigned person must reinforce the movable and immovable funds contained in the submitted disclosure statement by him with supporting documents and evidence, which are attached with the written disclosure statements in a sealed and closed envelope delivered to the head of the FDD, under the penalty of imposing the penal penalties determined by law.

Confidentiality of the Financial Disclosure Statements

The IE Law ensures that the financial disclosure statements and accompanying information filed by assigned personnel are kept strictly secret. It requires that these disclosure statements, along with any supporting paperwork or data, be given in a sealed envelope addressed to the head of the FDD, which is why "*no data transfer is performed*" (Daniel W. et al, 2021). It is unlawful for any Department workers to open this envelope or access the data it contains, under threat of prosecution.

The scope of secrecy under the IE Law has been broadened to encompass these revelations, as well as all related information and data, as secrets that cannot be divulged or published under penalty of legal responsibility. The law penalizes anybody who violates the provisions of secrecy of disclosure statements with imprisonment from three months to three years, or with a fine of at least one thousand dinars and not more than five thousand dinars, or with both punishments.

When compared to other legal systems that make the record of benefits and financial interests of members of the legislative and executive authorities available for everyone to view on the internet, such as the United Kingdom, the strictness of imposing secrecy on financial disclosure statements and considering violating this ruling a felony punishable by up to (3) years imprisonment is unjustified (Derencinovic, 2010).

Disclosure of public officials' financial obligations is a necessary condition for achieving the greatest standards of honesty and transparency in public service. It is beneficial that the financial interests of people subject to the provisions of the IE Law are made public in order to control any increases that may occur to them, especially since some of these funds are easily accessible, such as ownership of shares and commercial companies, which can be found on the website of The Companies Control Department at the Ministry of Industry and Trade.

One could, however, merely demand that the excessive secrecy imposed by the financial disclosure law be reduced. This law considers financial disclosures to be among the documents that are prohibited from disclosure and penalizes anyone who opens them prior to receiving a complaint.

It must also be demonstrated that the FDD has the authority to conduct an independent examination of the financial disclosure statements if it has information that there is illicit enrichment against any of those assigned under the law, or if the media has reported news of exploitation in public office against a person subject to the provisions of the law. This

department should not wait for a complaint before opening the envelopes containing financial disclosure statements and checking the veracity of the claims of unlawful gain.

Investigating the Illicit Enrichment Crime

To obtain a conviction of illicit enrichment, the prosecution must identify key elements relating to the capacity of the defendant as a "Public Official," the time frame of committing illicit enrichment during tenure in public office, the increase occurred in the wealth and properties, and the intention of the public official to benefit from his position, as well as the failure to prove the legitimacy of the wealth increase (Burdescu et al., 2010). The public official may refute this presumption by giving evidence of the legitimate origin of his riches. Failure to rebut the presumption results in a conviction and the implementation of sanctions (Muzila, et al., 2012).

In this regard, the IE Law establishes a judicial body headed by a judge of the Court of Cassation and composed of two additional senior judges to review the disclosure statements provided by the designated individuals and conduct an audit of them in the event that a complaint alleges that any of the individuals covered by the legislation have engaged in illegal enrichment.

If this body finds sufficient proof of the incidence of unlawful enrichment, it sends the matter to the Attorney General, who then sends it to the Integrity and Anti-Corruption Commission, which has the power to prosecute the crime.

Practically, the prosecution must show that a public official's assets increased, as well as establish a link between excessive riches and exploitation of public office. However, the IE changed the burden of proof to the defendant, stating in Article 4/b that "any significant increase or abnormal growth that occurs in the wealth or properties of any public employee which cannot be reasonably explained in comparison to his income". While the public prosecutor is responsible for demonstrating the element of "exploitation of public office", the defendant must prove the legitimate sources of the increase that are proportionate with the lawful sources (AbdulJaleel, 2004).

The IE law exempts both the partner and the person interfering in the crime of illicit enrichment from punishment if the partner discloses the matter to the proper authorities or admits to the illicit enrichment he obtained or his actions before referring the case to the appropriate court. Nevertheless, he must return all of his illicit enrichment.

The Repercussions of Violating Financial Disclosure Guidelines

The criminalization of "illicit enrichment," frequently referred to as "disproportionate wealth" or "inexplicable wealth," allows states to, among other things, prosecute corrupt officials and confiscate the proceeds of corruption on the basis that the unexplained wealth is evidence of corrupt conduct (Muzila, et al., 2012).

The IE Law mandates that the FDD follow up and notify all parties who fail to submit the declaration on time within a month of obtaining a judicial notification to that effect if any of the designated persons under the IE Law fail to submit their financial disclosure statements. The FDD must file a complaint against the offenders and report them to the Public Prosecution for prosecution in line with the law if this period passes without disclosure statements being submitted.

Failure to submit financial disclosure statements on time without a good reason has a minimum term of three months and a maximum penalty of one year in prison, a fine of at least one thousand

dinars and a maximum penalty of five thousand dinars, or both, according to the IE Law. Furthermore, the law imposes a punishment of at least 1,000 dinars and up to 5,000 dinars, three months to three years in prison, or both on anyone who knowingly files a declaration with false information.

Some have suggested that the law's application must be motivated by the assigned person's intrinsic desire, given its importance in achieving honesty and transparency in public work. Additionally, they argue that the purpose of financial disclosures is to prevent conflicts between the interests of the public and private sectors. They have also argued against harsh penalties for giving false information or failing to make financial statements.

Those who fail to submit financial disclosure documents for themselves, their spouses, and their minor children who work for the government should face administrative fines, according to other arguments. The individual may be removed from public office if this punishment is repeated. For instance, the Law of Declaring Gains and Interests, Combating Illicit Enrichment and Conflict of Interest in Tunisia penalizes anyone who does not declare or renew gains and interests in line with the laws' terms and deadlines for the remaining individuals listed in the law by taking away two-thirds of their salary or grant for each month that they fail to do so.

The repercussions of not disclosing financial information highlight the significance of having many methods for revealing financial assets. Until they lose their immunity, senators and members of parliament who break the laws governing the disclosure of their financial interests are protected from criminal prosecution (Al-Khateeb, 2023). As a result, it is crucial to consider implementing specific consequences, such as parliamentary sanctions, which entail preventing a senator or member of parliament from attending sessions of Parliament and depriving him of financial remuneration until his situation improves.

If the MP intentionally repeats a violation of the financial disclosure requirements, these punishments could include removing him from office and publishing his identity in local publications and in his electoral district.

As with Ministers, prosecuting them for violating the IE Law would violate Article (56) of the Constitution, which requires the House of Representatives to issue a referral decision for the Minister in question so that he can be tried for crimes committed while performing his duties. This decision may not be issued by the House of Representatives, or the House of Representatives may be dissolved or not in session, making it impossible to hold the Minister criminally liable for failing to deliver financial disclosure statements for himself, his wife, and his minor children by the legal deadlines.

Giving the prime minister the right to take punitive action against any minister who fails to file financial disclosure documents for himself, his spouse, and any minor children without good reason may result in a proposal to remove the minister from office. This would solve the issue of ministers failing to submit financial reports by the necessary deadlines.

Another approach to hold the offending minister accountable is to initiate parliamentary scrutiny of questions and interrogations against persons who fail to file their financial reports, which will culminate in a vote of no confidence in the minister and his resignation.

Illicit Enrichment Cases Are Rarely Prosecuted

Prosecutions of assigned individuals who refused or delayed disclosing their financial assets were rare since the FDD's inception in 2006, even though the law's provisions clearly penalize

those who fail to submit financial disclosure statements for themselves, their spouses, and their minor children. Despite the fact that the FDD has referred countless cases to the Public Prosecutor in accordance with the law, this remains true.

The reasons for the lack of judicial decisions imposing imprisonment on those who violate the provisions of the law are that the Public Prosecution was satisfied with requiring the assigned person to submit his financial disclosure statement, so the prosecution ended as soon as evidence was presented that he delivered the statements to the FDD. In some cases, judgments were issued, imposing a fine on those who failed to comply with the provisions of the law without imprisonment.

Furthermore, the FDD's failure to notify new officers in a government department or institution due to a lack of coordination between the FDD and these government agencies is one of the judicial justifications that prevented the issuance of judicial decisions of imprisonment against those who failed to enforce the law. The prosecution of people assigned to file financial disclosures after leaving their jobs may also be postponed if they fail to notify the FDD of their resignation.

However, under the IE Law, anybody can make a complaint with the FDD or the Integrity and Anti-Corruption Commission against someone they feel is guilty of illicit enrichment. The number of complaints filed each year is smaller than expected, and the reason for this is that people are unaware of the FDD's existence or their legal rights to register a complaint concerning illicit enrichment.

Others feel that the fundamental cause of inadequate law enforcement is people's belief that filing a complaint with the FDD or the Integrity and Anti-Corruption Commission is futile. Because he is aware that any complaint he files with the FDD would not be resolved because of the lengthy litigation and trial procedures, the citizen is skeptical that it is possible to register a complaint against any official facing charges of unlawful enrichment.

One of the factors contributing to the failure to activate the legal provisions governing the disclosure of financial assets is that the IE Law imposes a penalty of up to a year in prison for anyone who, with the intent to offend, submits false information about an illegal enrichment, even if the criminal case is not established. This provision may discourage the individual from filing a criminal complaint because he may face penalties if his claim is determined to be false.

As a result, it is critical to enhance public awareness of the provisions of the IE Law, as well as the fact that anybody has the right to file a complaint with the FDD against any official whom they suspect of engaging in illicit enrichment. To restore public trust in the efficacy of legal proceedings, the FDD's effectiveness must be improved by pursuing those who failed to submit their declarations by the deadlines and punishing them criminally in accordance with the law.

The Relationship between the FDD and the Integrity and Anti-Corruption Commission

A number of revisions to the Integrity and Anti-Corruption Law and the IE Law have enabled the FDD and the Integrity and Anti-Corruption Commission to work together. A 2019 modification to the IE Law requires the FDD to provide an accurate copy of the financial disclosure statements and other information requested by the Integrity and Anti-Corruption Commission regarding individuals covered by the law. This criterion must be met by any complaint the FDD receives concerning an act of corruption, particularly those involving rapid money gains.

Furthermore, according to the Integrity and Anti-Corruption Law of 2016, illicit enrichment is a corruption offense that the Integrity and Anti-Corruption Tribunal may try. Beyond the FDD's investigative capabilities, the anti-corruption commission can prosecute anyone found guilty of corruption, seize their movable and immovable property, prevent them from traveling with an urgent court order, request that the appropriate authorities halt their work, and, if necessary, suspend their pay, benefits, and other financial obligations.

As a result, a recommendation might be made to transfer the FDD department and its responsibilities from the Ministry of Justice to the Integrity and Anti-Corruption Commission, which is justified because the FDD's area of operation is incorporated into the authority of the Integrity and Anti-Corruption Commission. This would ensure that the FDD is completely independent from the executive power represented by the Minister of Justice.

As a result, the Integrity and Anti-Corruption Commission will be the competent agency to collect financial disclosure statements from law-abiding individuals via the FDD that will be linked to it. The Integrity and Anti-Corruption Commission will be able to exercise its jurisdiction to pursue cases involving illicit enrichment since its Board of Commissioners will have access to the financial declarations made by the selected people (Odwan, 2012).

It is common practice in comparative law to entrust the Integrity and Anti-Corruption Commission with receiving financial disclosures (Nasrawin, 2020). In Kuwait, for example, the Public Anti-Corruption Commission's establishment law specifies that this body is responsible for receiving financial disclosure statements from designated individuals in accordance with the law's provisions.

The same situation exists in Tunisia, where the Good Governance and Anti-Corruption Commission has been tasked with obtaining financial gain statements from legally designated individuals, their spouses, and their minor children. It is the national body in charge of keeping an eye on corruption cases in both the public and private sectors, looking into them, confirming them, and forwarding them to the appropriate authorities.

The Supreme National Authority for Combating Corruption, which has been chosen to oversee the application of the law's provisions, must receive declarations from the individuals listed under Yemen's financial disclosure law regarding their financial obligations, their spouses, and any minor children they may have from moveable or immovable property inside or outside the country.

Finally, an independent national commission for the prevention and control of corruption was established in Algeria in 2006 as a result of a law aimed at preventing and combating corruption. One of its roles is to collect written statements from legally assigned individuals, spouses, and minor children. This permit must be submitted within a month after the employee's start date, or the beginning of his electoral term.

Conclusion & Recommendations

This article discusses the most significant procedural and substantive aspects of the IE Law by tracing the growth of financial disclosure statement submission in Jordan from 2006 and reviewing relevant legal texts in Jordan's current corruption law from 2014. The analysis concludes that, in accordance with the values of the constitution, there is some overlap between the legal requirements found in Jordanian legislation and those included in international anti-corruption accords that Jordan has ratified. International anti-corruption concepts are deemed to

be compatible with Jordanian law's provisions for the crime of illicit enrichment, which is exempt from the statute of limitations.

However, certain aspects of the IE Law violate international and regional anti-corruption accords. The most notable of these is the denial of entire independence to the body in charge of financial disclosures, which is attached to the Ministry of Justice and led by a judge from the Court of Cassation. Furthermore, the law's severe secrecy requirements vary from the global standard for achieving the highest levels of openness and transparency in public work while avoiding conflicts of interest.

This study proposes the following actions to ensure substantial compliance between IE Law and regional and international anti-corruption agreements:

1. To review the FDD's legal standing, recommend the establishment of a new organization with legal personality that is completely independent of the executive branch, with responsibilities for prosecuting individuals who violate the law and supervising the procedures for collecting financial disclosure statements. Alternatively, it is proposed that the FDD be transferred from the Ministry of Justice to the Integrity and Anti-Corruption Commission, which is seen as an autonomous and self-regulating body. This will place the FDD under the authority of the Integrity and Anti-Corruption Commission, allowing it to carry out its mandate through the Chairman and Board of Commissioners, as illicit enrichment is a corruption crime.
2. To investigate the feasibility of putting the provisions pertaining to giving these national bodies a preventive role in combating corruption and preventing conflicts of interest in the public sector into practice, as well as incorporating preventive measures that require the designated individual to submit financial disclosure statements for himself, his spouse, and any minor children on a biannual basis. Furthermore, the time limit for submitting disclosure statements after leaving public office should be increased from 60 days to at least six months.
- 4- To implement electronic financial disclosure statements and compel the assigned person to produce all papers and data required of him in electronic form, with the Integrity and Anti-Corruption Commission having the right to access and request copies of these statements as necessary.
- 5- To reconsider the rule that stipulates that anyone who gives false information regarding the prevalence of criminal enrichment faces a minimum one-year jail sentence, and to reduce the level of secrecy required by law for financial disclosure statements, including making the forms and documents attached confidential, and to reduce the penalty for this offense from three months to three years in prison, or a fine of at least one thousand dinars but not more than five thousand, or both.
6. To enhance public knowledge about the importance of the IE Law, the role of the FDD, and the right to submit complaints with this agency if they believe official authority is being abused for personal gain.

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