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Cybersecurity or Silencing? The Politicization of Jordan's Cybercrime Law No. 17 of 2023

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Abstract

The Jordanian Cybercrime Law No. 17 of 2013 has been controversial largely because of its vague wording—most notably, articles related to "false news" and other online content that is said to harm national unity or propagate depravity. These ambiguities have alarmed stakeholders as to what it could mean for free speech and the ability of journalists or activists to work unfettered within digital confines. Jordanian law to combat misinformation — fake news that undermines national unity and sparks discord, which has generated much controversy about human rights and freedom of expression. Amnesty International criticized the law as "draconian", which warned against its inclusive definitions and how individuals could be prosecuted even if nobody files a formal complaint. The legislation has been condemned by the Carnegie Endowment for International Peace, which said it threatens the security of Jordan's digital infrastructure and tarnishes Amman's record as a moderate, reform-conscious state. Local law scholars also question whether the rule will be a political weapon and won't achieve all of what it intends. The paper shows how the 2023 law has politicized fundamental rights and freedoms, including freedom of speech, freedom of the press, digital anonymity, and civic engagement. Finally, it underlines how the tension between state security narratives and international human rights obligations is reflected.

Keywords: Jordan's Cybercrime Law No. 17, Jordan, Fundamental Rights, Freedoms, Freedom Of Speech, Freedom Of The Press, Digital Anonymity, Civic Engagement

Introduction

Simply put, cybercrime means any criminal activity in which a computer is used as the means of attack, for example hacking, phishing or spamming. They fall into three main categories: crimes directed at computing devices, using computers as weapons and using computers as accessory. Facilitators can be a single person with limited technical skills to large scale organized criminal organizations. They follow numerous categories — such as cyberextortion, cryptojacking, identify theft, credit card fraud, cyberespionage; on and on the list goes — but in the most straightforward of terms these are just examples of software piracy (all creators must be rewarded for their effort) and exit scams. These activities — which range from Distributed Denial of Service (DDoS) attacks and malware distribution to phishing campaigns, credential theft, and website hijacking — have a significant impact on the targeted organization as well as internet users. Cybercrime also involves cracking, illegal betting and weapon smuggling as well as child porn. Cybercrimes (also computer crime, malicious, codes and the internet) is a crime that involves a computer and a network. These crimes can extend to boundaries of distances and it

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affects people and organizations from cities to countries and to continents. The above-mentioned crimes are similarly identified in various semantic groups, as for instance computer-related crime, crimes committed via computers, high-tech crime or even computer crime and IT crime [i]

With internet users at 88% of the population in Jordan, cyberspace is becoming more interlinked with every day social life. Such rapid growth has transformed people's perceptions and attitudes, which in turn bring new possibilities but also constraints to being a government or society. Although one could argue that users are doing so in a responsible way and with social decency, the fact is that online toxic subculture has been born within cyberspace creating an internet underworld to which this toxic behavior endlessly feeds off of. For example, in Jordan, the number of cybercrime cases exploded from 1039 in the year 2012 to 16027 in the year 2022 and included internet blackmail, defamation, theft and threats against individuals and data [ii]

The Jordanian Cybercrime Law No. 17 of 2013 has been at the center of controversy largely because of its vague wording—most notably articles related to "false news" and other online content that is said to harm national unity or propagate depravity. These ambiguities have alarmed stakeholders as to what it could mean for free speech and the ability of journalists or activists to work unfettered within digital confines [iii]

The Cyberlaw is not a popular law that has entered the Jordanian environment since 2023 to protect the electronic community and combat crimes. By performing various activities in the cyber term, it has ignored a lot of essential definitions also avoided the requisite severe penalties and type illustrations regarding unregulated usage for VPN services along enhanced accountability measure for digital platforms; hence having this wide area to work on majorly made uncomfortable. Critics contend that the bill also paves a way for curbing freedom of speech and expression, as it contains apparently innocuous terms such as "fake news", and any content considered detrimental to national unity. Greater still, however, is how the law has been used to crack down on pro-Palestine protests and thing out in reality with the arrest and prosecution of three protestors. Critics say the bill violates freedom of speech in Ukraine, does not meet international standards and is not transparent, as well as intimidating ordinary citizens — this can hurt the development of civil society that is currently succeeding at the grassroots level and further paralyze public discussion. Faced with the growing power of digital platforms and social media over public opinion, on August 2, 2023, the Jordanian government enacted Cybercrime Law No. 17 expanding cybercrime to more areas by changing the private prosecution into a criminal one. It replaced an earlier 2015 law comprised of only 15 articles and purported to safeguard national security and ward off online threats. Still, the scope of this legal bulge has alarmed local activists and journalists along with human rights organizations and international observers. Critics contend that the law has broad language that penalizes even legitimate online content, encourages self-censorship, and grants the government new ways of preventing political opinion from being expressed under cover of protecting cybersecurity [iv][v][vi]

Since 2010, Jordanian authorities have passed a number of cybercrime laws, the most important of which was the Electronic Crimes Act (ECA) passed in 2015. But worries over whether the new law would infringe upon freedom of expression led to the drafting and approval by King Abdullah II in August 2023 of the much-criticized Electronic Crimes Act 2023. Maghairyh examines the effects of amending modern cybercrime legislation in Jordan into a comprehensive approach by stating which amendments may likely be creeping against freedom of speech, and on how these developments are expected to influence upcoming criminal behavior in the digital sphere. [vii] Al-Badayneh et al examines attributional differences in assessing the level of knowledge awareness about Jordanian Cybercrimes Law (JCL) among college students. Students

(19%) reported being victims of cybercrimes, and 24% were perpetrators. More than 25% of the sample read about the JCL and observed that the law has been politicized. Moreover, three-quarters of them heard about it. More than half of the sample witnessed illegal actions on the net that required punishment. Less than 10% of the sample dealt with the JCL or participated in an online action that required punishment. [viii]

international standards as pertains to social media with an increase in the usage of social media, more concerns from people regarding data security and privacy have risen. This article will study the articles of Cybercrime Law about social media, and how it can protect or deter to break any information. The findings show that the Jordanian Cybercrime Law has achieved some progress towards tackling data protection issues, but there is still a gap between current and General Data Protection Regulation (GDPR) international standards. Perceptions from the public about the ability of this law also differ in terms of their confidence, and overall fear or concern for an enforcement mechanism and general effectiveness. The findings suggest that further legislative harmonization with global standards in data protection is essential along side public awareness initiatives. [ix]

Al-Sarayeh's study aimed to scrutinize the Jordanian Cybercrime Law No. 17 of 2023, arguing that it sought to strike a balance between social media platforms regulation and freedom of expression protection. The research found that the law uses general, ambiguous and unclear terms such as "fake news" that do not comply with international legal standards. Moreover, the law lacks institutional and preventive provisions that could have seen off digital aberrations. The study concluded that, the Jordanian legislator should review its legislation and its provisions of equality in rights to be consistent with the requirements of balance taking into consideration respect for individual freedoms by enabling every citizen to receive correct information, stimulate diverse views, and protect privacy.[x]

This paper shows how fundamental rights and freedoms, including freedom of speech, freedom of the press, digital anonymity, and civic engagement, have been politicized through the 2023 law.

Literature Review

In this literature review, we survey how laws targeting cybercrime across a range of Arab states have been repurposed as instruments for digital repression. Although the laws are first and foremost passed to combat cyber threats, they are often littered with broad language that allows authorities to stifle free speech, suppress political dissent, or even infringe on human rights. Based on authoritative human rights reports and regional case studies, the review identifies trends, country-specific practices, and reform recommendations.

In many Arab countries, however, legal tools that echo international standards against cybercrime have been weaponized to suppress political dissent and right to freedom of expression and also infuse state surveillance powers with broader discretion over criminal charges in order to combat any political opposition [xi] These laws are regularly vague and ambiguous, giving a scope for authorities to interpret them loosely and enforce repressive action [xii]

For example, Egypt's Cybercrime Law (Law No. 175/2018) is widely regarded as providing law enforcement with sweeping arrest and surveillance powers they use to detain critics and activists under the guise of fighting cybercrime [xiii] Semantic-wise, the United Arab Emirates passed cyber laws to quell political opposition and repress voices of dissent online too [xiv]

And of course, over in Jordan, the Cybercrime Law has been used to arrest journalists and online critics in the name of national security. It shows that the law is not only a suppressive instrument but also as a preventative measure against any criminal act [xv] In a similar fashion, the legal tools

of cybercrimes are being used by Saudi authorities to control and monitor online activists with arrest and often trial under punitive [xvi]

Studies show the laws are drivers of a “surveillance state” where digital spaces are heavily policed, around everyone up frightens too much off expressing their grievance fearing the law [xvii] Such a understanding of cybercrime laws as defensive mechanisms towards virtual threats transforms into an tool for political restraint and this practice inevitably endangers civil liberties in the name of security [xviii]

Table 1 Comparative Analysis of Cybercrime Laws in Arab Countries

Country	Law & Year	Restrictive Provisions	Targeted Rights & Groups	Case Example or Impact
Jordan	Cybercrime Law No. 17 (2023)	Prohibition of fake news, incitement to strife	undermining national unity Freedom of speech, political	Dissent Prosecution of journalist Hiba Abu Taha
Kuwait	Law No. 63 (2015)	Restrictions on public morality	insults to the emir Artistic freedom,	cultural dissent Social media users imprisoned for satirical content
Saudi Arabia	Anti-Cyber Crime Law (2007)	Criminalization of rumor spreading offensive speech Political dissidents,	Political dissidents, minorities	Minorities Detention of Loujain Al-Hathloul and others
UAE	Decree-Law No. 34 (2021)	Prohibition on insulting the state misuse of the interne	Tourists, reviewers, LGBTQ individuals	Tyrone arrested for negative Google review
Tunisia	Decree-Law 54 (2022)	fake news bans, public order disruption ban	journalists, migrant advocates	Sonia Dahmani fined for criticism of migrant policies
Egypt	Law No. 175 (2018)	Incitement to commit acts of terrorism, incitement to offend societal values	youth activists and bloggers	any young people detained for Facebook posts

Cybercrime Laws in the Arab World: A Summary Literature Review on Suppression of Freedom and Human Rights

Common Patterns

1. Definition can then control the word so that it takes on a new meaning—for instance, using nebulous phrases like "morality" or "false news" to suppress dissent.
2. Overly strict fines and long terms of imprisonment for digital speech.
3. Targeting activists, journalists, and left-behind people with a few laws
4. Insufficient judicial oversight or protection for free expression.
5. Cybercrime counts in times of political unrest.

Recommendations for Reform

- Defining vague legal terms more precisely.
- Make sure penalties are commensurate with the crime.
- Independent oversight with accountability mechanisms
- Involve civil society in lawmaking viewed
- Ensure the compatibility of national laws with international standards of human rights.
- Promote digital rights education and literacy

Jordan's Cybercrime Law No. 17 of 2023

Concerns about Human Rights and Free Expression

In its 2023 report on the human rights situation, Amnesty International had said at the time that calling the law “draconian” was “an understatement,” alleging that it breaches Jordan's obligations under international treaties, including the [International Covenant on Civil and Political Rights \(ICCPR\)](#). The definitions for crimes such as “fake news,” “undermining national unity,” and “provoking strife” in the law are extremely broad, leaving much to debate about what qualifies under these provisions. [xix] also observed that by allowing prosecutions without complaints of the ‘victims,’ particularly if they hold offices in the state, religion, or are public officials, the law criminalizes dissent and chills freedom of the press.

Cardinal Digital Rights and Online Activism Requirements

The law has been criticized by the Carnegie Endowment for International Peace (2023) as posing a threat to the trust in Jordan's digital infrastructure and credibility as a moderate, reform-oriented country. To the point where “it puts journalists, opposition activists, and targeted marginalized groups—particularly LGBTQ communities—even more at risk of censorship or their platform being shut down” [xx]

Legal and Political Analysis

Some local legal scholars [xxi] assert that the law can be enforced in a selective way on political grounds, turning it into an instrument of control. In 2024, journalist Hiba Abu Taha was sentenced under Article 15 of the crime act, which provides a snapshot into how the law can be used by authorities against government critics.

Table 2 Interpretation of Restrictive Articles in 2023 Cybercrime Law

Article	Description	Rights Affected	Criticism	Source(s)
Art. 14	Makes writing anything that might 'offend public morals' a crime	Freedom of expression, cultural freedom	Its ambiguous language can be used to make satire, art and non-mainstream opinions	HRW (2023), Amnesty (2023)

			criminal offenses.	
Art. 15	Includes defamation, slander and 'inciting discord'; anyone can be prosecuted without the need for a formal complaint.	Press freedom, due process	Allows journalists and whistleblowers to be prosecuted at will.	MEE (2024), Abu Taha case
Art. 17	Makes 'contempt for religion' and 'violating family values' a criminal offence.	Religious freedom, freedom of belief	Anti-minority religion and customs.	Freedom House (2024)
Art. 18	Warns of crackdown for creating and spreading false news or information likely to harm national unity.	Political speech, access to information	Unleashed to silence dissenting journalism and public dialogue.	Carnegie (2023)
Art. 19	Undermining state prestige	Political satire, protest content	protest content Freedom of political expression DJs Guild warns state criticism fuels fear	Dentons (2023), TIMEP (2023)
General Law	Expanded surveillance & prosecutorial powers	Anonymous online activity, digital organizing Privacy, civil liberties	Enables mass surveillance and intimidation	Amnesty (2023), Carnegie (2023)

Table 3 Analysis: Articles Suppressing Freedom and Human Rights

Article	Legal Provision	Targeted Behavior	Rights Violated	Legal/Political Implication	Source
Art. 14	Offending public morals	Satire, online art, non-conforming views	Free expression cultural freedom	Alternative artistic and cultural voices	Amnesty (2023), HRW (2023)
Art. 15	Defamation and incitement of discord	Critical journalism, whistleblowing	Press freedom, fair trial	These are grounds on which the media could be prosecuted even in the absence of a complaint.	MEE (2024), Abu Taha case
Art. 17	Contempt for religion, family values	Non-majority religious speech, LGBTQ+ content	Religious freedom, equality	Weaponized to suppress minority rights, personal freedoms.	Freedom House (2024)
Art. 18	Spreading false news	Criticism of government policies	Expression and Information meant for expression	Reduces Impacts from Investigative Journalism and Online Criticisms	Carnegie (2023)
Art. 19	Undermining state prestige	Political satire, protest content	Freedom of political expression	Stigmatization of the critique of the state	Dentons (2023), TIMEP (2023)
General Provisions	Expanded surveillance & prosecutorial powers	Anonymous online activity, digital organizing	Privacy, civil liberties	Enables mass surveillance and intimidation	Amnesty (2023), Carnegie (2023)

Discussion

The discussion of cybercrime highlights its expansive and evolving nature, deeply affecting both individuals and organizations worldwide. Cybercrime involves various malicious activities utilizing computers, networks, or digital devices, with motives often centered on financial gain. It can be categorized into three primary types: crimes directed at computing devices, crimes involving computers as weapons, and crimes where computers serve as accessories or tools in illegal activities. Examples include cyberextortion, cryptojacking, identity theft, and phishing, among others. These crimes are not confined by geographical boundaries, making them a global concern that varies from individual hackers to highly organized criminal networks. In Jordan, the

proliferation of internet use—reaching 88% of the population—has significantly integrated cyberspace into daily life, creating both opportunities and challenges. The rapid digital expansion has fostered a subculture within cyberspace that includes criminal activities such as blackmail, defamation, theft, and threats, which increased markedly from 1,039 cases in 2012 to over 16,000 in 2022. This rise underscores the need for effective legal frameworks and societal awareness to combat cybercrime. Jordan has implemented several laws to address these issues, notably the Electronic Crimes Act (ECA) of 2015 and the more recent Electronic Crimes Act of 2023. While the 2015 law aimed to curb cybercrime, the 2023 legislation raised concerns about potential restrictions on freedom of speech. Critics argue that ambiguous language, such as terms like "fake news," and the lack of clear institutional and preventive measures could inadvertently limit individual freedoms and hinder effective cybercrime prevention [xxii]

Furthermore, awareness and understanding of these laws among Jordanian youth appear limited, with only 19% of college students reporting victimization and 24% acknowledging perpetration. Despite high awareness levels—over 75% having heard about the law—actual engagement and comprehension remain low, with less than 10% involved in legal processes or prevention efforts [xxiii] This gap indicates a need for enhanced education and awareness campaigns to foster responsible digital behavior. At the international level, standards such as the General Data Protection Regulation (GDPR) serve as benchmarks for data security and privacy. While Jordan's cybercrime laws have made progress, they still fall short of these global standards. Public perception reflects this gap, with skepticism about enforcement mechanisms and the law's overall effectiveness [xxiv] Harmonization with international data protection standards, combined with public awareness initiatives, is essential for strengthening trust and compliance.

Together, these are the building blocks of Cybercrime Law No. 27 of 2023 in Jordan—a new law that has set off a wave of alarm about its potential harm to human rights and freedom of expression. Amnesty International and Human Rights Watch, international human rights groups, called the legislation “draconian”, stating it has far-reaching definitions that are too vague, exposing legitimate dissent, artistic creation and critical journalism to charges [xxv] [xxvi] Taken together, these provisions favor arbitrary and summary prosecutions, increase monitoring power and curtail online activism by violating fundamental freedoms and also Articles 14, 15, 17-19 of the law [xxvii] [xxviii] Critics argue that these may be used as a weapon against opposition voices, minority groups and people who express political or social critique, which incidentally are the hallmarks of free society [xxix]

Further, the universal coverage of the law and its victimless misdemeanor specifications could have a “chilling effect” on journalism, civil society, and marginalized communities such as the L.G.B.T. community and smaller religious groups [xxx] The possibility for selective enforcement and political abuse of these provisions thereby raises questions about the law's compliance with international human rights norms, including those related to freedom of expression and privacy [xxxi] Critics and legal scholars have warned that the law will reinforce state power in exercising control over cyberspace, enabling authorities to restrict democratic discussion on national security grounds as well as public morals.

A bridge is required which can survive the climate of national security without forgetting present day human rights, and be straightforward to accountability in fielding forces. So here it would be more of giving weight to these areas while reforming its legal system and infrastructures to create more open society but remain solid in terms of human rights standard, such as protecting freedom expression, digital right and minority protection etc. International pressure and domestic advocacy will have to continue to help mitigate the adverse impacts of a law that does little to

create an environment conducive to democracy and respect for basic freedoms. Lastly, the recent law's emphasis on balancing regulation with freedom of expression is contentious. Critics note that vague terms like "fake news" can be exploited to suppress dissent and restrict free speech, especially in platforms with wide societal influence. Legal experts suggest that Jordanian legislation should be refined to ensure clarity, protect individual rights, and establish institutional and preventive measures against digital misconduct^[xxxii].

In conclusion, addressing cybercrime in Jordan and globally requires a comprehensive approach that includes clear, balanced legislation, public education, international cooperation, and robust enforcement. While progress has been made, ongoing efforts are essential to adapt to the rapidly changing digital landscape and safeguard individual freedoms and societal stability.

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