The Crime of Character Assassination in The Jordanian Cybercrime Law

Ahmed Ali Al-Amawi

1Faculty of Law/Ajloun National University; Email: Hosamrenad74@gmail.com, Or Email: ahmad.alamawi@anu.edu.jo

Abstract: A person’s right to his honor and self-esteem is one of the rights associated with and arising from legal personality, regardless of his social status. With the emergence of cybercrime, it has become possible for attacks on honor, prestige and reputation to occur by those who tamper with these means, which necessitated setting controls for what is published on personal pages and websites. The Jordanian legislator was a pioneer in this regard, and this was crystallized through the enactment of the Electronic Crimes Law No. 17 of 2023. This study used the descriptive approach and the inductive analytical approach. The findings showed that this law is unique in including a text that criminalizes spreading or attributing any actions that would lead to character assassination. This means the deliberate moral liquidation of the reputation and credibility of a person, institution, organization, or social group, by making false accusations, spreading rumors, and manipulating deliberate misinformation and facts to present an untrue picture of the targeted person and isolate him socially, in a manner similar to the process of professional assassination of human life. The Jordanian legislator has increased the penalty for the perpetrator of this crime and everyone who contributed to its commission. The study showed that although the crime of electronic defamation stipulated in this law is similar to the crime of character assassination in that both of them aim to harm the reputation, dignity, and prestige of the targeted person, the special intent must be present in the crime of character assassination, which is to eliminate the targeted person morally and isolate him socially.

Keywords: Moral Assassination, Personality, Honor, Reputation, Electronic Defamation.

1. INTRODUCTION

Since modern legislation recognized the legal personality of the individual, criminal protection has been given to his right to preserve his honor and dignity, by criminalizing the assault that occurs against him. With the emergence of information technology means, and the spread of websites and social networking sites, electronic crime has appeared, and it has become possible for attacks on honor and reputation to occur by those who tamper with these means. For the purposes of controlling what is published on those websites, and assigning criminal responsibility to those who tamper, it was necessary to enact legislative rules that guarantee the necessary protection for personal freedom, and ensure that others are not harmed or abused, and that they are not defamed by publishing information, phrases, pictures or videos that would degrade their value and dignity, distort their image and reputation in their society, and deliberately exclude and isolate them socially, in what has become known as moral character assassination. This led the Jordanian legislator to make amendments to the previous Cybercrime Law No. 27 of the year 2015 and the issuance of Law No. 17 of 2023, to ensure the proper use of electronic means. This law was distinguished from previous Jordanian penal legislations by including an explicit text punishing - for the first time - the crime of character assassination.

1.1. The Problem Of The Study

Despite the recent use of the term character assassination in the Jordanian cybercrime law, and the legislator’s strictness in punishing this crime, especially in terms of the fine imposed on its perpetrator, this law is devoid of any definition of this term, and does not clearly define its features. This may raise difficulty in the practical application of the criminalization text, so it is necessary to determine what character assassination is, in terms of defining its concept, motives, goals, and effects, and clarify the criminal protection imposed by the legislator in this regard, by examining the legal model for this crime and distinguishing it from the crime of electronic defamation, which may be similar to it in some aspects.

1.2. Objectives Of the Study
The study aims to determine the nature of character assassination, analyze the legislative text that explicitly criminalizes it, and other relevant legal texts, to determine the legal structure of this crime, determine its elements, how it is committed, and explain the criminal protection that the Jordanian legislator has decided upon its commission, in addition to explaining the dividing criterion that distinguishes it from the crime of electronic defamation or the crimes of electronic slander, defamation, and insult.

2. Methodology

The descriptive approach was followed in studying the phenomenon of character assassination by collecting information and data related to it, in addition to using the inductive analytical method in detailing and clarifying this phenomenon, explaining it fully, analyzing it, and analyzing the legal texts related to it, to arrive at accurate and applicable results in reality.

2.1. Research Plan

The study is divided into an introduction and two sections, and each section was divided into three topics, in addition to a conclusion that included the most important results and recommendations, as follows:

The First Section: The Right To Honor And Consideration.

The Second Section: Criminal Protection In Jordanian Legislation For The Crime Of Character Assassination.

The First Topic

The Right to Honor and Consideration

The term assassination has been used in organized killings of politicians and public figures. Assassination in this regard means eliminating a person and physically liquidating him, and the goals behind this are often political, ideological, or military goals. The crime of character assassination, which is punishable by the Cybercrime Law, represents the moral form of the crime of assassination without the physical liquidation of the targeted person. It falls under the umbrella of crimes against honor and prestige. Therefore, this research deals with the nature of honor and prestige in a first topic. The second topic deals with crimes against honor and reputation in the Jordanian Penal Code, while the third topic deals with insulting honor and reputation as a publication’s crime, as follows:

The First Requirement

The Nature of Honor and Consideration

This topic addresses the definition of honor and consideration, its elements, and the qualifications necessary for it in the following sections:

First: Definition of Honor and Consideration

From an objective perspective, honor and consideration mean the position that every person occupies in society and the right that flows from it to be treated in a manner consistent with this position, that is, to be given the trust and respect required by his social position. From a personal perspective, honor and consideration mean each person’s sense of dignity and feeling that he deserves treatment and respect from members of society consistent with this feeling. An attack on honor and respect occurs when committing any act that would diminish the respect that the victim enjoys in his society1.

Second: Elements of Honor and Consideration

If honor and consideration are the social status of an individual among people, then this status is linked to many qualities that will determine the capabilities that qualify him to occupy this position. Each characteristic represents an element of honor and prestige, and these characteristics are what determine the victim’s ability to perform his job in society. An attack on honor and consideration occurs when the accused denies the victim one of these qualities or diminishes them, thus denying him his suitability to perform his social function. These qualities are divided into two groups: innate qualities that stem from human dignity, and acquired qualities which are linked to the position that the victim occupies in his relations with members of society. They are linked to his competence to perform his family duties, his professional obligations, or to carry out public duties as a citizen.²

Third: The Social Status of Honor and Consideration

The definition of honor and prestige as the social status of the victim assumes that this right does not exist except in a society whose members have an opinion in determining the social status of the victim and what would affect it in light of their prevailing values and standards. The Jordanian legislator has approved this nature when it required that the incident that constitutes the slander and defaming be such that the victim is despised by members of his community, and this community may be the people of a village, a neighborhood, colleagues in the profession, friends, etc³.

Fourth: Eligibility for Honor and Consideration

This means determining who is fit to be a victim of these crimes, and this eligibility is linked to social status. Anyone who is attributed this status imagines that he will be exposed to the assault carried out by the crime. The victim may be a natural person, and therefore his age, nationality, or profession does not matter, as the right to honor and prestige is the person’s ability to perform his social function, and not his ability to perform a job that is actually performed. This means that every person has this ability, whether he is a child or an adult, sane or insane. Indeed, this authority exists even if the person is a criminal as his harmful activity does not negate his ability to perform his social function. The victim may also be a legal person, as the legal person has a legal personality for which the law recognizes the rights that arise from it, including the right to honor and prestige. The legal person also has a social function which may be more important than the job of a normal person, so the law must guarantee the requirements for performing this job for him⁴.

Fifth: Forms of Assault on Honor and Prestige

Assault on honor and consideration takes the form of any behavior that would diminish a person’s respect related to his social status. However, the matter does not require the actual loss of honor and prestige. Rather, merely threatening them with danger is sufficient, as it is not necessary to inflict actual harm to the victim in the form of punishment or contempt, but it is sufficient that the offender’s behavior is such that it causes that harm. The heinous attribution is made by the crime even if no one ever believed what the offender attributed to the victim, and whether the criminal behavior was verbal, written or gestured. Indeed, criminal behavior may occur in the form of abstention if it has a degrading connotation, which assumes that the accused was legally obligated to engage in positive behavior required to ensure the social status of the victim⁵.

The Second Requirement

² Mahmoud Najeeb Hosni, Explanation of the Penal Code, Special Section, Crimes of Assault on Persons, Dar Al-Nahda Al-Arabiya, Cairo, without year of publication, 1986, p. 299.
³ Mahmoud Najeeb Hosni, ibid, p. 298
⁴ Mahmoud Najeeb Hosni, ibid, p. 300
⁵ Mahmoud Najeeb Hosni, ibid, p. 301-302
Crimes Against Honor and Reputation in the Jordanian Penal Code

The Jordanian Penal Code stipulates crimes against honor in Articles 188 to 190 in the chapter on crimes against public authority, including slander, libel and contempt that occur against a public employee while performing his job or because of what he performed by virtue of his job or against one of the official bodies, courts, public departments or the army, and they are also stipulated in Articles 358 to 367. This means that the Jordanian legislator has considered slander, libel and contempt to be crimes that can be committed against a member of society, and can also be committed against a public employee in his job capacity. The legislator differentiates the punishment according to the victim against whom the crime occurs. Here, we will discuss the concept of slander, libel and contempt, the methods of attribution, its publicity, and the condition of punishment, in the following sections:

First: The concept of Slander, Libel and Contempt

Slander is defined as attributing a certain material to a person - even in the context of doubt and questioning - that would undermine his honor and dignity or expose him to people's hatred and contempt, whether that material is a crime requiring punishment or not. As for Libel, it is an assault on the dignity, honor, or reputation of others - even in the context of doubt and questioning - without clarifying a specific matter.

Although slander and libel are two crimes independent of each other, they are subject to some common provisions, especially with regard to the conditions that must be met for the act to be considered libel or slander against others. They are similar in terms of the reason for criminalization, which is an attack on the honor and reputation of the victim, in addition to the pain they entail for the victim and the material or moral damage to him/her. They are also similar in terms of the material element of both crimes, which is the attribution of a specific incident in the crime of slander or a non-specific incident in the crime of libel to the victim in a way that affects his honor and prestige. The attribution is achieved once the perpetrator reports an incident that is permissible to be truthful or untruthful, as long as this news would raise in the listener's mind the possibility that the incident is true, even if only temporarily, and would lead to the contempt of the person attributed to him among the members of the society in which he lives, thereby degrading the victim's worth and dignity in their eyes, and exposing him to their hatred and contempt. In accordance with Article 188 of the Jordanian Penal Code, it is the same whether the attributed incident requires punishment or not. However, what distinguishes between the two crimes is that the subject of attribution in the crime of slander is more serious than in libel, as it includes attributing a specific shameful material to the victim that would harm his reputation and social status. While libel does not include the attribution of a specific article, but rather includes a general ruling that could affect the victim's honor and prestige, since the attribution of a specific article would make people tend to believe it because they think that there is evidence to support it, more than they would believe a general statement that might raise the belief that it was made out of hatred and malice.

As for contempt, it is every insult or humiliating - other than slander and libel - directed at the assaulted victim face to face, through words or movements, or in writing or drawing that was not made public, or through a telegraphic or telephone call, or through harsh treatment. Contempt is consistent with slander and libel in that all of these actions constitute a violation of honor, prestige and consideration. It, however, differs from slander in that contempt does not involve attributing a specific shameful substance to the victim, and it differs from libel in that it is not required to occur publicly, as it always occurs in presence, while slander may occur in presence or in absentia. Contempt is one of the crimes of expression, and examples of it include the perpetrator calling the victim a fraud or an immoral person, and treating the victim harshly is a means of contempt, such as the perpetrator shouting at the victim in an insulting manner, saying to him, “Get out of there,” or spitting in his face, and whether the perpetrator's method is explicit or implicit.

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6 The Jordanian Penal Code of 1960 with its amendments until 2023
7 Article 188 of the same Law
8 Mohammad Saeed Namur, ibid, pp. 293 et seq., and see: Dr. Mohammad Mohammad Misbah Al-Qadi, Penal Code, Special Section, Comparative Study, Al-Halabi Legal Publications, 1st edition, 2013, p. 596.
9 Article 190 of the Jordanian Penal Code.
implicit, the material element of contempt is present as long as it is possible to understand what is meant by the expressions and they contain contempt, and this is something the court assesses based on the facts of the case.\textsuperscript{10}

\textbf{Second : Methods of Attribution}

Attribution, which is expressing meaning by using specific forms or special symbols, is achieved through speech, writing, or drawing. This includes cartoons, pictures, movies, and code signs, as well as the gesture, which is the movement made by the person that expresses a special meaning, whether he uses his hand or winks with the eye, etc. If the customary significance of the gesture is the attribution of an incident that leads to contempt for a specific person, then the crime of slander is committed, such as when a person asks who committed a crime and another person points with his finger at one of those present in the council\textsuperscript{11}. The attribution does not have to be explicit, but rather it may be by way of insinuation, exposition, or pun, and in a way that is implicitly extracted from the speech as a whole. The trial judge undertakes the duty of interpreting the words used by the perpetrator, taking into account all the circumstances in which they were issued. The expressions may appear in the form of praise. But this does not prevent it from being considered slander whenever that is what is intended. The slanderer may resort to using metaphorical methods, and despite this, he can be considered to have committed the crime of slander as long as it is proven that he did not intend the true meaning of the words used, but rather intended their metaphorical meaning. Attribution is achieved by any method of expression, whether it is definitive and certain or in the context of doubt and questioning\textsuperscript{12}.

In crimes of slander and libel, attribution requires identifying the person – normal or legal - to whom the shameful incident is attributed, who is the victim in these crimes, and it is not necessary to mention his name in particular. Rather, it is sufficient for the shameful statements to be directed in a way that makes it easy to understand what is meant by them, and to know the person who the perpetrator concerns him\textsuperscript{13}, and this was confirmed by the third paragraph of Article 188 of the Penal Code.

\textbf{Third : Publicity in the Attribution}

This means displaying, publicity, spread, dissemination, and publication, and this is done in one of the publicity methods stipulated in the law. Publicity is the distinctive element of crimes of slander and libel, as it is the means by which members of society become aware of expressions of slander or libel that undermine the social status of the victim and undermine his honor and dignity. It is the reason for the criminalization of these crimes. The reason for criminalization is not confronting the victim with something that hurts and harms him, but rather it is what harms the victim as a result of everyone hearing about him about something that disgraces his honor and reputation. This reason is achieved by simply having publicity, even if the victim does not know. If there is no publicity, there is no attribution, and therefore the crime is not committed\textsuperscript{14}.

\textbf{Fourth : Condition of Punishment}

In order for slander or libel to require punishment\textsuperscript{15}, it must occur in the form of slander or libel in presence, and it must occur in a gathering facing the victim. This means that if there is a confrontation between the perpetrator and the victim, and no one is present, then the crime is not committed. Likewise, the form of slander or libel in absentia, and its condition is that it occurs during a meeting with many people together or individually, and this form assumes that the victim was not present when the act of attribution occurs. So, if a person speaks in front of other people, and attributes a disgraceful matter to the absent victim which exposes him to contempt and hatred, so he is responsible.

\textsuperscript{10} Mohammad Saeed Namur, ibid, pp. 311 et seq


\textsuperscript{12} Ali Abdul Qadir Al-Qahwaji, Penal Code, Special Section, University Culture Foundation, 1992, p. 177

\textsuperscript{13} Omar Al-Saeed Ramadan, Explanation of the Penal Code, Special Section, Dar Al-Nahda Al-Arabiya, Cairo, 1986 edition, p. 371.

\textsuperscript{14} Ali Jaafar, ibid, pp. 336-337, and see: Dr. Mohammad Saeed Nammour, ibid, p. 299.

\textsuperscript{15} See Article 189 of the Penal Code.
for the crime of slander or libel, according to the attributed facts. The legislator also punishes written slander or libel, and its condition is that it should be committed by what is published and broadcast among the people or by what is distributed to a group of them from writings, drawings, or mocking pictures or draft drawings (drawings before they are decorated and made), and publicity is achieved through the open (unclosed) letters and postcards sent to the victim, provided that these letters include slander or insult, as sending such open letters gives others the opportunity to view them like the sender and the recipient of the message, but if the messages are closed, the crime does not occur. There is no doubt that sending such letters or copies of them to a number of people would broadcast the phrases they contain that may expose the victim to people’s hatred and contempt.

The Third Requirement

Infringement of Honor and Consideration as a Publications Crime

The task of disseminating news through written or printed newspapers or other media is considered a social message of great importance in terms of informing the public about matters that concern it, as it is in the interest of society to inform its members of the events taking place around it in various fields, which is called communication rights. Publishing the news may involve violating the rights of individuals and may include libel and slander so we are faced with a new problem, which is the conflict between the interest of society and the interest of the person in preserving his honor and consideration. Although the interest of society is more important than the individual’s own interest, legal texts protect the individual’s private life, honor, and social status in the environment in which he lives from being dealt with by writers or newspaper editors. Therefore, Article 7 of the Jordanian Publications Law emphasized respecting the public freedoms of others, preserving their rights, and not violating the sanctity of their private lives. Violating the content of the text of the aforementioned article means abuse of power, or abuse of the right, so publishing news based on the use of the right must be within the limits of this right. However, in some cases, press publications are obligated to publish news even if it involves a violation of the honor of an individual, such as publishing official communications and judicial announcements that are published in implementation of a judicial ruling, and the reason for its permissibility here is based on the performance of duty.

On the other hand, the right to criticize is considered an advanced form of freedom of opinion characterized by science, knowledge, and the desire for civilization and the progress of society. Freedom of expression is important on the one hand, as it is a means for a person to express himself. On the other hand, freedom of expression is a means for society to reform and progress, and in this respect it is known as the right to criticize. Criticism is not permissible unless it is in good faith and free from the intention of defamation, slander, or libel that would require legal prosecution. The right to criticize does not permit slander in any way, because criticism focuses on the work or behavior itself and has no relation to the person of its author. As long as criticism is within its limits without prejudice to the dignity and consideration of persons, it falls within the scope of the reason for justification stipulated in Article 59 of the Jordanian Penal Code. It stipulates that the act committed in exercising a right without abusing it is not considered a crime, and therefore reconciliation between the public interest and the private interest is through explaining the truth to the public and criticizing the actions of people who are in charge of public affairs as they affect the life of society, provided that this does not affect their dignity and respect.

Otherwise, the violation of honor and consideration through written libel and slander that occurs through what is published or broadcast among people or through what is distributed to a group of them in terms of writings, drawings, mocking pictures, or drafts of drawings, as well as slander or libel through publications, which occurs through daily or temporary newspapers, and in any type of publications and publishing media, including publishing by electronic means, is considered a publications crime that is viewed as an abuse of the right, that is, the right to express an

References

16 Mohammad Saeed Nammour, ibid, pp. 301-302.
17 Mohammad Saeed Nammour, ibid, pp. 304-305
18 See Article 78/B of the Jordanian Publications Law No. 8 of 1998.
20 Jamil Ali Azmakna, ibid, page 361
21 See Article 73 and Article 189 of the Penal Code
opinion guaranteed by the constitutions and laws. Exposing individuals to slander, libel, or contempt is considered a crime that exceeds the limits set by law for freedom of opinion, and the subject matter of the publication is considered the crime if it is published. The subject matter of the publication is considered the crime that is carried out by publishing it. In order for the crime of publications to exist, it must include an advertisement for an idea, information, opinion or feeling that violates the use of the freedom of opinion, the right of expression, and the right to communicate with the public through publication, and the advertisement must be punishable in itself. Article 78 of the Jordanian Penal Code stipulates that: “When a crime is committed through newspapers, the responsible newspaper director is considered a publisher, and if there is no director, then the editor or editor-in-chief of the newspaper.”

Public rights lawsuits in crimes against periodical publications are filed against the responsible editor-in-chief and the writer or preparer of the press material, as they are the original perpetrators. The owner of the publication is jointly and severally responsible for the personal rights resulting from these crimes, which are the expenses of the trial. He does not incur any criminal liability unless his participation or actual intervention is proven. In the crimes of non-periodical publications, it is brought against its author as the original perpetrator, and against its publisher as his accomplice. If the author of the publication or the publisher is not known, the owner of the printing press and its editor-in-chief shall be prosecuted together in a criminal case.

It is worth mentioning here that slander and libel through publications is carried out by electronic means and leads to character assassination, then the crime committed in this case - apart from the fact that it is a crime of publications - is a crime of character assassination, as it fulfills all the necessary elements required by the criminalization text on as we will explain in detail in the second section, and it should be noted here, the crimes of slander and libel committed through websites, social networking sites, and through electronic periodical publications are subject to the Electronic Crimes Law as a special law, and not the Press and Publications Law, which is a general law, based on the fact that if a general description and a specific description apply to the act, the specific description is taken into consideration.

The Second Topic

Criminal Protection In Jordanian Legislation For The Crime Of Character Assassination

It is natural for scientific and technological development to be accompanied by the emergence of new types of crimes that are not criminalized in traditional penal texts. Thus, electronic crime or information crime appeared, which 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. Among them is the crime of character assassination, which the Jordanian Penal Code did not address with criminalization and punishment. Indeed, no Jordanian penal legislation previously addressed it, until the aforementioned Cybercrime Law was issued, which gave it criminal protection by including an explicit text that punishes its perpetrator. Therefore, this study discusses the nature of character assassination crime in the first section while the second one deals with the legal model for character assassination in the Cybercrimes Law, and the third section deals with electronic defamation and its relationship to character assassination, as follows:

The First Requirement

22 See Article 15 of the Jordanian Constitution of 1952 with the latest amendments until 2023 AD.
23 Jamil Ali Azmakna, ibid, page 120
24 Article 41 of the Jordanian Printed Law.
25 See Resolution No. 8 issued by the Bureau for Interpreting Laws dated 10/19/2015.
The Nature of the Character Assassination.

This section deals with character assassination in terms of its concept, motives, goals, and effects, as follows:

First: The Concept of Character Assassination

The first section: The concept of assassination. From a linguistic standpoint, assassination means the destruction of a person from where he does not know it. It is based on maliciousness, deception, and hidden hatred27.

As for personality, it is a set of relatively stable person traits rooted in cognitive, behavioral, and emotional standards, and thus it differs from reputation. While personality is the traits that a person actually possesses, reputation does not always reflect those actual traits, but rather is a matter related to the general impression prevailing among members of society about a person and their perception of him, according to the behaviors and actions he displays that are apparent to them.28

Character assassination technically means the deliberate destruction of the reputation of individuals. It is a deliberate and continuous process that aims to destroy the credibility and reputation of a person, institution, organization, social group, or nation, by raising false accusations, spreading rumors, and manipulating information. It may involve exaggeration or misleading of half-truths or manipulation of facts to present an untrue picture of the targeted people, which may lead to them being rejected by their community, family, individuals in their lives, or their work environment. These actions are often difficult to reverse or correct. The process is similar to the professional assassination of human lives, and the damage can continue until the end of life, or for centuries after their death, especially for historical symbols29.

The process of character assassination is based on five pillars: the attacker, the target, the mediator, the audience, and the text. The attacker is a person or individual who commits a deliberate attack on the reputation of the intended person with the aim of provoking a public reaction against him, and thus undermining his social status. As for the target, he is usually a prominent person who has achieved a high social status, fame, or good reputation, and he may face the loss of his social status. If the attack is related to a public figure, the result of this is that the public will change their opinion of him negatively, by convincing a sufficient number of people of the content of the attack directed against him, regardless whether the information is true or false. Attacks against the intended target may be directed at the individual’s previous behavior, his personality, in addition to his social affiliation, or his unique identity, whether real or alleged, such as being a woman or a man, young or old, white or black, a native citizen or a foreigner, etc., here the matter is not related to what the individual does, but rather to who he or she is. If someone says about a female political candidate: “What do you expect from her? She is a woman,” then this is considered an attack on the personality of the candidate. Because it implicitly indicates that she is unable to do certain things because of her gender, such as holding a public position and taking strict measures, or issuing appropriate decisions.

As for the medium 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 means of media, as it is an environment conducive to character assassinations. Its speed and direction affect the socially constructed world of meanings, our perceptions, attitudes, and behaviors. It relies on symbols, slogans, and familiar cognitive associations to reach the widest possible audience. It allows ordinary people to easily identify dramatic texts and emotionally charged speeches, allowing them to take the necessary mental measures to reach quick judgments30.

Second: Motives For Character Assassination

One of the most important motives behind engaging in character assassination is the aggressive behavior of some people, which is represented by committing acts and uttering words that result in harming others financially or morally, which affects their private and public lives. Self-love, envy, and hatred are the motive to destroy the credibility of the targeted person and distort his picture among others. Other motives are job competition, striving to assume leadership positions, the desire to take revenge on colleagues in the field of work, as well as the desire for show off, which makes its owner live in an illusion, so he rises above people, sees himself as great in their eyes, and belittles those who are inferior to him. Also, leisure and not using time in a positive way are among the motives for character assassination, especially with the spread of modern means of communication that have become accessible to everyone, rich and poor, so some resort to delving into falsehood and false rumors and harming others.

Section Three: Objectives of Character Assassination

One of the most important objectives of character assassination is to exclude the targeted person from participating in public life and excluding him from his workplace for unreal reasons, by questioning his abilities, or concealing the facts of some matters, raising suspicions about him, frustrating him, destroying his reputation and dignity, diminishing his prestige and dignity, and distorting his picture in front of others and spreading feelings of contempt and hatred towards him in his community through false statements and deliberate slander. Its goals also include questioning the values and morals of the targeted person, fabricating false facts and attributing them to him through various media outlets, weakening his morale, and creating a feeling of anxiety, turmoil, and lack of sincerity in his work.

One of its goals is also to attach a bad reputation to a legal person, such as institutions, companies, universities, etc., which contributes to distracting people from dealing with it and not accepting it, as well as political and administrative pressure and blackmail, and getting rid of an important figure with policies and goals that contradict the policies and goals of other leaders. In addition to terrorism, intimidation, and causing terror and panic in the hearts of targeted individuals, whether they are real natural persons or legal respectful ones.

Fourth: The Effects Resulting From Character Assassination

Character assassination has serious negative effects, whether on the individual in particular or on society in general. The most prominent of which is cognitive tyranny through a person being deceived by his opinion and his belief in possessing knowledge and not others, which leads to monopolizing the decision, morally excluding the other party, and pushing him to withdrawing from public life, confiscating the right to participate in administration, and coercing others to accept what they do not believe in or is compatible with their aspirations.

Its effects also include spreading anxiety and a feeling of despair and frustration in the targeted person, pushing him to laziness, lethargy, introversion, avoiding dealing with him by others, and aggressive tendencies as a reaction to what happened to him. He may suffer from nervous shock or psychological misery that causes him to lose his sense of psychological security and loss of hope in the future.

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33 Hani Al – Rida, Ibid, p. 218  
36 Mohammad Abdel Mohsen, Ibid, p. 102.  
38 Mohammad Al-Munthiri, Terrorism Throughout History, p. 190.  
Character assassination leads also to the spread of corruption and moral renunciation, which may lead a person to commit any attack against others without any control over his words and actions, which ultimately leads to creating confusion and turmoil within society, and shaking society’s confidence in the assassinated person or institutions which has been morally assassinated by distorting its picture through various means of communication or media, which, in turn, prevents the achievement of comprehensive development. It also affects a person’s social values and ethics of honesty, loyalty, and honesty, in addition to weakening the feeling of true belonging to his country, and removing trust among the people of one society, impeding prosperity by excluding the privileged, it may even lead to deliberate sabotage and blackmail.

The Second Requirement

The Legal Model For Character Assassination In The Cybercrime Law

Despite the novelty of the term character assassination in Jordanian legislation, the legislator did not define it, and therefore the matter is left to the jurisprudence of the judiciary in defining it and determining its nature. The legislator merely criminalized it in Article 16 of the Jordanian Cybercrime Law, which stipulates that: “Anyone who unjustly spreads, attributes, or attributes intentionally to a person or contributes to that via the information network, information technology, information system, or website or social media platforms, acts that would assassinate his personality shall be punished by imprisonment for a period of not less than three months or by a fine of not less than 5,000 five thousand dinars and not exceeding 20,000 twenty thousand dinars, or by both of these penalties.

By analyzing the aforementioned text, it is possible to summarize the necessary elements for the crime to be committed as follows:

**First: The material element:** In order for the crime to be committed, a material element must be present, and this element is based on three components, which are behavior, result, and the causal relationship between them. The behavior may be positive by performing an act that the law prohibits from doing, and it may be negative by refraining from performing an act that the law requires to be carried out at a specific time. As for the criminal result, it is the change that occurs in the external knowledge surrounding perpetrator due to the effect of the act he committed. As for the causal relationship, it is the material link between the behavior and the criminal result. The result must be attributed to the act in order for the offender to be held responsible.

The criminal behavior of the character assassination is represented by what the Jordanian legislator expressed as (publicizing, attributing, or unlawfully ascribing to a person acts) that would harm his reputation, dignity, and prestige. There is no doubt that acts that might affect honor and prestige are not subject to limitation, but what is common among them is that it may assassinate the character, and the ways to commit these acts are as follows:

1- **Rumor:** From a linguistic standpoint, it is the spread, broadcast, and display of news. Rumor can be defined idiomatically as broadcasting news from a source in a specific circumstance and for a purpose intended by the source without the knowledge of others, and divulging this news among members of a specific group. Rumor is the first and oldest means in the history of humanity that is used to distort and destroy the picture of others, and to undermine their dignity and reputation. It is distinguished by the speed of its arrival and acceptance by the party to whom it is directed, as it can arouse emotions and spread feelings of fear, suspicion, and hatred, develop the spirit of selfishness, and destroy morale. It creates a rift in the relationship between the leadership and the people, and undermines the values, customs and traditions within society. Therefore, its effect may be beyond the reach of the war machine and

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41 Mohammad Abu Halawa, ibid, p. 80.
44 Abu Al-Fathi Ibn Manzur, Lisan Al-Arab (Sha’a material), 1st edition, Part 8, Dar Sader, Beirut, 2000, p. 177
weapons\textsuperscript{46}. It is the first mechanism that the legislator stipulated at the beginning of the text of the aforementioned Article 16 as a weapon used for character assassination.

2- **Attribution and imputation**. As for the issue of attribution and imputation, they are also acts that involve harming the dignity and prestige of the targeted person, and destroying his reputation and credibility in the social environment in which he lives.

3- **Committing criminal behavior electronically**, via the information network, information technology, information system, website, or social media platforms. There is no doubt that these means would achieve the offender’s intent in terms of spreading the act, linking it to the targeted person, and defaming him due to the availability of the element of publicity necessary for this type of crime to occur.

As for the criminal result of this crime, it is - as we mentioned - the destruction of the reputation of the targeted person, the undermining of his dignity and prestige, and the distortion of his picture in the eyes of the public. The causal relationship is that this result is due to the behaviors that the perpetrator carried out unlawfully with the intention of character assassination.

**Second: The Moral Element.** Character assassination is an intentional crime, and the Jordanian legislator confirmed this by explicitly mentioning the word “intentionally”, as it was stated in the aforementioned article (everyone who intentionally spreads, attributes, or ...), and the legislator defined criminal intent as: “the will to commit the crime as defined by law\textsuperscript{47}. And jurisprudence defines it as the knowledge of the crime elements and a will directed to achieving these elements or accepting them\textsuperscript{48}. We will discuss this element in detail when distinguishing between the crime of electronic defamation and character assassination.

It is noted in the text of Article 16 of the Cybercrime Law that the legislator does not limit punishment to the perpetrator of this crime only, but rather extended the criminalization and punishment to also include everyone who contributed to its commission. The Jordanian legislator defined the perpetrator of the crime as someone who contributed to the emergence of the elements that constitute the crime or contributed directly into its implementation\textsuperscript{49}. The punishment also extends to include the partners in it, as well as to the interveners and instigators as well, and this is what the Jordanian legislator has confirmed that it punishes anyone who intentionally participates, intervenes, or incites to commit any of the crimes stipulated in the Electronic Crimes Law with the penalty specified for the perpetrators\textsuperscript{50}. The Jordanian legislator has given cases related to character assassination - like all cases committed in violation of the provisions of the Cybercrime Law - an urgent status, and the court must hold its sessions at least once a week, and must decide on them within a period not exceeding three months from the date of the case when it is brought to the court’s office. The legislator may have taken into account the seriousness of this type of crime and the damage and harm it leaves behind on the victim\textsuperscript{51}. As for the punishment that the Jordanian legislator arranged for the perpetrator of the crime of character assassination, it is noted that it has increased the amount of the punishment. Although this crime is a misdemeanor, the legislator has taken into account the exception stipulated in Articles 21 and 22 of the Penal Code. If the general rule is the penalty of imprisonment for a misdemeanor ranges from imprisonment from one week to three years, and a fine from five to two hundred dinars. The exception is what the law stipulates otherwise. The penalty stipulated by the legislator in the Cybercrime Law is no less than three months’ imprisonment or a fine of no less than five thousand dinars and no more than twenty thousand dinars, or both of these penalties\textsuperscript{52}.

\textsuperscript{47} Article 63 of the Jordanian Penal Code Article.
\textsuperscript{48} Kamel Al-Saeed, ibid, p. 217
\textsuperscript{49} Article 75 of the Jordanian Penal Code
\textsuperscript{50} See Article 27 of the Jordanian Cybercrime Law.
\textsuperscript{51} See Article 34 of the same law.
\textsuperscript{52} See Article 16 of the same Law
There is no doubt that this is due to the seriousness of the subject of this crime, the severity of its impact on the victim and the bad social effects it has on him.

It is also noted that the Jordanian legislator has imposed criminal liability on the person who is responsible for the actual management of the website, the social media platform, or the person responsible for any account, public page, group, channel, or the like, as it considers him responsible for the illegal content that is broadcast or published through these means, and is punished with the same penalties prescribed for the original perpetrator who commits such crimes. It is also noted that the legislator does not specify a specific characteristic or social or political position of the person targeted for assassination, and this means that any person could be the subject of this crime.

The Third Requirement

Electronic Defamation and its Relationship to Character Assassination

This section addresses electronic defamation in terms of its nature and similarity to character assassination, in addition to the moral element as a criterion for distinguishing between them, as follows:

First: The nature of electronic defamation and its similarity to character assassination: Defamation, from a linguistic standpoint, comes with several meanings, including spreading evil about a person. defamation is a term that does not deviate from its linguistic meaning, and the content of the crime of electronic defamation is slander, libel, and contempt committed by electronic means. Information technology media may be misused, so that the forms of these crimes vary according to the purpose and method of this use. Slander and libel may be in presence via direct lines of communication, or it may be in writing, or it may be in absentia, or it may be by means of publications: all these forms are committed by means of modern information technology through electronic written, audio, or video exchanges. It can also be either by e-mail, the World Wide Web, or cell phones. It is possible for the perpetrator, through these means, to attribute a specific incident to someone, even if in doubt and questioning, which involves undermining his honor, prestige and dignity, or exposing him to people's contempt. He may attack a person's honor and dignity by attributing a shameful characteristic without attributing a specific incident, as his action entails bringing contempt to the victim. Therefore, these crimes are committed when the element of publicity in them is achieved through the possibility of publishing and broadcasting what is written, or hearing the audio or visual message by others.

The Jordanian legislator has criminalized electronic defamation. This crime is committed if the perpetrator sends, re-sends, or publishes data or information via the computer network, information technology, information system, website, or social media platforms that includes slander, libel, or contempt of any person, whether the person was natural or legal. The legislator also punished the perpetrator of this crime with the same penalty prescribed for the perpetrator of the crime of character assassination. If the crime of defamation is directed at one of the state authorities, its official bodies, or its public administrations, the public right lawsuit is filed directly by the Public Prosecution without the need to file a complaint or claim a personal right.

The legislator also punished anyone who used an information network, information technology, information system, website, or social media platform to publish a recording, photo, or video of what a person is keen to preserve and not show or conceal from the public, with the intention of defamation or abuse, even if he obtained those photos or recordings or videos in a legitimate way. The legislator increased the penalty in the event that an information network, information technology, information system, website, or social media platform is used to install, modify, or

\[\text{See Article A/25 of the same Law}\]
\[\text{Abu Al-Fathl Ibn Manzur, Lisan Al-Arab, ibid. Part 8, p. 154}\]
\[\text{Ali Jaafer, ibid, p 363.}\]
\[\text{See Article 15 of the Jordanian Cybercrime Law}\]
\[\text{See Article 20 of the same Law.}\]
manipulate a recording, photo, scene, or video that the person is keen to preserve and not show to the public, with the intention of defamation, abuse, or obtaining a benefit as a result of this.\footnote{See paragraph 8 of Article 20 of the same Law.}

The researcher believes that the last two criminal forms stipulated in Article 20 of the Cybercrime Law, if they are committed with the intention of defaming or insulting the victim, then they are no more than practical applications of character assassination, as defamation in the aforementioned sense is to expose and insult the targeted person. It does not deviate from the meaning we explained regarding the moral assassination of a person.

The crime of electronic defamation mentioned in Article 15 of the aforementioned law is similar to the crime of character assassination in that both of them are committed by the same electronic means, and in that each of them aims to harm the reputation, dignity, and consideration of the targeted person, with the negative psychological impact that this has on him, especially since slander, libel and contempt are among the most important acts that can lead to character assassination, in terms of means and goals. And in terms of punishment, the punishment that the legislator decided for each of them is the same. However, in terms of judicial practical application, establishing evidence against the perpetrator of the crime of electronic defamation is easier than in the crime of character assassination, due to the difference in criminal intent required for either crime to occur, which will be explained next.

**Second : The Moral Element as a Criterion For Differentiating Between The Two Crimes**: The crime of electronic defamation or the crime of slander, libel or contempt committed by electronic means is an intentional crime that requires the presence of criminal intent for its occurrence, and the criminal intent necessary for its occurrence is general intent only, so the commission of these crimes does not require a specific intent. According to the general rules, the general intent consists of knowledge and will. There must be knowledge of the elements of the crime, such as knowledge of the significance of the incident attributed to the victim and that it would undermine his honor and consideration. The element of knowledge here is assumed, but the accused may refute such assumption by establishing evidence, that the statements made by him had a non-disgraceful connotation, and that he was ignorant of their meaning in the environment in which they were broadcast.\footnote{Omer Al Saeed Ramadan, ibid, p.374.} Likewise, the presence of criminal intent requires knowledge of the publicity of the attribution that constitutes the slander or libel, and the offender’s will must also be directed toward committing the physical behavior that constitutes the crime. It is the attribution of heinous facts, with his will being free and not tainted by coercion or threat. If the perpetrator is forced to mention expressions of slander or libel, his criminal intent is negated.\footnote{Mohammad Mohammad Misbah Al-Qadi, ibid, pp. 617 et seq., and see: Dr. Ali Jaafar, ibid, pp. 345-346.} Once the criminal intent is present with its two elements: knowledge and will, then the motives that led the offender to commit his crime do not matter after that, whether the motive is revenge or harming the reputation or consideration of the victim. Because the motive does not affect the availability of criminal intent, just as it does not affect this intent if the perpetrator has good intentions, believing that what he said about the victim are true statements, because lying about the facts is not an element of the crime.\footnote{Mohammad Saeed Nammour, ibid, p. 305.} As for the crime of character assassination, according to what we presented previously about the concept of the moral character assassination, the criminal intent necessary for the commission of the crime requires the presence of the general criminal intent in addition to the specific intent, which is the reason that compels the perpetrator to commit the act or the ultimate goal that he seeks, and the motive is not an element of criminalization except in the circumstances specified by the law.\footnote{Article 67 of the Jordanian Penal Code} The presence of the special intent is necessary. It is clear from the text of Article 16 of the Cybercrime Law that this intention is represented by character assassination, by deliberately destroying his reputation, distorting his picture, questioning his credibility, undermining his dignity and respect, and isolating him socially.

**Third : Proving and Explaining Criminal Intent.** In crimes of slander and libel in general, including the crime of electronic defamation, in order for it to be possible to say that criminal intent exists, it must be proven with both elements of knowledge and will, and the burden falls on the Public Prosecution to prove that the perpetrator was aware that the statements issued by him contained the meaning of slander and libel and his intention is to attribute it to the victim and broadcast it among the people. If the matters attributed are heinous in themselves, then the
intention of the attribution is presumed against the perpetrator, and the prosecution only has to prove that they were made by the accused. In stating the intent, it is sufficient for the court to mention the statements that are proven to have been made by the accused, and it is not obligated to speak about the intention explicitly. In this case, the accused has the burden of denying his criminal intent. However, if the matters attributed are not shameful in themselves, or their meaning is unclear, due to the perpetrator’s use of methods to hide his intention, such as using metaphorical expressions, then there is no room for assuming his criminal intent. Rather, the Public Prosecution must prove this intent. In the event of a conviction, the court must provide evidence of this intent. As for the crime of character assassination - in addition to what was mentioned - the researcher believes that the difficulty lies in proving the specific criminal intent, as it is an internal matter harbored by the perpetrator, and it is not sufficient for the matters attributed to be heinous in themselves to say that the intent to assassinate is presumed against the perpetrator, and it falls on the Public Prosecution the burden of proving this intent. If the court issues a conviction, it must state the reasons, justifications, and supports on which it relied in issuing its ruling, as proving the presence of this intent or not is the criterion for distinguishing between the crime of character assassination, which is subject in the legal application to the text of Article 16 of the Electronic Crimes Law, and the crime of electronic defamation, which is subject in legal application to the text of Article 15 of the same law.

While we are about to differentiate between the crime of electronic defamation and the crime of character assassination, we point out that the Jordanian legislator has provided reasons that would justify the publication of acts of slander and libel, including if the subject of the slander or libel is true and its publication benefits the public interest, and this requires that the person who issues expressions of slander or libel must be in good faith, intending to reveal facts of interest to society in order to seek to correct the defect and impose punishment on those responsible for it, including challenging the actions of a public employee in view of the seriousness and importance of the work he performs, and the seriousness of what may result from his deviation and negligence in the public interest. Thus, citizens are permitted to disclose defects that befall a public employee’s work during the exercise of his job, even if they are detrimental to his honor and consideration. While the Jordanian legislator did not provide any exceptions to character assassination, there is no doubt that the reason behind this is clear, as character assassination is the specific criminal intent in itself, and does not indicate in any way about the good faith of the perpetrator or the nobility of his goals, unlike the reason for justifying electronic slander and libel as mentioned above, as the justification of the act is conditional on the good faith of the person from whom the statements of slander or insult were issued, and that those statements are true and benefit the public interest.

CONCLUSION

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

Results

- The study showed that if it is common to use the term assassination in organized killings of politicians and public figures, which means eliminating a person physically, to achieve political, ideological, or military goals, then the term moral character assassination means the deliberate moral liquidation of the reputation of individuals. It is a deliberate and continuous process that aims to destroy the credibility and reputation of a person, institution, organization, social group, or nation, by making false accusations, spreading rumors, and manipulating information and facts, to present an incorrect image of the targeted person, which leads him to be rejected by his community or family or his work environment, similar to the professional assassination of human life.

- A person’s right to his honor and respect is one of the rights that are attached to and emanating from legal personality, regardless of his social status. Therefore, the Cybercrime Law No. 17 of 2023 AD included texts that

\[63\] Mohammed Mohammed Musbah Al Qadi, ibid, pp.623-624.
\[64\] Mohammed Saaed Namour, ibid, p.305.
\[65\] See Article 198 of the Jordanian Penal Code
\[66\] See Articles 169 and 192 of the Jordanian Penal Code
criminalize assaulting them electronically, including criminalizing spreading rumors or attributing any actions that would lead to character assassination.

- The Jordanian legislator 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 the subject of this crime, the gravity of its impact on the victim and the bad social effects it has on him.

- The Jordanian legislator did not limit punishment only to the perpetrator of character assassination, but rather extended the criminalization and punishment to also include everyone who 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 something similar. They shall be punished with the same penalties prescribed for the original perpetrator.

- Although the crime of electronic defamation mentioned in Article 15 of the Cybercrimes Law is similar to the crime of character assassination in that both of them are committed by the same electronic means, and in that both of them aim to harm the reputation, dignity, and reputation of the targeted person due to the negative psychological impact that this has on him, however, the moral element is the criterion for distinguishing between the two crimes. While the presence of only the general criminal intent is sufficient for the moral element of the crime of electronic defamation to be established without regard to the motives or motives for committing it, the moral element in the crime of character assassination requires the presence of the general criminal intent in addition to the specific intent represented by eliminating the targeted person morally and isolating him socially.

Recommendations

- In light of the recent use of the term character assassination in Jordanian penal legislation, and the inclusion of a legislative text that criminalizes and punishes it through Article 16 of the Cybercrimes Law, and since this law is devoid of any definition of this term, we hope that our legislator will define and control its meaning, similar to the definitions of some modern terms or words in Article 2 of the same law, so that its features become clear and easy to distinguish it from other crimes that may be similar to or mixed with it, and so that those working in the field of law enforcement are able to implement the legal texts in a proper manner, away from errors in application.

- The Jordanian legislator has criminalized character assassination if the crime is committed by electronic means specified in the aforementioned Article 16, while it does not address it if it is committed by traditional means in which the two elements of nefarious attribution and publicity are present, as stipulated in the Penal Code. There is no doubt that this is a legal loophole. We hope that our legislator will address it and clarify the rule of law regarding it.

REFERENCES


Legislation:
- The Jordanian Constitution of 1952 with the latest amendments until 2023 AD.
- The Jordanian Penal Code of 1960 with its amendments until 2023 AD.
- Jordanian Press and Publishing Law No. 8 of 1998 AD with its amendments until 2022 AD.