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SOCIO-ECONOMIC ASPECTS OF MEASURING THE SECURITY OF CRIMINAL LAW IN THE CONTEXT OF ENSURING JUSTICE IN JORDAN

ABSTRACT

Socioeconomic development is a complex process that requires significant resources and measures. The development of criminal law is built on a unique system designed to do justice within the legal framework. At the same time, the social and economic aspects of measuring the security of the situation in society should be taken into account. The main purpose is to form a model for improving criminal law, taking into account the socio-economic aspects of the security environment. The main scientific task is: to define and substantiate the socioeconomic aspects of the security environment; to substantiate the relationship between criminal law and the security environment; to determine directions for the development of criminal law and improvement of the justice system, taking into account the socioeconomic aspects of increasing security in society. The object of research is the system of criminal law. The research methodology is based on the method of structural modeling of the development of criminal law through the prism of security. The result of the article is a model for measuring criminal law in the framework of ensuring justice, taking into account the socio-economic aspects of the development of society. The innovativeness of the results obtained is presented in the form of a proposed methodological approach to ensuring the development of criminal law, taking into account the socio-economic aspects of security. The article provides for further research on the socio-economic aspects of the development of criminal law, which should be further analyzed and improved within the framework of this topic.

Keywords: security, threats, law, criminal law, justice, socio-economic aspects, development, economics

JEL Classification: K22, K14, P48

INTRODUCTION

Economic rationality is a moral virtue because its goal is the efficient management of resources. However, markets are turning to hedonistic values. Socioeconomic development should be defined as a harmonized improvement in the quality of a meaningful life in all eight areas of human existence. This is sometimes defined as a socio-economic bond. The integration of development processes in the EU is implemented at the societal and transnational levels and is reduced to the social, economic, and environmental spheres in the structure of the social market economy. In addition, social and economic development based on spontaneous order or free market mechanisms with minimal state intervention is by its nature not amenable to harmonization. It will be realized through competition and spontaneous destruction and selection. Similarly, development based on the global liberalization of all markets is not subject to integration.

Individualism is the basis of fragmentary sciences and knowledge, subordinating the choice of a person to egoism and hedonistic values. He encourages the adoption of a mechanistic approach to processes and research, isolated from the environment of objects as if they were independent of external conditions. An economy based on individualism leads to the establishment of free choice based on economic viability and private property while rejecting the interaction between different spheres and measures of non-market coordination. Specific areas of human activity are seen as isolated from the characteristics of their environment - they perform special functions, but these functions

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must be subject to economic criteria in order to provide a single rationalization of human choice and attribute the characteristics of "economy" to all participants in social processes.

"Economy" contains the necessary knowledge to use to achieve goals separated from the characteristics of their environment within the current legal framework. The dominant factor here is the logic of causes that are subject to economic criteria inherent in the sphere of human existence. However, such a concept excludes the logic that follows from the selection criteria associated with other human activities. In fact, it rejects such criteria and replaces them with economic rationality.

One of the cornerstones of the study of any field of knowledge is a definition with key concepts and an understanding of their content. At the same time, special attention is always paid to the terminological coloring of a general direction or a specific topic of scientific research. The social sciences and humanities are no exception to the general rule, but at their core, they do not have constant experimental activity. A certain exception is law enforcement statistics, however, given the Soviet past, it very often expresses not the real, but the desired state of affairs. Therefore, the correct and precise formulation of the direction for them is perhaps the main guarantee of universal success. In particular, the sciences of the criminal law direction proclaim the improvement of the relevant legislation and the practice of its application as their main tasks. This is probably the right direction for the development of socio-economically significant sciences. In this regard, one simple axiom arises, which concerns the fact that if the fate of people who have committed crimes and the restoration of the violated rights of victims depend on the correct application of the norms of the criminal law, then the relevant studies to improve this part of the legislation should:

- necessarily include applied orientation;
- be formulated in such a way as to approach unambiguity in understanding and interpretation.

The history of the development of mankind testifies to the versatility and ambiguity of civilizational processes in different social formations at different times. In fact, by the end of the twentieth century, each country tried to keep its achievements within well-defined boundaries by all available means. Progressive out-of-time ideas of the Renaissance were reflected in legislative acts only at the end of the 20th - the beginning of the 21st century. We are talking about the vital desire inherent in each of us from birth - to live in safety. Moreover, this aspiration has always been and will be characterized by egoistic manifestations - one's own, personal safety, relatives, and friends. Of course, without the security of society and the state, it is hardly possible to talk about the security of the individual. At the same time, only now everyone is seriously talking about the correctness and the long overdue need for regulatory and legal consolidation of the transformation of the triad of the most important values "state-society-individual" to the diametrically opposite one - "individual-society-state". The state should never put its interests above the individual: the population is a key mandatory component of any public education. In the basis of the political (administrative) system of society, a person must forever replace the state.

At the same time, the socio-economic function of criminal law and criminal liability is determined by the objective need to achieve a certain level of security in society. Measuring security as a state of protection of the vital interests of an individual, society, state, and humanity is the most important value of socio-economic life, and each branch of law, its institutions, and categories must correspond to the idea of security as a special and constant "constant" of human existence. Security is the fundamental and main goal of the regulatory mechanism. Almost all the norms of all areas of the legislation of any state are aimed at ensuring a person of such an existence when his personal rights, interests, values, as well as material wealth, will not be endangered. As a rule, a violation of human security is a stage (stage) of the commission of a corresponding crime against life, health, freedom, property, etc., therefore, if the crime is completed, it absorbs the previous stages (stages), they have no independent significance and do not affect his qualifications. If a person's life, health, freedom, and property are harmed, then his safety is also harmed.

Criminal law as a reason is only interested in a certain human behavior (action or inaction), therefore, in the context of the tasks of this science, it is important to talk about the objectivity of a causal relationship in the sense that its presence or absence does not depend on the fact that it is realized by the person whose behavior became the cause events of interest to us, as well as from the attitude to these events themselves. A causal relationship takes place regardless of whether a person performed certain actions specifically to achieve a certain result (consciously, purposefully created a causal relationship), or causing certain harm is a side or even unpredictable result of his behavior.

It should be remembered that criminal law within the framework of ensuring justice is a socio-economic phenomenon that is much richer than criminal liability legislation. However, the law on criminal liability remains the main embodiment of criminal law in the practical activities of society. Science should have the most important influence on the formation of modern criminal law through deep, reasoned scientific works, the results of which are embodied in monographs, scientific articles, comments on legislation, dissertations, speeches at conferences, and recommendations.

The economic revival of Jordan is conditioned by an effective legal system. Such examples include Poland, which, in pursuing its own national interests, can best support effective economic and political reforms in Jordan and share positive experiences. Another problem of the Jordanian economy is the modernization of the criminal law system in accordance with the needs of socio-economic and peaceful development. Mimicking the neoliberal innovation economy or the Euro-centric economic model based on knowledge and the "triple bottom" is the wrong direction for a country that suffers from an outflow of specialists, and is characterized by limited population resources and underdeveloped economic structures.

LITERATURE REVIEW

Sustainable socio-economic development today is one of the most important problems of mankind. The essence of "sustainable development" is to maximize the economic and social benefits from the process of developing the national economy while protecting the environment and ensuring the reproduction of natural resources in the long term. In the economic sense, sustainable development means not only the growth of the national economy and the growth of per capita income but also the improvement of all elements of social security. Sustainable development must be accompanied by the necessary structural legal changes. Sustainable development in the context of European integration is an unconditional strategic task, the solution of which will allow, on the one hand, to develop and implement a new model of eco-social economy aimed at comprehensively improving the quality of human life. On the other hand, this will serve as the foundation of a new legal system, since the criteria for sustainable development and legal security will be the top priority (Shtangret et al., 2021) [1].

As rightly presented in literary sources, noted by Wang (2023) [2], Child, Rogers (2017) [3], Kryshtanovych et.al. (2021) [4], Lavery (2010) [5], the question arises that the humanization of something concerns only the person who committed the crime while ensuring the rights and freedoms of the victim are not mentioned at all. Ways to prevent such a situation in the future by compensating for the damage caused or restoring the violated right have already been thoroughly researched by forensic scientists. We believe that in such conditions it is very difficult to talk about the mechanism of criminal law ensuring human security because it is not known in what form we will receive a new criminal (criminal - the name is also proposed to be changed) law in the near future. However, even now we can state with confidence the fact (predict with a certain degree of probability) that a certain part of the criminal behavior of a person may remain outside the sphere of protective action, and, accordingly, all other persons who are in a certain way affected by this behavior will remain alone with their violated rights and freedoms and unfulfilled obligations in the framework of ensuring justice.

As noted by Hama, (2017) [6], Rushchyshyn, et.al. (2021) [7], and Dmytrenko, (2011) [8] it should be remembered that scholars point out that a multidimensional and comprehensive approach to addressing human security is needed. Without ensuring the personal security of a person, especially the security of life, it would be pointless to raise the issue of observing other human rights and freedoms, words, and mindsets. Ensuring human security (guaranteeing, protecting, and protecting the rights and freedoms of man and citizen) is the main function, goal, and obligation of the state, all branches of power, and all links of the state mechanism. The government is the main actor in ensuring human safety. It is a person, his rights, and freedoms that are the main object of national, state, political, technological, environmental, informational, economic, and public security in the framework of socio-economic development.

As noted by Malinovsky, Dobrotvorsky, (2021) [9], Al Azzam, F. (2019) [10] rightly emphasizes that a certain resistance that a number of new scientific ideas meet in the legislative, law enforcement, and public environment as a whole is due to the fact that the problems of modern society are not that it is not ready to accept certain ideas, but that there are no or too weak channels of communication between scientific knowledge and society itself. The task of the scientific community in the criminal law sphere at this stage should be to get out of the "cocoon" of its own closed environment and broadcast its position to society through the expanded technological capabilities of the modern world (including on issues of evolution and modern regulation in criminal law and the law of crimes against peace) and the security of mankind, the role of the Rome Statute and the International Criminal Court in the context of modern global and legal trends; values, and "enclavization", which is characterized by internal isolation of systems, orientation towards isolation from external influences, upholding one's own identity and significance, active representation of one's own cultural values, including legal ones, and imposing them by penetrating into the zone of common values from them their original content; convergence of areas that were previously opposed, which is formed primarily under the influence of the legal practice of the European Union and consists in "smoothing" the difference between private and public, substantive and procedural law; dialectics of interaction between common and continental law and the expansion of the ideas of legal pluralism) [11].

As noted by Shakhathreh H. (2023) [12], McGowan (2007) [13], Salako, (1998) [14], and Al-Hawar (2022) [15], made it possible to summarize the main theses. Firstly, the safe measurement of a person as a whole is provided at the proper

level by the norms of the criminal law, therefore they need only partial, precise improvement and protection of those most important social relations that were not previously under criminal law protection. Secondly, one should always remember and use the intersectoral links of criminal law with other sectors and spheres of society's existence. Evidence of this may be the urgent need to introduce the institution of the commissioner for the protection of the rights of people with special needs, which has already been partially implemented. In literature note, perhaps again (and this is the main thing) that the current state of human reproductive safety requires its proper provision by all possible means. One of the most important means of this is legal. The unborn child must be guarded by the criminal law with special rules, the very existence of which should keep the relevant specialists from any illegal actions (Lemak, (2016) [16]; Sylkin, Buhel, Dombrovska, (2021) [17]; Ndiaye, McKay, (2019) [18]; Quirk, Wortley, (2017) [19]).

AIMS AND OBJECTIVES

The main purpose is to form a model for improving criminal law, taking into account the socio-economic aspects of the security environment. The main scientific task is: to define and substantiate the socioeconomic aspects of the security environment; to substantiate the relationship between criminal law and the security environment; to determine directions for the development of criminal law and improvement of the justice system, taking into account the socioeconomic aspects of increasing security in society. The object of research is the system of criminal law.

METHODS

General scientific methods of analysis, synthesis (When studying socio-economic aspects of protection), a graphical method for displaying results (When the main graphs and models are presented), and an abstract logical method were used as part of the formation of conclusions. However, the main method is the simulation method. Among all modeling methods, DFD was chosen. Its essence will be described below in the text.

For the practical use of CASE technologies, software products have been developed that are distributed under licensing rights. Since each of the software covers only a certain range of tasks, the means of CASE technologies are combined into complexes and issued together. Among these complexes are the Bwin and Erwin program packages. The relationship of software products is shown in Figure 1.

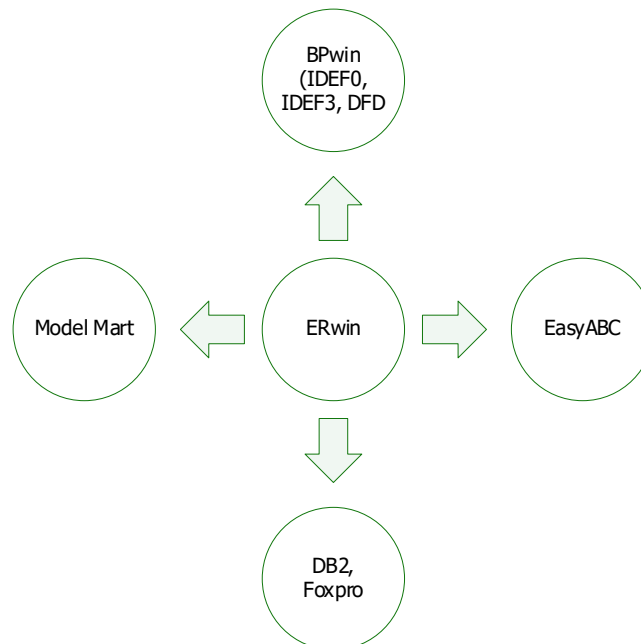


Figure 1. The relationship of software products that have become the basis of the research methodology.

We have chosen the DFD method. DFD (Data Flow Diagrams) - a model of data flows, as well as performing security analysis of the socio-economic development of criminal law in the framework of ensuring justice.

More and more well-known methodologies of structured programming are based on a number of general principles. The proposed methodological approach is based on the following principles:

- the principle of "divide and own" - the principle of solving complex security problems by breaking them into many smaller independent tasks that are easy to understand and solve within the framework of the development of criminal law;
- the principle of hierarchical ordering - the principle of organizing the components of the problem of ensuring security and the development of criminal law in hierarchical tree structures with the introduction of new details at each level.

DFD diagrams are the second of three types of functional model diagrams that allow you to build the BPwin software package. These diagrams belong to functional models since the main elements in them are jobs, and the data act as interfaces that connect jobs to each other. Unlike IDEF0 diagrams, they have more attention to data flows regarding the measurement of the security of the development of criminal law in the framework of justice provision. When modeling, modern software is used (vector model program).

DFD diagrams can be built as an independent system model or as an integral part of a functional model. As an independent model, the DFD diagram is built starting from the context diagram. In most cases, DFD diagrams are included in addition to the functional model at low levels of decomposition. Such an addition details the functional model in the informational aspect. But keep in mind that DFD diagrams are functional diagrams since the main attention is paid to the functions of the system, represented by the block.

RESULTS

The economic thinking of a lawyer is provoked primarily by economic interests and economic incentives that can significantly affect the productivity of the thinking process and the cognitive process associated with it. Due to the fact that thinking carries out analysis, synthesis, generalization of data, and decision-making, then, first of all, "the process of cognition must thereby provide a form that is important for the agent and includes a certain information content. The cognitive process is the categorization of data. The psychology of cognition, however, shows that the maximum use of available data is the rare exception rather than the rule. Even highly professional economic agents using modern information technologies ignore some data obtained by sensual means. The pinnacle of the cognitive activity of a lawyer in modern conditions is economic intuition, which only lawyers with developed economic thinking and a large stock of knowledge are fluent in. It is an indispensable attribute of the decision-making process. Based on deep knowledge and the skills to use it, economic intuition is one of the means of dealing with uncertainty, which quite often generates an economic system. Economic intuition is necessary not only during cognitive activity but also takes part in all types of economic activity: labor, entrepreneurial, value-oriented, communicative, etc. The desire to develop and improve economic intuition is one of the primary tasks in the formation of the economic culture of a high-class lawyer. As follows from the above, such thinking enables a lawyer, when solving specific legal cases, not to make even the slightest economic mistakes, to economically justify his professional actions. In particular, a lawyer should not make erroneous decisions, guided by the fact that a reduction in the rates and magnitude of state taxes is an absolute boon for the citizens of the state. Since taxes are the main source of budget revenues, their reduction is a direct blow to the budget financing of social programs, education, medicine, culture, etc. The legal adviser must have a deep understanding of business economics; employee of the tax administration - in taxes and the tax system; a lawyer-employee of the bank - money circulation and the financial system, know the securities market.

The current level of economic crime in Jordan poses a threat not only to the national interests of individual states but also a direct threat to international security, acquiring a transnational character. It creates a particular danger for countries with an unstable socio-political and economic situation, which are in a state of economic and political transformation, which also includes Jordan. The effectiveness of combating crime directly depends on obtaining complete and reliable information regarding the quantitative and qualitative indicators of a certain type of crime and determining the development trends of the phenomenon under study. One of the problems of combating economic crime in Jordan is the presence of significant difficulties in determining its quantitative and qualitative indicators. On the one hand, this is due to the introduction of significant changes to the Jordanian Criminal Code on liability for economic crimes, on the other hand, to the lack of a unified statistical reporting on committed economic crimes.

Let us consider the socio-economic aspects of the investigation within the framework of the criminal law system. The number of crimes against justice in recent years tends to increase. The object of criminal encroachments is quite often the persons doing justice. It is also not uncommon for cases when criminal offenses of an economic nature are committed by representatives of the judiciary and pre-trial investigation bodies themselves. As a result, not only the participants in the

criminal process are harmed, but the foundations of the creation of the state are undermined. The information basis for the formation of effective methods for investigating crimes against justice is their forensic characteristics. Therefore, an important task of forensic methodology is the development of forensic characteristics of crimes against justice. Considering that these crimes are diverse (committed by officials and other persons, have different traces, consequences, etc.), we propose to develop a forensic description of such crimes in a differentiated way - in accordance with their forensic classification. The next feature of the investigation of crimes against justice is that the investigator needs to study a variety of documentation - personal files of convicts, protocols of investigative (search) actions, and protocols of court sessions.

The stages of the criminal process in Jordan are its relatively independent parts, each of which has its own tasks, a specific circle of participants, and procedural means of activity, goes through the stages inherent only to it and ends with the adoption of a certain decision, which, as a rule, transforms into the next stage. The socio-economic features of the stage are its tasks, the circle of participants, procedural means, and final solutions. Activities at each stage are carried out on the basis of general provisions that are unique to them. The task of the stage is a predetermined volume of procedural activities planned for implementation, which must be carried out in order to achieve the goal of the criminal process. Each stage ensures the fulfillment of its tasks, which ultimately entails the fulfillment of the tasks of the criminal process.

The second sign inherent in any stage and which is the basis for highlighting a part of the criminal procedural activity as an independent stage is a certain circle of participants. Each stage of the criminal process involves participants, whose circle is special. The third sign of the stage is the procedural means of criminal procedural activity, which are also specific to each stage. Most often, the stages are distinguished on the basis of an analysis of the means of activity aimed at obtaining new knowledge - cognitive means. So, the pre-trial investigation is characterized by investigative actions performed by the police (militia), and the public prosecutor. These actions are aimed at obtaining knowledge about the circumstances of a criminal offense, but as a result of their conduct, the evidence does not arise, except in cases where investigative actions are performed by an investigating judge (pre-trial investigation judge) in the presence of the parties. In judicial proceedings in Jordan, judicial investigative actions are used, which are distinguished by a certain specificity of their content and conditions of production, due to the openness (publicity) of judicial proceedings. In the criminal process, each of its stages ends with the adoption of a final decision. A feature of such procedural decisions is that with their adoption, each preliminary stage is transformed into the next stage. So, with the adoption of a decision to draw up an indictment, the final stage for the pre-trial investigation, the criminal process is transformed into the next stage - the judicial stage. The only exception is the stage of the execution of the sentence, which does not have a final decision, since the process ends at this stage.

The use of effective procedural countermeasures appropriate to the nature and level of crime while respecting and protecting the rights of participants in criminal proceedings is one of the directions of the state policy to combat crime. During the pre-trial investigation, it is necessary to collect, verify and evaluate evidence by all means established by law, to search for a person who has committed a criminal offense, to inform him of suspicion, to apply measures to ensure criminal proceedings, to ensure the protection of the rights, freedoms and legitimate interests of participants in criminal proceedings from criminal offenses. The implementation of the relevant procedural actions and the adoption of decisions by authorized persons during the pre-trial investigation and at its completion is the essence of this stage.

Summoning in criminal proceedings is a measure to ensure criminal proceedings aimed at informing a participant in proceedings about the need to appear before an investigator, prosecutor, investigator, or judge in order to participate in the conduct of legal proceedings. The call must necessarily indicate the procedural status of the called person, the time, date, and place of his arrival, the type of procedural action for participation in which she is called, the list of documents that the person must have with him to verify his identity and the consequences of his non-arrival.

A trend analysis of the dynamics of economic crimes officially registered in the framework of criminal implementation in Jordan is presented in Figure 2.

One of the measures to counteract economic offenses is administrative responsibility, which contributes to the prevention of many violations in the economic sphere. Today, economic crime has new content. As a result of the reform of economic relations, the transition from a state to a market economy, new groups of dangerous social acts, illegal mechanisms and methods for their implementation, and cover schemes in economic sectors have emerged. An important component of these crimes is their high level of latency. Too many of these crimes do not fall into the field of view of state bodies responsible for combating economic crimes, and as a result of which criminal cases are not investigated.

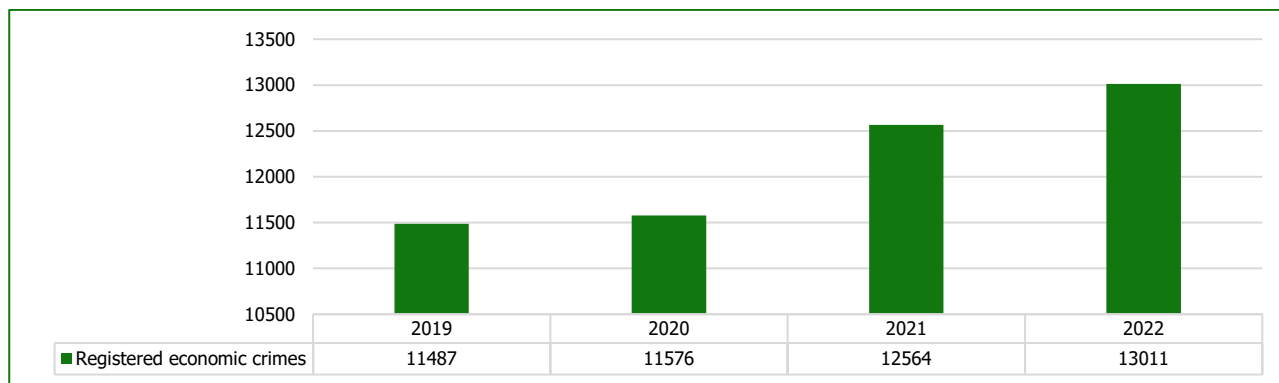


Figure 2. A trend analysis of the dynamics of economic crimes officially registered in the framework of criminal implementation in Jordan.

Economic crime is defined as a complex and latent type of criminal act, the proof of which requires a carefully thought-out investigation plan, and the collection of evidence. More often, economic crime is combined with official crime, and some crimes are committed using persons of their official position. The process of investigating economic crimes can be complicated by the following problems: crimes can be committed not by one person, but by several since a variety of economic crimes by its nature must have a well-thought-out plan of action; the presence of an intellectual element of the committed act is obligatory; there may be several episodes of criminal activity. Persons committing economic crimes have power while in office and performing their own kind of functional duties. Currently, there is an urgent need to improve the system of investigation of economic crimes. Investigation of economic crimes is a priority activity of law enforcement agencies. In order to increase the efficiency of pre-trial investigation and avoid errors in proving this category of cases, it is necessary to pay attention to the peculiarities of the investigation process.

The main diagram-model of the development of criminal law is presented in Figure 3.

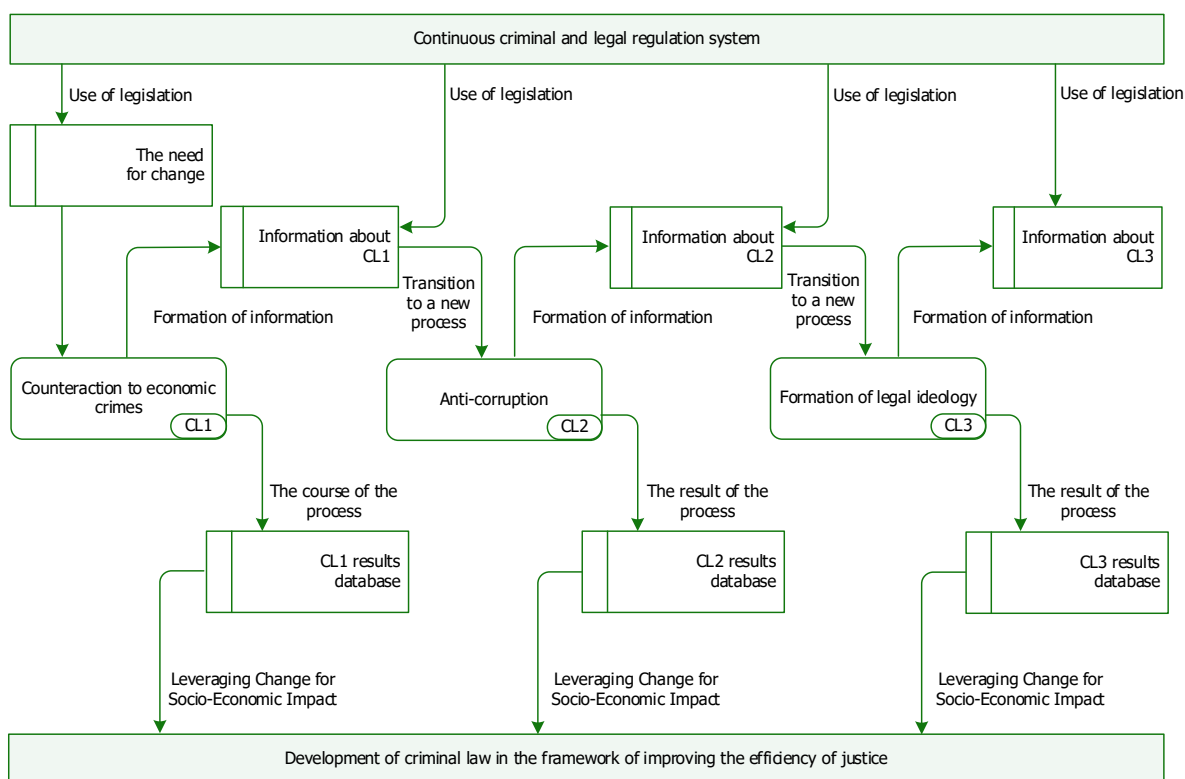


Figure 3. The main diagram-model of the development of criminal law.

CL1. Counteraction to economic crimes. Criminal offenses of an economic nature are characterized by diversity, a highly intellectual nature, rapid adaptation of criminals to new forms and methods of financial and economic activity, and mastery of new banking, tax, and customs technologies that accompany the production of business operations. Now the criminal

use of information technology has begun in this area. Based on the above, economic crimes include illegal acts aimed at violating property relations and the existing procedure for carrying out economic activities.

The sustainable development society that Jordan aspires to is impossible without significant qualitative institutional changes in the political, legal, socio-cultural, and especially economic spheres. The weakness and dysfunctionality of state institutions involved in the regulation and control of economic activity provoked a significant surge in the criminal redistribution and appropriation of capital and resources, the spread and strengthening of bribery-corruption relations in the public and private spheres, the formation of power-clan and corporate criminals. Shady and criminal financial transactions, combined with the manual control of the law enforcement and judicial system, have become a profitable type of business and a way of life for the owners and managers of many business entities, which has affected the economy of the state, and consequently, the social sphere and led to an extreme degree of social tension. and the crisis state of public institutions Criminalization has affected almost all sectors of the economy: the banking sector, the public sector, the fuel and energy complex, construction, and land relations, and corruption has become a link between them and the authorities.

CL2. Anti-corruption. Corruption in the public sector of government and corruption in the private sector of government are characterized by significant differences, which ultimately are expressed in causing consequences of different levels of danger (corruption in the public sector of government is much more dangerous). This state of affairs necessitated the identification of the essential features of the differentiation of corruption in the above areas, as well as the differentiation of the legal regulation of counteracting it, depending on its belonging to the relevant area. Although at first glance corruption is characterized by stratification into spheres according to the properties of the relevant authorized subjects of offenses, however, this is only a normative criterion, which is based on the features and significance of social relations that are subject to legal regulation by the norms of anti-corruption legislation.

CL3. Formation of legal ideology. An integral part of the legal ideology is the criminal-legal ideology, which determines the goal, objectives, and principles of lawmaking and the implementation of criminal law. The criminal-legal ideology, along with other types of ideologies, is created by the state in order to implement the most important functions of the state - protecting national interests and ensuring the security of the individual, society, and state in Jordan from external and internal threats in all spheres of life. The ill-conceived nature of the criminal law ideology is reflected in the mechanism for implementing criminal law. The inefficiency of the mechanism for the implementation of criminal law is reflected in the authority of the state, and the legitimacy of power is questioned. Therefore, the main function of the criminal legal ideology is the function of the legitimacy of power.

Having formed the main diagram of the model using graphic language, a functional model should also be presented. It aims to present the main features to achieve the model in Figure 3. (Figure 4).

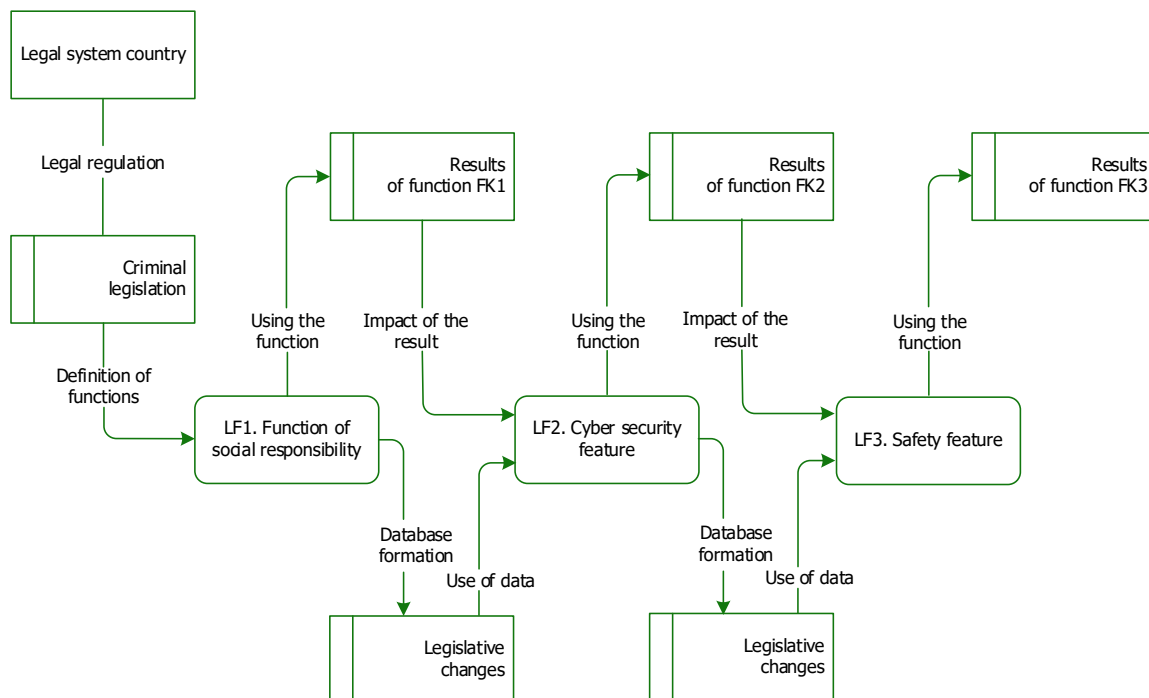


Figure 4. The functional model development of criminal law.

LF1. Function of social responsibility. The question arises: how to restore social justice through criminal punishment, that is, to achieve this strategic goal through punishment? This is quite complex and contradictory since restoring social justice means to restore as fully as possible the state that existed before the commission of a criminal offense, to compensate for the harm to the injured person, society, and state; to find the correspondence of the criminal law impact both to the danger of a criminal offense and to the person of the guilty person; prevent excessive cruelty of criminal law impact; take into account the interests of the person who committed the crime, the victim, the state, society. And this cannot be achieved only by the system of punishments enshrined in the criminal law, this is achieved through the application of other criminal law measures, in particular, compensatory measures. The authority of any state depends on what ideology it has proclaimed and supports. If the ideas that make up the state ideology do not meet the vital interests of a person and society, it becomes unviable, and the state apparatus becomes ineffective. Therefore, the state ideology should strive to be ruling, not by forcibly imposing it on society, but by creating an ideological structure that meets the modern needs of the state and society. The criminal-legal ideology in order to be ruling must be profitable and reflect the interests of the individual, society, and the state. To do this, it should perform epistemological, ontological, informational, hermeneutic, prognostic (futurological), axiological (evaluative), orientational, regulatory, protective, integrative (mobilization and consolidating), and cognitive functions.

LF2. Cyber security feature. The definition of cybercrime in Jordanian law is an important step towards resolving disagreements regarding the concept of such a phenomenon and effective counteraction to it, however, such a definition is contrary to certain provisions of the criminal law, the provisions of international legal acts, as well as trends in the development of legislation in the field of criminal law. This indicates the need for further research in this area and improvement of legislation.

LF3. Safety feature. Since necessary security is the unity of a socially dangerous encroachment and defensive actions, questions about the boundaries of its legality should be linked based on a certain ratio of the intensity of the encroachment and the intensity of protection. Therefore, the determination of the content of the intensity of socially dangerous encroachment is clearly not enough. To correctly determine the boundaries of admissible defense, it is necessary to find the content of the intensity of defense. The analysis of protection as an act that excludes the criminality of the act makes it possible to single out a set of stable relations between the elements that form these acts.

World globalization processes periodically cause the posing of questions to mankind or individual states, the answers to which are either not available at all, or are hastily sought after the fact. It is especially difficult in this regard for weakly competitive states, among which is Jordan. Extremely limited financial resources, devoid of the authority and trust of government institutions, unstable socio-political situation, and military aggression of a neighboring state do not contribute to the search for adequate responses to the negative globalization challenges facing it. One of these challenges is the so-called dangerous knowledge, that is, knowledge discovered in a certain field of science, which is ahead of the development of other fields of knowledge, which introduces a certain social and legal imbalance in the life of society. It (society) is not ready for such knowledge. There is no understanding of its essence on the part of the vast majority of the population, legal support for operating such knowledge, means of protecting society from the dangerous consequences of such knowledge, etc. Examples of such knowledge are the development and use of nano products and nanotechnologies, the invention of new strains of bioorganisms, the development of artificial intelligence, experiments on the human genome, etc. In addition to the independent danger posed by the listed types of dangerous knowledge, an additional danger is the danger of its use as a new form of terrorism.

It is important to recognize in a timely manner the fact of the existence of such knowledge and to invent adequate forms of counteracting the danger that accompanies it. "Adequate" means not only prohibitive. It is easiest to ban the operation of dangerous knowledge, but will the ban be rational and effective? If it gets in the way of scientific and technological progress, it is impossible to consider it rational. A ban that will be possible to break is hardly effective. The rationality, efficiency, and safety of using new knowledge can only be ensured by intersectoral international cooperation of specialists from different fields of knowledge, including jurisprudence.

DISCUSSION

Discussing the results of our study, we should dwell on the functional part of the development of criminal law. The discussion of the tasks and functions of criminal law must be carried out taking into account its interdisciplinary links. Especially such a need can be traced by quite different views of scientists on the functions of criminal law and their types. In turn, the study of the functions and tasks of the development of criminal law should be carried out according to their main (general) types, the existence of which is supported or not denied by the majority of forensic scientists. Moreover, if the

question of the types and number of functions of the development of criminal law is the subject of scientific discussions, then the question of tasks is almost never raised and practically unexplored.

In the discussion, the problem of corruption in the framework of the development of criminal law should be noted. The current crime situation in Jordan is a qualitatively new phenomenon, both in terms of the scale of criminal manifestations and the degree of their destructive impact on the life of society, because in recent years there has been a transformation of organized crime in our country, new technical means are used to carry out illegal activities, which is confirmed the results of modern criminological research. Corruption risks and threats have formed a breeding ground for the spread of economic organized crime, and the growth of the shadow economy, which determines the state of economic security of the state. Among the priority measures to overcome corruption, active deshadowing of the economy is distinguished, which involves (Sillaste, G. (2001) [20]; Sylkin, O., Kryshchanovych, M., Bekh, Y., & Riabeka, O. (2020) [21]): identifying and neutralizing the economic basis of organized crime in the most profitable strategic areas (budgetary, tax, foreign economic, credit, and banking); establishing an effective mechanism for the return of illegally obtained (brought into the shadows) funds (assets).

In general, the functions of law attract some debating attention, but at the general theoretical level, they have not become the object of research. In discussions, quite often only some issues of defining the functions of law, their systematization, classification, etc. are considered. The security function of law as a fundamental function has not been subjected to theoretical analysis at all, although the social need to justify the protection of civil peace is an urgent need of our time. There is a lack of research on the problems of the protective function of law, not only in the theory of law - there are few generalizing materials and research on the practice of implementing this function in Jordan. In the system of legal policy, the development of the regulatory function of law is a priority, and with regard to the security function, quasi-political approaches, inconsistency of state management, and non-compliance with the constitutional foundations for the implementation of the security function of law prevail.

The tasks of criminal law answer the question of why this area of law is necessary for the legal system, and the functions are designed to answer the question of how law solves the problem statement. It follows that law, including criminal law, solves its problems in the process of constant functioning in society. The function of the development of criminal law is the means, methods for solving criminal law problems, and the tasks and functions of criminal law may coincide in name, but this is only a terminological similarity. That is, in this case, the functions are called upon to perform tasks, which is contradictory in itself. In our opinion, there is a clearly far-fetched expansion of the content and types of functions of criminal law, which entails their excessive theorization and the impossibility of practical implementation, at least at the level of further scientific research in this area.

Far from indisputable is the point of view of the discussion, according to which criminal law is characterized by a multi-functional character. In defining the main protective function, it is necessary to note the regulatory function. The structure of the regulatory function includes organizational, preventive, educational, and encouraging directions. Such functions can be indirect in nature, that is, they can be carried out through a protective function, which acts as an alleged initial chain of influence on social relations, other functions are implemented through a protective one and thus carry out a secondary effect of influence. The functions of criminal law can have an independent character in relation to the protective effect, that is, directly perform a preventive, encouraging, educational role.

The function of crime prevention is directly provided by the legislator, but without discussing its content. This leads to different approaches in its understanding, very often combined with the goal of general and special prevention of punishment. Meanwhile, the latter is only part of the function of protecting criminal law, which is implemented in a much wider range of influence on the moral development of a person. Yes, the very fact of the existence of criminal law prohibitions deters a significant part of society from violating them under fear of being punished for this. However, in fact, the questions of determining law-abiding behavior remain unexplored: not why people commit crimes, but why they do not. After all, in every country, there is a certain part of the population that simply does not commit a crime. And here the question already arises about the educational function of criminal law, which is designed to stimulate the hidden internal reserves of each person in order to continuously develop in him a sense of responsibility, a sense of compassion (sympathy), and the ability to respect (respect).

Discussing certain roles in the system, the legislator plays a significant role in the education of a person. It is very important that as many people as possible adhere to its prescriptions so that its legislative support can keep up with the constant fleeting social and economic development. Such a situation is desirable, but not always realized, since attempts to catch up and implement modern society's ideas about crime and the punishability of an act have led to disregard for the functional purpose of the criminal law.

Consideration of the methodological foundations of the problem of ensuring human security through a critical assessment of the philosophical and legal aspects of the concept of security and the place of man in it showed that at the present stage of development of the problem of human security, its content has expanded due to the fact that humanity has realized the need to ensure collective security through the prism of a single individual planetary scale. This became real only as a result of the emergence of threats, primarily of an economic, social, and environmental nature, the neutralization of which becomes a difficult task for the existing national and regional security systems. Today, humanity is facing a number of global problems that largely determine the threats and risks in the long term, when economic, information, and other boundaries are becoming more transparent. The process of globalization of international relations has both positive and negative consequences, which primarily include new threats and challenges.

CONCLUSIONS

The main means of reducing the impact of negative criminogenic factors on society should be systemic rule-making activities, the result of which should be the dominant role of the so-called middle class in the state - when the majority (and ideally all) citizens will have a real legitimate opportunity meet your basic needs. Any illegal actions should be guarded by the criminal law, which also needs to be partially improved in terms of protecting the moral and religious feelings of a person since all the attempts of the state in this direction can neutralize unpunished encroachments on the most intimate for each of us - on spiritual security. Proposals to eliminate the gaps in the current regulatory and security legislation in the field of spirituality of a person, society, and the state are closely related to the desired position of a person in society and his real state in the framework of socio-economic development.

According to our subjective conviction, social diversity should be precisely in unhindered access to the satisfaction of one's spiritual or ideal needs. The search for the true self should not be imposed by someone or something - in modern society, we should gradually reconsider our attitude towards others with their positive features and shortcomings and unequivocally, as a dogma, see in "not like everyone else" firstly a person, who has his own beliefs, the constant disregard of which can lead to irreparable consequences - a return to uniformity in everything. The grossest encroachments on these spiritual or ideal convictions must be guarded by the criminal law, the development of optimal norms of which requires its further scientific justification. The criminal law, being an extreme and effective means of protecting human security, including the spiritual, should be applied last. Prior to this, an effective mechanism for regulating and keeping within the permissible limits (admissibility must be established by society itself) of any form of deviation should be developed, because simple silence or inaction can lead to irreversible processes of moral and religious decline of a person, society, state.

Thus, the activities of the state should be aimed at the implementation of already existing normative legal acts relating to guarantees of the rights and freedoms of man and citizen. Only then can we talk about improving the legal provision of human security, when the majority of society (and ideally all) observes and implements the existing rules. A person feels safe only when he has a clear idea of tomorrow and his place and role in it. The criminal code should and should stand guard over this.

The main result of the study was a new approach to modeling the socio-economic aspects of measuring the security of criminal law in the context of ensuring justice. The value of the results obtained is presented through the prism of the use of graphic language, which allowed the formation of a new model for measuring security. We had the opportunity to visualize the key processes of how we believe it is possible to solve the goal set in the article. For ease of understanding, in the model itself, all transition elements that are connected in the form of blocks were presented in detail. Each such block is unique and carries the necessary information to achieve the desired socio-economic effect.

REFERENCES

1. Shtangret, A., Korogod, N., Bilous, S., Hoi, N., & Ratushniak, Y. (2021). Management of Economic Security in the High-Tech Sector in the Context of Post-Pandemic Modernization. *Postmodern Openings*, 12(2), 535-552. <https://doi.org/10.18662/po/12.2/323>
2. Wang, B. (2023). A Critical Analysis of the Law Commission's Proposed Cyberflashing Offence. *The Journal of Criminal Law*, 87(1), 39-52. <https://doi.org/10.1177/00220183221125873>
3. Child, J., & Rogers, J. (2017). Criminal Law Reform Now: A New Reform Network. *The Journal of Criminal Law*, 81(4), 282-291. <https://doi.org/10.1177/0022018317705771>
4. Kryshchanovych, M., Ortynskyi, V., Krasivskyy O., Mazyi, N., & Pasichnyk, V. (2021). Methodical

- approach to countering threats of economic security in the context of ensuring the protection of national interests. *Financial and Credit Activity: Problems of Theory and Practice*, 4(39), 202–208.
<https://doi.org/10.18371/v4i39.241309>
5. Lavery, J. (2010). Codification of the Criminal Law: An Attainable Ideal? *The Journal of Criminal Law*, 74(6), 557–578.
<https://doi.org/10.1350/jcla.2010.74.6.669>
 6. Hama, H. H. (2017). State security, societal security, and human security. *Jadavpur Journal of International Relations*, 21(1).
<https://doi.org/10.1177/0973598417706591>
 7. Rushchyshyn, N., Medynska, T., Nikonenko, U., Kostak, Z., & Ivanova, R. (2021). Regulatory and legal component in ensuring state's financial security. *Business: Theory and Practice*, 22(2), 232–240.
<https://doi.org/10.3846/btp.2021.13580>
 8. Dmytrenko, Ye. (2011). Place and role of financial and legal responsibility in the mechanism of legal support of Ukraine's financial security. *Finance Law*, 4(18), 112–119.
 9. Malinovsky, A., & Dobrotvorskyy, P. (2021). Dialectics of Philosophical Pillars of the Law and Development Doctrine. *WISDOM*, 1(1), 138–146.
<https://doi.org/10.24234/wisdom.v1i1.668>
 10. Al Azzam, F. (2019). The adequacy of the international cooperation means for combating cybercrime and ways to modernize it. *JANUS.NET e-journal of International Relations*, 10(1).
<https://doi.org/10.26619/1647-7251.10.1.5>
 11. Alazzam, F.A.F., Saleh, A., & Aldou, Kh. (2020). Impact of pandemic COVID-19 on the legal regulation of world trade activity using the example of the medical supplies. *Wiadomości Lekarskie*, 23(7), 1521–1527.
<https://doi.org/10.36740/WLek202007139>
 12. Shakhathreh, H. (2023). Payment of canal dues by carriers carrying out international overseas transportation – A case of legal discrimination. *Studia Iuridica Lublinensia*, 32(1).
<https://doi.org/10.17951/sil.2023.32.1.251-273>
 13. McGowan, L. (2007). Criminal Law Legislation Update. *The Journal of Criminal Law*, 71(2), 99–106.
<https://doi.org/10.1350/jcla.2007.71.2.99>
 14. Salako, S. E. (1998). Causation in Criminal Law: A New Look at Jordan, Smith, Blaue and Cheshire. *The Journal of Criminal Law*, 62(5), 461–467.
<https://doi.org/10.1177/002201839806200507>
 15. Al-Hawari, (2022). The Historical Development of Criminal Legislation in Jordan. *Journal of Positive School Psychology*, 6(4), 9969–9977.
<https://journalppw.com/index.php/jpsp/article/view/6077/4004>
 16. Lemak, A. V. (2016). Ensuring national security as a function of the state. *Scientific Bulletin of Uzhgorod National University. Series right. Issue*, 38(2), 63–67.
 17. Sylkin, O., Buhel, Y., Dombrovskaya, N., Martusenko, I., & Karaim, M. (2021). The Impact of the Crisis on the Socio-Economic System in a Post-Pandemic Society. *Postmodern Openings*, 12(1), 368–379.
<https://doi.org/10.18662/po/12.1/266>
 18. Ndiaye, A., & McKay, L. (2019). Reforming social security to save social security. *Chicago Fed Letter*, 419. <https://doi.org/10.21033/cfl-2019-419>
 19. Quirk, H., & Wortley, N. (2017). Criminal Law and the Society of Legal Scholars. *The Journal of Criminal Law*, 81(4), 278–281.
<https://doi.org/10.1177/0022018317722221>
 20. Sillaste, G. (2001). Social security in the system of internal security of society and the mechanism of its maintenance. *National Security and Geopolitics*, 4–5, 172–178.
 21. Sylkin, O., Kryshtanovych, M., Bekh, Y., & Riabeka, O. (2020). Methodology of forming model for assessing the level financial security. *Management Theory and Studies for Rural Business and Infrastructure Development*, 42(3), 391–398.
<https://doi.org/10.15544/mts.2020.39>

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СОЦІАЛЬНО-ЕКОНОМІЧНІ АСПЕКТИ БЕЗПЕКОВОГО ВИМІРУ КРИМІНАЛЬНОГО ПРАВА В КОНТЕКСТІ ЗАБЕЗПЕЧЕННЯ ПРАВОСУДДЯ В ЙОРДАНІЇ

Соціально-економічний розвиток є складним процесом, який потребує значних ресурсів та заходів. Розвиток кримінального права побудований на унікальній системі, яка призначена творити правосуддя в рамках правового поля. При цьому варто брати до уваги соціальний та економічний аспекти безпекового виміру ситуації в суспільстві. Основною метою є формування моделі вдосконалення кримінального права з урахуванням соціально-економічних аспектів безпекового середовища. Основним науковим завданням є: визначення та обґрунтування соціально-еко-

номічних аспектів безпекового середовища; обґрунтування взаємозв'язку кримінального права з безпековим середовищем; визначення напрямів розвитку кримінального права та вдосконалення системи правосуддя з урахуванням соціально-економічних аспектів підвищення безпеки в суспільстві. Об'єктом дослідження є система кримінального права. В основу методології дослідження закладено метод структурного моделювання розвитку кримінального права через призму безпеки. Результатом дослідження є модель безпекового виміру кримінального права в рамках забезпечення правосуддя з урахуванням соціально-економічних аспектів розвитку суспільства. Інноваційність отриманих результатів представлено у вигляді запропонованого методичного підходу щодо забезпечення розвитку кримінального права з урахуванням соціально-економічних аспектів безпеки. Стаття передбачає проведення подальших досліджень про ті соціально-економічні аспекти розвитку кримінального права, які слід далі аналізувати та вдосконалювати в рамках означеної тематики.

Ключові слова: безпека, загрози, право, кримінальне право, правосуддя, соціально-економічні аспекти, розвиток, економіка

JEL Класифікація: K22, K14, P48