

# **Constitutional Protections of Press and Media Freedoms in Jordan and Indonesia Amid Challenges from Artificial Intelligence and International Legal Frameworks**

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## **Abstract**

The Jordanian Constitution's protection of press and media freedom faces significant challenges due to the growing body of legislation that criminalizes and punishes media related activities. With increasing regulations restricting freedom of expression, the question arises whether the constitutional framework in Jordan effectively safeguards press freedoms despite these constraints. The situation is further complicated by the influence of international law, which shapes media regulations globally, and a comparison with Indonesia's legal approach highlights the similarities and differences in how both countries address media freedom and state control. In this context, the impact of artificial intelligence on journalistic integrity and media bias has become a crucial factor. AI technologies are increasingly being employed in Jordan to monitor, filter, and regulate media content, potentially influencing editorial independence and contributing to biased reporting, which raises significant concerns about the ethical use of AI in media regulation. The analysis reveals that while

constitutional provisions theoretically protect press and media freedoms, the enactment of various laws, media regulations, and ministerial decisions often contradict these protections, placing significant control in the hands of the ruling authority. This situation is exacerbated by heavy penalties, including imprisonment and exorbitant fines, which restrict the ability of journalists and media outlets to operate freely. Also, some amendments to media laws seem to violate constitutional principles, posing a direct threat to the balance between state authority and media autonomy. In this study, the most important result that have been achieved: Freedom of the press and media is intrinsically linked to a broad range of civil and political rights, and it cannot be discussed in isolation. The protection of this freedom requires strong constitutional guarantees that align with both national laws and international standards. Legal protections must be in place to prevent unjustified restrictions that could limit press and media freedom.

**KEYWORDS** *Constitutional Protection, Media Press Freedom, Artificial Intelligence, Jordanian Law, Indonesia Law, International Law*

## Introduction

Freedom is a crucial aspect that forms the foundation of free democratic systems. It is a fundamental right that every individual in a civilised democratic country is entitled to. The establishment of freedom as a constitutional asset is imperative for the protection of individual rights and the preservation of democratic values. Democratic countries recognise the importance of upholding freedom in all aspects of life, including freedom of speech, religion, and assembly. It is through the safeguarding of these freedoms that democratic societies can thrive and flourish.<sup>1</sup> Freedom of the press, media, and expression is an integral part of a democratic society. It is one of the pillars of freedom of opinion and expression, and without it, democracy cannot exist.

The press plays a crucial role in liberating speech from oppression and allowing for the free exchange of ideas. In any democratic country seeking progress and stability, freedom of the press is a fundamental necessity. The constitutional legislator has recognised the importance of freedom of expression, and the press and media cannot fulfil their role if their freedom is confiscated by any party, under any cover<sup>2</sup>. Although freedom of the press,

<sup>1</sup> Youssef Abdel Fattah, "*Constitutional Protection of the Freedom and Independence of the Press and Media Profession and the Legislative Development to Organize Its Councils*," n.d.

<sup>2</sup> Nadia Darifi and Jalat Fawaz, "Freedom of the Media in Algeria: Extensive Administrative and Regulatory Powers in Exchange for Narrow Media Freedom," paper presented at the

media, and publishing is crucial in any democratic system worldwide, it is not an absolute freedom without limits. If it were, it would lead to chaos, oppression, and injustice. Therefore, controls must be implemented to protect individuals' rights and freedoms and ensure that they are practised in a manner that preserves them and benefits society as a whole.<sup>3</sup> If freedom is one of the two aspects of journalistic and media work, the other aspect is responsibility. It is important to distinguish between the restriction on the freedom of the press and media and the responsibility resulting from the journalist or media person's duty. Restrictions limit the journalist's freedom to perform their activities in the best possible way.

On the other hand, liability arises from the journalist or media person's actions that violate the applicable laws.<sup>4</sup> Liability can be a hindrance when the amount of liability is significantly greater than the mistakes made by a journalist or media person while carrying out their tasks. There is often a considerable discrepancy between the powers granted and the penalties imposed for violating these powers, resulting in an imbalance.<sup>5</sup>

## **Constitutional and Legislative Guarantees for Freedom of the Press and Media**

### **A. Historical Background of Press Freedom in Jordan**

Protection of press freedom in Jordan has vastly improved since the country's independence in 1946. The Jordanian Constitution of 1952 was historic in setting fundamental rights, including the right to freedom of opinion and expression. Article 15 guaranteed freedom of opinion and freedom of the press positively but put these freedoms under the provisions laid by law. It thus created a qualified protection which served as a model for subsequent legislative and political evolution.

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Fourth Scientific Conference on Law and Media, University of Tanta, April 23-24, 2017.  
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<sup>3</sup> Ahmed Ragab Ibrahim, "Constitutional Guarantees for Freedom of the Press, Opinion, and Expression between Text and Application: A Comparative Jurisprudential Study," *The Legal Journal* 15, no. 6 (February 2023): 1445–1476.

<sup>4</sup> Khaled Fahmy, *Freedom of Opinion and Expression in Light of International Agreements, National Legislation, Islamic Law, and Crimes of Opinion and Expression* (Alexandria: University Thought House, 2012). 22.

<sup>5</sup> Darifi and Fawaz, "Freedom of the Media in Algeria: Extensive Administrative and Regulatory Powers in Exchange for Narrow Media Freedom," p. 2.

During the 1950s and 1960s, regional political instability and internal security problems were the prime concern of Jordanian press freedom. The successive regimes instituted laws to limit the press for national security and unity. The 1967 Arab-Israeli War and its 1970 counterparts "Black September" added to the controls with state of emergency laws vesting wide discretionary powers with the executive to prohibit publications or censor content. There was a comparative relaxation in the late 1980s and early 1990s. The 1989 political reforms, introducing parliamentary life following decades of abeyance, revitalized public debate and spurred a more vibrant press. The 1993 Press and Publications Law were evidence of this loosening, although it sustained tough controls, primarily through the imposition of licensing and economic assurances to the media<sup>6</sup>.

The constitutional amendments issued in 2011 during the aftermath of the Arab Spring were another milestone. They further infused power into the judiciary as a power of control and sought to extend greater protection to basic rights such as freedom of speech. But these reforms were complemented by restrictive legislation, such as the 2012 amendments to the Press and Publications Law, which extended the reach of state control to the online press, requiring websites to register and be licensed and to take responsibility for users' postings. More recently, Jordanian press freedom has pendulated between constitutional promises and parliamentary restraint. Political events, including regional instability and national security concerns, have always succeeded in encroaching and determining the degree to which constitutional protection actually prevails in practice. Although the Jordanian Constitution continues in theory to be committed to a free press, legislative measures have often prioritized state security and social unity over unregulated expression.

The Constitution is the supreme law that outlines the rules and principles on which the government system is based. It defines public authorities, their functions, and sets limits and restrictions on their activity. It establishes public rights and freedoms and provides basic guarantees for their protection. The Constitution has a special nature that gives it the character of sovereignty and transcendence. It is the guarantor of freedoms, the foundation of its system and the pillar of constitutional life. The Constitution is considered the highest rule of all, and state authorities derive their existence and basis of work from it<sup>7</sup>. They are subject to its provisions and committed to its limits and restrictions.

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<sup>6</sup> Nayel Musa AlOmran, Ashraf Al-Rai, and Noor Issa Alhendi, "Freedom of Expression and Criminal Liability for Journalists under Jordanian Legislation," *Constitutional Review* 11, no. 1 (2025): 118–65, <https://doi.org/10.31078/consrev1115>

<sup>7</sup> Fahmy, *Freedom of Opinion and Expression* (2012).

Any violation of its provisions can lead to abolition. The Constitution imposes restrictions on authorities to preserve public rights and freedoms. It is keen to ensure that the authorities exercise their power in a way that does not hinder the effectiveness of the public's exercise of their rights and freedoms.

The Jordanian Constitution is the supreme law of the land. Therefore, any laws passed by the legislative authority and regulations issued by the executive authority must be in line with the Constitution in both form and content. If there is a conflict, the Constitutional Court will cancel the conflicting law or regulation. The court is responsible for examining the constitutionality of laws and regulations based on the Constitution and the law of the court. The legislative authority must also ensure that it does not pass laws that restrict freedom of the press and media. It should exercise its oversight function over the executive authority's regulations to avoid conflicts with the laws passed by the legislative authority and to monitor the executive authority's actions.<sup>8</sup>

The Jordanian Constitution places significant importance on protecting the freedom of opinion and expression, as well as the freedom of the press, printing, publishing and media. This protection is enshrined in the first paragraph of Article 15 of the Jordanian Constitution, which was issued in 1952. The provision explicitly states that freedom of opinion and expression must be upheld: "*The state guarantees freedom of opinion, and to every Jordanian.*" To freely express his opinion through speech, writing, photography, and other means of expression, provided that it does not exceed "*the limits of the law.*"

The Jordanian Constitution, which was issued in 1952, has undergone several amendments over the years, affecting many of its articles, including Article 15. Despite these changes, the first paragraph of Article 15 has remained unchanged since its initial drafting.<sup>9</sup> The paragraph reads as follows: "*The state guarantees freedom of opinion, and every Jordanian may freely express his opinion in speech, writing, photography, and other means of expression, provided that it does not exceed the limits of the law.*" It is important to note that the Thirteenth Amendment has not impacted this paragraph and, in fact, has further strengthened it. The Eleventh Amendment has also left the first paragraph of the previous article untouched. However, it added two new paragraphs, each starting with the word "*guarantee.*" These paragraphs state that the state guarantees freedom of scientific research and literary creativity, as well as freedom of the press, printing, and publishing. The amendment did away with

<sup>8</sup> Sawsan Abo Alsondos, "Freedom of the Press in Jordan: Regulatory Amendments or Restrictions to Online Speech?" December 20, 2021, <https://smex.org/freedom-of-the-press-in-jordan-regulatory-amendments-or-restrictions-to-online-speech/>.

<sup>9</sup> Muhammad Salim Al-Ghazawi, *Considerations on Democracy* (Amman: University of Jordan, 2000), p. 81

the method of censoring newspaper resources. The significance of the Eleventh Amendment lies in the use of the word “sponsor” in the two added paragraphs.<sup>10</sup>

It is important to highlight that the Jordanian legislator specifically used the term “*guarantee*” and no other term. They did not use phrases such as “*the state cannot violate or limit freedom of speech*” or “*the state allows Jordanians to express their opinions*” or any other similar phrases.<sup>11</sup> In the context of freedom of expression, freedom of scientific research, literary creativity, and freedom of the press, the Jordanian legislator’s use of the word “sponsor” carries a legal meaning of particular importance.

The guarantee in law is a contract that is subordinate to an original obligation, which means that the guarantee is not an original obligation, but rather follows the original obligation and comes at its end. For instance, if a person borrows money from a bank, the bank may agree to lend the money on the condition that the borrower provides a guarantor who guarantees the repayment of the loan. In this case, the loan contract is the original obligation, and the guarantee contract is a contract that is subordinate to the original contract. If the loan contract expires, the guarantee necessarily falls. It is important to note that the judiciary and jurists believe that the legislator does not cancel, and the Jordanian legislator’s use of the word “sponsor” was intentional and serves a particular legal purpose<sup>12</sup>.

The word “guarantee”, contrary to what was stated in the amendment to Article (15), only appeared in three places in the Constitution. The word was mentioned twice in Article (6/3), the first when it stipulated that the state “guarantee” education and work “within the limits of its capabilities” and that the state “guarantee” tranquillity and equal opportunities, and of course in addition to the “guarantee” mentioned in the original text of Article 15 (1). It is evident that the state’s commitment to providing education and employment opportunities was restricted to the extent of its capabilities. This is because the original promise of these rights was not widely available during the time of the constitution’s drafting. However, the constitution does guarantee freedom of expression, equal opportunities, and the right to hold and express opinions without restriction.

Article 15 of the constitution states that every Jordanian has the right to express their opinions freely through various means such as speech, writing, and photography. This provision is drafted to be comprehensive and broad so that

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<sup>10</sup> Anis Qasim, "What Happened to Freedom of Expression in Jordan," Al Jazeera Network, February 23, 2017, <https://www.aljazeera.net/news/humanrights/2017/2/23/>.

<sup>11</sup> Qasim.

<sup>12</sup> Qasim.

it can accommodate any future developments. Traditional means of expression included speeches, slogans, and leaflets. Photography was not limited to photographs but also included caricatures, symbols, and drawings that conveyed meaning or represented something that the protesters rejected<sup>13</sup>.

The freedom of press and media is a fundamental aspect of the freedom of opinion and expression which is outlined in the Constitution, international treaties, and agreements. However, this freedom is not absolute and is subject to certain restrictions and conditions. Any individual who practices journalism and works in the media industry must comply with the laws and regulations that apply to society to avoid any deviation from them. Additionally, the journalism and media profession is governed by ethics that are primarily based on general morals such as honesty, honour, and integrity, and the ultimate goal of these ethics is to enhance media performance and control the media for the benefit and service of society and its issues.<sup>14</sup> These laws should not restrict the press and media from performing their mission. Journalism is a responsibility before it is a profession.

The last sentence of the first paragraph of Article (15) states that the exercise of freedom of opinion must “not exceed the limits of the law.” The Jordanian Constitution restricts this freedom to not exceeding the limits of the law and not deviating from it. This means that the Jordanian legislator wanted to regulate this right according to laws issued by the legislative authority. Allowing freedom of opinion and expression without being restricted by the law creates a state of chaos and threatens the collapse of the state. If a person is allowed to express their opinion without abiding by the law, they may express it in a way that deviates from the law. The law also allows them to transmit and circulate rumours and harm the state and society, thus creating chaos that threatens the existence of the state.<sup>15</sup>

One of the important constitutional guarantees for freedom of the press, media, and publishing is through the third paragraph of Article (15/3) of the Constitution, which stipulates that “*the state guarantees freedom of the press, printing, publishing, and media within the limits of the law.*” Among the constitutional guarantees is also what is stated in the fourth paragraph of Article (15/4) of the Constitution, which is no less important than the third paragraph mentioned above, in that it is considered one of the important constitutional controls for freedom of the press, media, and publishing through its stipulation

<sup>13</sup> Saad Ali Al-Bashir, "Freedom of Opinion and Expression, Guarantees and Responsibilities," *Media Researcher Magazine, University of Baghdad*, no. 8 (2010). 93

<sup>14</sup> Nawwaf Khalid and Khalil Mohammad, "The Electronic Press and its Lack of Responsibility," *Journal of Sharia and Law*, no. 46 (2011): 211–302.

<sup>15</sup> Qasim, "What Happened to Freedom of Expression in Jordan,"

that it is not permissible to suspend, disrupt, or disable newspapers. Cancellation of its licence except through a judicial ruling. It stipulates that *“newspapers and media outlets may not be suspended, nor may their licences be revoked, except by judicial order in accordance with the provisions of the law.”*

Through the text of Article 15 of the Constitution, it can be said that the Constitution made the role of the state positive, as it did not only establish the right of the press, media, and publishing, and was satisfied with that, but rather obligated the state to remove all obstacles that might confront the citizen and prevent him from expressing his opinion, and this is clear in the sentence *“The state guarantees freedom of opinion, and its role is to encourage the citizen to give his opinion without being subjected to it or being influenced by any party whatsoever”*.

If the legislator had given the citizen-journalist or media person the freedom to express his opinion and publish what he wanted, he then restricted that to the fact that what he publishes should not be in conflict with the law or violate it. Hence, we find that the constitutional legislator succeeded in reconciling the right of the journalist and the media person to His profession and protecting the state from being harmed by any person, its entity, its elements, or its security<sup>16</sup>.

Article 128 of the Constitution states that the laws governing rights and freedoms should not affect the essence or basics of those rights. The Jordanian National Charter, issued in 1991, guarantees freedom of the press and media in its sixth chapter under the title *“Media and Communication.”* It emphasises that freedom of thought, opinion, expression, and information is a right of the citizen, as well as a freedom guaranteed by the Constitution. This right cannot be diminished or violated. Additionally, citizens have the right to seek truth, knowledge, and information through legitimate broadcasting and publishing sources both inside and outside the country. The censorship of Islamic works cannot prevent the exercise of this right.<sup>17</sup>

## **B. Legal Guarantees in Jordanian Legislation**

Freedom of the press and freedom of opinion are essential rights that are guaranteed to every individual. The press has the right to practice its work freely by providing news, information, and comments that contribute to spreading

<sup>16</sup> Farah Ismail Afana, "Freedom of the Press in Jordanian Legislation," accessed February 16, 2025, <https://www.mohamah.net/law>.

<sup>17</sup> Hisham Mohammad Khleifat, "Legal Restrictions on the Freedom of the Press Provided for in the Jordanian Legislation: A Comparative Study," Master's Thesis, University of Jordan, 1999, p. 20.



thought, awareness, and culture. However, these freedoms should be exercised within the limits of the law, while preserving the freedoms of others and respecting their private lives. In order to regulate this important profession, Jordan issued the Press and Publishing Law in 1998.

This law affirms that freedom of the press, media, publishing, and freedom of opinion are guaranteed within the limits of the law. Article (3) of this law clearly states that every Jordanian has the right to express their opinion freely through speech, writing, photography, drawing, and other means of expression and media. However, the law also includes certain provisions that restrict the freedom of the press. These provisions include both directive texts and binding regulations that journalists must abide by and not transgress.

### **C. Constitutional and Legal Restrictions on Freedom of the Press and Media in Jordanian Legislation**

Freedom of the press and media is considered one of the most important human rights. It falls within the freedom of opinion and expression, as enshrined in divine laws, state constitutions, and international agreements. However, this right is often restricted by various constitutions with a set of controls and limitations aimed at protecting public order. These restrictions are imposed through provisions of the law, thus creating a balance between the freedom of journalists and media personnel on one hand, and their professional responsibility on the other hand.

International conventions and covenants also follow this approach. They prohibit journalists and media professionals from violating the legal rules related to their regulation through journalistic practices. It is not permissible for them to break the law in the name of press freedom.

The press and media are mass communication tools that provide the public with news and information, monitor the performance of state institutions, and urge them to improve their practices within a framework of free expression. However, this freedom is subject to some restrictions such as those relating to national security, public morality, religious values, the right to dignity, respect for reputation, and privacy.<sup>18</sup>

Numerous laws have been enacted in Jordan to regulate the freedom of the press and media, some of which can be seen as limitations on the freedom

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<sup>18</sup> Laila Abdel Majeed, *Freedom of the Press and Expression in the Arab Countries: In Light of Journalism Legislation, Reality, and Hopes for the Future* (Amman: Salman Arar Award, 2002).

of the press and media in carrying out their work, while others only serve to regulate the journalism profession. The Press and Publishing Law, which strikes a balance between freedom and responsibility, is one such law that optimally regulates the journalism and media industry. This law ensures that the profession of journalism and media adheres to the principles of exposing defects while also not violating the law or public order. However, the profession is still subject to various penal laws, including the Penal Code, the Cybercrimes Law, the Law for the Protection of State Documents and Secrets, and the Court Law, which can hinder the freedom of the press and media. There are also four restrictions on the freedom of the press and publishing in Jordanian law, including restrictions related to copyright, procedural and administrative restrictions, restrictions related to the right to obtain information, and restrictions related to exceptional circumstances.

It is important to note that the Jordanian Constitution imposes restrictions during times of exceptional circumstances, as stated in Article (15/5) wherein it is mentioned that “in the event of the declaration of martial law or emergency, the law may be imposed on newspapers, bulletins, writings, media, and communication to ensure public safety and national defence.” Additionally, the Constitution’s Article (124) states that in case of an emergency that requires homeland defence, a Defence Law shall be passed, granting the appointed person the authority to take necessary measures, including the suspension of laws.

Therefore, it can be inferred that during exceptional circumstances, the government holds significant authority to impose necessary restrictions on newspapers including censorship, confiscation, and cancellation under the Defence Law. However, a thorough reading of the Jordanian Constitution reveals that the government’s authority is limited to imposing prior control for specific purposes and is only granted through the Defence Law. During the COVID-19 pandemic, the Defence Law was activated, and several decisions were made by royal orders, including the temporary suspension of local newspaper printing to limit the spread of the virus.

## **D. Restrictions on Freedom of the Press and Publication**

There are certain restrictions that are related to public order. The term ‘public order’ is broad and varies from one country to another. Therefore, the constitution and internal laws have put in place precautions to prevent any violation of public order. For instance, the Penal Code, Article (150) is related to the crime of inciting strife, and Article (195) is related to the crime of

prolonging the tongue. The latter states that anyone who is proven to have dared to prolong their tongue at His Majesty the King shall be punished with imprisonment from one to three years.

There are also restrictions related to the prohibition of publication when it comes to the state's external security, especially in cases of war. For example, publishing reports and documents that affect national security and information related to the army is prohibited. This restriction came into existence through the Law on the Protection of State Secrets and Documents No. 50 of 1971. This law regulates the process of protecting state secrets and documents that must not be published for many reasons, such as being related to the internal or external security of the state or being a threat to national security.

This law defines protected documents as any oral information or document written, printed, abbreviated, printed on waxed paper, photocopier, recording tapes, photographs, films, plans, drawings, maps, or the like, and classified in accordance with the provisions of this law. It is also stated in the law in Article Sixteen/First Paragraph that anyone who comes into possession or learns of a secret, a piece of information, or a protected document and discloses it without a legitimate reason shall be punished with temporary hard labour for a period of not less than ten years.

Here we see another indication of the legislator's strictness regarding this crime if it was committed by a journalist, even though it stipulated penalties similar to this penalty in Penal Code No. (16) of 1960. Among the restrictions related to the internal security of the state are what were stated in Articles (5, 38) of the Press and Publications Law. These articles prohibit the publication of everything related to anything that might be exposed to religions and cause sedition, or the publication of false news that incites violence and hatred.

It is important to note that there are legal restrictions in Jordan related to the privacy of individuals. One such example is the crime of violating private life, which is defined in Article 348 of the Penal Code. The accused can face a fine of up to 200 dinars and a minimum of 6 months in prison if they violate someone's privacy by eavesdropping or recording audio or taking pictures without their consent. The penalty for this crime doubles in the event of repetition. Journalists are not allowed to eavesdrop or pry into people's private lives and then use that information in their work. This is a violation of the law.

Another legal restriction is the prevention of influencing the course of justice. Article 39 of the Press and Publications Law states that the publication of investigation records related to any case is prohibited before they are referred to the competent court. The only exception is if the Public Prosecution

approves or permits it during the preliminary investigation stage<sup>19</sup>. The purpose of this restriction is to prevent any harm that may result from publication, the pressures of public opinion, and the protection of the reputation of the person being prosecuted. However, the ban does not apply to procedures that take place in public, such as the arrest of the accused.

National security has also repeatedly been employed in Jordanian legislation as a pretext to restrict press and media liberties, particularly through criminalization of specific publications and punishment of journalists. While the Constitution ensures freedom of expression and press, laws such as the Penal Code, the Anti-Terrorism Law, and the Cybercrime Law introduce qualifications for the state to prosecute journalists and media entities under blanket security-related provisions. For example, news articles deemed to "harm national unity" or "undermine the prestige of the state" have been criminalized, triggering concerns about proportionality. This balancing act of providing national security and protecting constitutional liberty reflects a constant tension: while the state justifies the limitations as essential to public order and stability, others refer to the threat such provisions unleash in undermining the very essence of press freedom. A critical examination suggests that a number of these restrictions exceed the "*necessary and proportionate*" standards of international texts such as Article 19 of the International Covenant on Civil and Political Rights (ICCPR) to which Jordan is a party.

## **E. Manifestations of the Jordanian Judiciary's Protection of Freedom of the Press and Media**

It was stated in a ruling by the Amman Penal Magistrate Court that "since the acts that the defendant committed by publishing incorrect information, and assuming that they were proven to have occurred, were committed through the electronic publication" (Amman Joe website), which is among the press publications in accordance with the provisions of Article (2) of "Printings and Publishing Law", the court with jurisdiction and jurisdiction over printing and publishing issues is the Court of First Instance in accordance with the provisions of Article (42) of the "Printings and Publishing Law."<sup>20</sup>

The Amman Court of Appeal made a ruling on a case involving journalistic crimes. The court found that the defendant had violated the terms of the licensing agreement specified in Article (21/K) of the Audiovisual Media Law and faced censure from an official body according to Article (191) of the

<sup>19</sup> Fayez Al-Shakhatra, "The Right to Information," Unpublished Study, National Center for Human Rights, Amman, 2005., p. 17.

<sup>20</sup> Judgement No. 15978 of 2012, Amman Penal Court, Jordan.

Penal Code. The court noted that the legislator had imposed punishment for violating the terms of the licensing agreement in the audiovisual law, and therefore, this law should be applied. In contrast, the crime of defaming an official body is addressed in Article (191) of the Penal Code. Hence, jurisdiction falls to the Penal Magistrate Court. The Court of First Instance had reached a conclusion contrary to this, which is against the law. Therefore, the court accepted the appeal on the merits, annulled the appealed decision, and returned the papers to the Amman Penal Magistrate Court to continue the case according to the rules and issue the appropriate decision.<sup>21</sup>

The ruling of the Amman Court of First Instance was related to an incident involving the editor-in-chief of Al-Arab News website. On August 7, 2011, news was published on the website in the name of Ghada Abdel Razek, an artist. The report stated, “Anyone who talks about my honour, I will eat it,” and comments were made on the same site that harmed the dignity of the artist. A complaint was filed by a member of the judicial police, and the prosecution was carried out. The court found that the suspect did not commit the crime of harming the dignity of individuals as per Article 42/D of the Publications and Publications Law. According to Article 46/H, the Public Prosecution did not provide any evidence that could prove that the suspect committed the alleged act, especially since the comments on the Al-Arab News website were not presented in accordance with the principles and law. Therefore, the court could not consider them as evidence against the suspect.<sup>22</sup>

The Egyptian Court of Cassation has made a decision that states that while a critic has the right to criticise the works of their opponents as harshly as they want, it must not go beyond the limit of permissible criticism. If the criticism goes to the point of challenging, defaming, or hurting the reputation of an individual, then the law will take action against that critic.

The purpose of this decision is to investigate and scrutinise an author who has been accused of violating the rules that regulate copyright and criticism. The investigation aims to determine if the author’s expressions have adhered to the necessary standards of criticism within the basic components of society, which include preserving public freedoms and duties, respecting the sanctity of the private life of citizens, and not attacking their honour, reputation and reputation.

The investigation will also determine whether the strength of the author’s statement was necessary to clarify their intention and that the primary objective of their work was to serve the public interest rather than to challenge or criticise

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<sup>21</sup> Ruling No. 11407 of 2014 Amman Court of Appeal, Jordan.

<sup>22</sup> Judgement No. 709 of 2011, Beginning Penalty - Misdemeanours, West Amman, Jordan.

others. These are the matters that must be taken into account to prove or deny the elements of responsibility in question.<sup>23</sup>

As stated in a ruling by the Amman Criminal Court of First Instance that: “In order for us to be faced with permissible criticism, the subject dealt with in the journalistic material must be one of importance to the public. If the subject is of no concern to the public, it is not permissible to delve into it under the pretext of permissible criticism, such as: Infringing on the private life of individuals”.<sup>24</sup>

The Court of First Instance ruled that the defendant’s act of publishing a picture of the complainant, without her permission, while she was sitting with a friend in a coffee shop and holding a hookah, along with a comment that said “Having a good night out in Amman”, was an insult to the complainant and a violation of Articles 4 and 7 of the Press and Publications Law. This decision was upheld by the Court of Appeal.<sup>25</sup>

In certain legal cases, it has been determined that taking a photograph of someone in a public place does not violate their right to privacy. For example, the Amman Penal Court of First Instance - Misdemeanours ruled that a news website called (A) did not breach any laws when they published an article titled “A Quarrel in the Downtown Area” on February 4th, 2016. The article described a fight that broke out in the city centre, according to eyewitnesses. The witnesses claimed that the people involved in the altercation were individuals who had previously sold bladed weapons from stalls in the area. The news story included a photograph of the complainant alongside security personnel and bystanders, with the word “expressive” written below it. Despite a complaint being made, the prosecution found no fault with the publication of the image.

The court ruling stated that the photo in question was taken in a public place during a popular movement, as confirmed by the complainant. As a result, the court denied any criminal intent in relation to the photo, as it was taken in good faith and had social importance. However, the court found that publishing the photo alongside the news article on the First Dhanina website titled “Quarrel in the Centre of the Country,” which included the statement “the quarrel broke out between those with priority,” constituted slander and defamation. This action is punishable under Articles 188, 189, and 190 of the

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<sup>23</sup> Judgement No. 10952 of 75, Egyptian Court of Cassation, Cairo, Egypt.

<sup>24</sup> Judgement No. 1876 of 2012, The Beginning of a Penalty—Misdemeanours, Amman, Jordan.

<sup>25</sup> Decision No. 1389/2003 issued by the Amman Penal Court of First Instance, upheld by the Amman Court of Appeal, cited in Maha Khasawneh, p. 178

Penal Code and Article 42 of the Publications Law as it amounts to “publishing”.<sup>26</sup>

The Egyptian Court of Cassation ruled that a journalist cannot intentionally defame someone under the guise of expressing their opinion or freedom of speech. This decision was made during a session on November 2, 1965. The court stated that attacking a specific person, defaming them, or degrading their dignity is not permissible.<sup>27</sup>

In 2013, the West Amman Criminal Magistrate Court issued a ruling that defines the crime of illegally entering and using an information system. According to the court, this crime occurs when a person uses an information system to perform actions such as deleting, adding, destroying, disclosing, blocking, modifying, altering, transmitting, copying, capturing, enabling others to view data or information, obstructing, disrupting, stopping or disabling the operation of an information system or access to it, or changing, cancelling, destroying or modifying a website. This is considered a crime if it is done without a permit, or if it exceeds or violates the permit<sup>28</sup>

The Court of Cassation stated in its criminal capacity, “It is not required that the news be true in all its details, but rather it is sufficient for the writer to have investigated. Since the first element of tort liability, which is represented by the harmful act, which is in the form of a negative act, is not investigating the truth, and since it has been proven that the writer investigate the truth in writing the article, as the first element of tort liability is not available and there is no justification for examining the remaining elements”.<sup>29</sup>

The Court of Cassation made a ruling in its criminal capacity where it stated that defendants with personal rights must be investigated for publishing press material that is not consistent with the truth or reality in order to achieve the mission of journalism. Journalism’s mission is to spread awareness, culture, and science among people, shed light on matters related to society, public affairs, and the public interest, without offending people’s dignity or touching on their private lives. The legislator stipulated that journalists need to make an effort to investigate the truth without requiring that the journalistic material be identical to the truth and reality. Journalism aims to uncover errors and

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<sup>26</sup> Judgement No. 2287 of 2016, The Beginning of a Penalty—Misdemeanours, Amman, Jordan.

<sup>27</sup> Ibrahim Muhammad, *Freedom of the Press*, 255.

<sup>28</sup> Judgement No. 6276 of 2013, West Amman Criminal Magistrate Court, Jordan.

<sup>29</sup> Ruling No. (2994) of 2020 of the Court of Cassation in its criminal capacity.

transgressions in topics that concern people or society, which requires journalists to conduct investigation work and obtain information.<sup>30</sup>

## International Legal Standards for Press Freedom and Comparative Analysis

### A. Overview of International Legal Instruments

The protection of press freedom is a fundamental right enshrined in numerous international legal instruments, aimed at safeguarding freedom of expression and ensuring the flow of information across borders. At the core of these protections is the Universal Declaration of Human Rights (UDHR) (1948)<sup>31</sup>, particularly Article 19, which asserts that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."<sup>32</sup> This broad declaration laid the foundation for the International Covenant on Civil and Political Rights (ICCPR) (1966), which Jordan ratified in 1975. Article 19 of the ICCPR reinforces the UDHR by emphasizing that "everyone shall have the right to hold opinions without interference," and further states that "everyone shall have the right to freedom of expression, including freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or print, in the form of art, or through any other media of his choice."<sup>33</sup>

International jurisprudence has consistently upheld these rights, underscoring the importance of a free press in fostering democracy. The United Nations Human Rights Committee (UNHRC), in its General Comment No. 34 (2011),<sup>34</sup> has made it clear that any restriction on freedom of expression must comply with the principles of legality, necessity, and proportionality. In parallel, the European Court of Human Rights (ECtHR), in its landmark judgment in *Handyside v. United Kingdom* (1976), stated that freedom of expression is a pillar of a democratic society and that any interference by the

<sup>30</sup> Ruling No. (1482) of 2020 for the Court of Cassation in its criminal capacity) (Nisma Magdy, 2021; Freedom of the Press in Jordan, Hamat Al-Haq website).

<sup>31</sup> Article 19 of Universal Declaration of Human Rights (UDHR) (1948).

<sup>32</sup> Ford, Patrick. "Freedom of expression through technological networks: Accessing the internet as a fundamental human right." *Wisconsin International Law Journal* 32 (2014): 142.

<sup>33</sup> Article 19 of the International Covenant on Civil and Political Rights (ICCPR) (1966).

<sup>34</sup> The United Nations Human Rights Committee (UNHRC), in its General Comment No. 34 (2011).



state must be narrowly tailored to achieve a legitimate goal. This principle was reinforced in *Lingens v. Austria* (1986), where the Court found that the press plays a crucial role in enabling citizens to exercise their rights to self-expression, especially in the context of political discussion. Despite these international protections, the situation remains far from ideal in many countries, including Jordan<sup>35</sup>. According to the 2023 World Press Freedom Index published by Reporters Without Borders (RSF), Jordan ranks 146th out of 180 countries, highlighting persistent concerns over state control and legal barriers restricting press freedom. For comparison, Norway, the top-ranking country, has long demonstrated robust protections for journalistic independence, ensuring that media outlets can operate without undue government interference. On the other end of the spectrum, Eritrea, which occupies the lowest position, exercises extreme censorship and systematically persecutes journalists<sup>36</sup>.

The Reporters Without Borders (RSF) also highlights that press freedom in Jordan continues to be curtailed by a combination of restrictive laws, political pressure, and arbitrary detention of journalists. A notable example is the use of vague legal provisions to restrict reporting on sensitive topics such as national security, the monarchy, or the government. For instance, Jordan's Cybercrime Law No. 17 (2015)<sup>37</sup> has been criticized for its broad and unclear definitions, allowing the government to censor online speech and imprison journalists and bloggers for allegedly defaming public officials or spreading "false news." This law, among others, has contributed to a stifling media environment, where self-censorship is rampant due to the fear of legal reprisals.

International monitoring bodies such as UNESCO and the Inter-American Court of Human Rights (IACtHR) have repeatedly urged states to align their domestic laws with international human rights standards. UNESCO's Media Development Indicators (MDI) have been used by various countries to assess national media systems and highlight legal and structural barriers. Regional human rights mechanisms also play a vital role in advancing press freedom. For example, in *Kimel v. Argentina* (2008), the Inter-American Court of Human Rights (IACtHR) held that the criminal defamation laws in Argentina violated the right to freedom of expression, underscoring the Court's commitment to curbing the criminalization of press-related issues<sup>38</sup>.

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<sup>35</sup> Freedman, "The United Nations Human Rights Council: More of the Same".

<sup>36</sup> RSF. "World Press Freedom Index." Reporters without Borders (2023)

<sup>37</sup> Jordan's Cybercrime Law No. 17 (2015)

<sup>38</sup> Fanni, Simona. "The protection of the right to life at the intersection between reproductive rights and scientific progress in the jurisprudence of the Inter-American Court of Human Rights and the European Court of Human Rights." *Araucaria*, 40, 655-732. (2018).

## B. Indonesia's Legal Framework on Press Freedom

Indonesia, which underwent significant democratic reforms following the fall of its authoritarian regime in the late 1990s, constitutionally guarantees press freedom as a fundamental right. Article 28F of the Indonesian Constitution (1945) states that "every person shall have the right to communicate and obtain information to develop his personal and social environment."<sup>39</sup> This constitutional guarantee of freedom of expression is further safeguarded by Press Law No. 40/1999, which protects journalists from arbitrary restrictions and attempts to ensure an independent media environment. The law aims to provide a robust legal framework that encourages press freedom, protects journalistic activities, and places clear boundaries on government censorship<sup>40</sup>.

The Press Law No. 40/1999 specifically highlights that the government shall not impose censorship on the media and that the media has the right to express opinions, report news, and critique public authorities freely<sup>41</sup>. The law provides media outlets with a legal defense against undue government pressure, and criminal charges for publishing critical content, and protects journalists against interference in their professional duties. It also allows for the establishment of independent regulatory bodies such as the Indonesian Press Council (Dewan Pers), which oversees journalistic ethics and resolves disputes in the media industry. Despite these legal guarantees, press freedom in Indonesia remains a complicated issue. While Indonesia's legal framework generally aligns with international standards, the practical application of these laws remains inconsistent. Journalists in Indonesia continue to face a myriad of challenges, including violence, harassment, and legal threats. For instance, a significant number of journalists have been subjected to physical attacks by police or political groups, particularly when reporting on issues related to corruption, human rights abuses, or government actions<sup>42</sup>. The Committee to Protect Journalists (CPJ) reports that Indonesia ranks among the most dangerous countries in Southeast Asia for journalists, with numerous cases of physical assault and even deaths linked to press coverage. Furthermore, Indonesia's Information and Electronic Transactions Law (ITE Law), passed in

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<sup>39</sup> Article 28F of the Indonesian Constitution (1945)

<sup>40</sup> Check Press Law No. 40/1999

<sup>41</sup> Makur, Albertus, Ernu Widodo, and Mahon Nitin. "Legal Protection of Journalists' Rights Based on Law No 40 of 1999 on Freedom of the Press." *Sharia Oikonomia Law Journal* 1.3 (2023): 199.

<sup>42</sup> Makur, et.al.

2008<sup>43</sup>, has become a contentious issue regarding freedom of expression. While the law was designed to address online fraud, and cybercrime, and protect personal data, it has been used to target journalists, bloggers, and social media users for posting content critical of the government or powerful figures. Critics argue that the ITE Law has been abused to silence dissent by criminalizing defamation, insulting public officials, and publishing content deemed offensive. The National Press Council of Indonesia (Dewan Pers) in 2016 expressed concerns about the ITE Law, noting that its vague and broad provisions could be easily manipulated to suppress free speech and intimidate journalists, especially those reporting on politically sensitive issues<sup>44</sup>.

In the 2019 World Press Freedom Index, Indonesia ranked 124th out of 180 countries, a drop from its previous ranking. The index highlighted issues such as governmental control over media, increasing self-censorship by journalists, and the harassment of reporters working on politically sensitive stories. For example, journalists reporting on human rights abuses in Papua and government corruption have faced significant challenges, including intimidation and arbitrary detention. The Terrorism Law and Defamation Law are also used to restrict the press under the guise of national security<sup>45</sup>.

While Indonesia's legal structure for press freedom includes many safeguards, its practical enforcement remains a work in progress. International human rights organizations, such as Human Rights Watch and Amnesty International, have repeatedly called for reforms to the ITE Law, urging the government to narrow its scope to prevent its misuse in censoring free speech<sup>46</sup>, and press freedom advocates have emphasized the need for greater judicial independence and accountability mechanisms to protect journalists from political and legal persecution. These challenges underscore the difficulty of balancing press freedom with national security concerns in a transitional democracy like Indonesia. And this case illustrates the complex dynamics between legal reforms, media freedoms, and the challenges posed by emerging technologies and social media. While Indonesia continues to improve in certain areas, media independence and freedom of expression remain fragile,

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<sup>43</sup> Koto, Ismail. "Cybercrime according to the ITE law." *International Journal Reglement & Society (IJRS)* 2.2 (2021): 107

<sup>44</sup> Koto, 108

<sup>45</sup> Simandjuntak, Marcella Elwina, et al. "A Snapshot of Violence and Criminalization against Journalists in Indonesia: Enhancing the Safety of Journalists." *Indonesian Journal for Criminal Law Studies* 9.1 (2024): 1-30.

<sup>46</sup> Simandjuntak, et.al.

necessitating ongoing efforts to ensure that the media can operate without fear of legal or political retaliation<sup>47</sup>.

## Comparative Analysis of Jordanian and Indonesian Legislation and International Legal Standards

In analyzing the legal frameworks governing press freedom in both Jordan and Indonesia, it is essential to consider their alignment with international legal standards. Both countries have made significant strides in enshrining freedom of expression within their constitutions, but the practical implementation of these freedoms remains varied, influenced by domestic politics, legal structures, and societal norms.

### A. Jordanian Legal Framework

Jordan's commitment to press freedom is enshrined in Article 15 of its Constitution (1952)<sup>48</sup>, which guarantees freedom of opinion and expression, but this right is subject to certain limitations, particularly in the areas of national security, public order, and respect for others' rights. This balance between freedom and restriction is evident in Jordan's Press and Publications Law (1998) and the Cybercrime Law (2015), which are criticized for being vague and easily manipulated to suppress dissent. Journalists in Jordan face harassment, legal threats, and imprisonment for publishing material deemed to conflict with the state's interests, particularly when reporting on political issues, corruption, or sensitive topics related to the monarchy<sup>49</sup>.

### B. Indonesian Legal Framework

likewise, Indonesia's Constitution (1945) and Press Law No. 40/1999<sup>50</sup> guarantee freedom of expression, but legal mechanisms such as the ITE Law (2008) have been used to curtail press freedom, particularly in the online media sector. The National Press Council (Dewan Pers) has frequently expressed

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<sup>47</sup> Simandjuntak, et.al.

<sup>48</sup> Jordan's commitment to press freedom is enshrined in Article 15 of its Constitution (1952)

<sup>49</sup> Salameh, Mohammed T. Bani, and Samid A. Darawsheh. "Human rights in the Jordanian constitution: between theoretical texts and practical application." *International Journal of Human Rights and Constitutional Studies* 6, no. 1 (2018): 73.

<sup>50</sup> Ghofur, Nilman. "Law, Media, and Democracy in the Digital Era: Freedom of Expression and ITE Regulation in Indonesia." *Al-Mazaahib: Jurnal Perbandingan Hukum* 12, no. 2 (2024): 189.

concern over the misuse of the ITE Law to censor online journalists, bloggers, and social media users. The law has created a chilling effect on free speech, as it criminalizes defamation and spreading “false information” under broad and undefined terms, leading to the detention and prosecution of many journalists<sup>51</sup>.

## C. International Legal Standards

Under international law, press freedom is protected by key instruments such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Both Jordan and Indonesia are signatories to the ICCPR (1966), which guarantees freedom of expression under Article 19<sup>52</sup>. Anyhow, international bodies such as the UN Human Rights Committee and the European Court of Human Rights have consistently emphasized that any restrictions on press freedom must be proportional and necessary and that laws should not be used to punish criticism of government authorities<sup>53</sup>.

TABLE 1. Comparative on Press Freedom Legislation in Jordan and Indonesia<sup>54</sup>

International Standards	Indonesia	Jordan	Aspect
UDHR (Article 19) and ICCPR (Article 19) guarantee freedom of expression	Article 28F guarantees freedom of communication and information	Article 15 guarantees freedom of expression. Restrictions on national security and public order	Constitutional Protections
Both Jordan and Indonesia are obligated to align their laws with the UDHR and ICCPR standards	Press Law No. 40/1999: Protects press freedom but allows regulation of media content	Press and Publications Law (1998): Restricts press in cases of defamation, national security, or public order	Press Law

<sup>51</sup> Ghofur, p. 190

<sup>52</sup> O’Flaherty, Michael. "Freedom Of Expression: Article 19 of the International Covenant on Civil and Political Rights and the Human Rights Committee’s General Comment No 34." *Human Rights Law Review* 12, no. 4 (2012): 627-654.

<sup>53</sup> Ghofur, “Law, Media, and Democracy in the Digital Era: Freedom of Expression and ITE Regulation in Indonesia,” p. 193.

<sup>54</sup> Salameh, Mohammed T. Bani, and Samid A. Darawsheh, p. 75

International Standards	Indonesia	Jordan	Aspect
International standards urge clear and narrow definitions of restrictions on free speech	ITE Law (2008): Censors online content, often used against journalists and bloggers	Cybercrime Law (2015): Criminalizes defamation and dissemination of "false news" with vague definitions	Cybercrime Law
International bodies stress the importance of legal protections for journalists to work without fear of persecution.	Journalists face legal challenges, harassment, and criminal charges under the ITE Law.	Journalists face legal threats, imprisonment, and harassment.	Legal Protections for Journalists
Countries with robust press freedom like Norway rank 1st globally, while authoritarian regimes rank near the bottom.	Ranked 124th out of 180 in the World Press Freedom Index.	Ranked 146th out of 180 in the World Press Freedom Index.	Press Freedom Rank (2023)

Source: *Based on a comparative analysis of Jordanian and Indonesian press laws, international legal standards, and relevant reports on press freedom*

## D. Analysis and Recommendations

Both Jordan and Indonesia face similar challenges in ensuring press freedom, despite their constitutional guarantees. While both countries have adopted legal frameworks to protect journalistic rights, these frameworks are often undermined by overbroad and vague laws that criminalize legitimate journalistic activities under the pretext of protecting national security or public order.

International legal standards require that restrictions on press freedom must be clearly defined, proportional, and necessary to achieve legitimate state objectives, such as the protection of national security or public safety. Both Jordan and Indonesia should undertake reforms to ensure that their press laws align more closely with international human rights standards, removing overly broad provisions and ensuring that journalists can operate in a free and independent media environment without fear of legal retaliation.<sup>55</sup>

<sup>55</sup> Salameh and Darawsheh.

Further reforms should focus on:

1. Strengthening judicial independence to ensure that legal actions against journalists are subject to impartial and transparent review.
2. Revising cybercrime laws to ensure they are not used as tools for censorship.
3. Promoting the protection of journalists, particularly in sensitive regions where media freedom is most at risk.

## The Role of AI in Shaping Media Narratives

In recent years, technology driven media platforms have significantly altered the way information is curated and disseminated to the public<sup>56</sup>. The integration of advanced algorithms in media systems has introduced new dynamics in how news is presented to users, often without their full awareness<sup>57</sup>. A key aspect of this transformation is the algorithmic filtering of content, where media platforms use algorithms to determine which stories are shown to users based on their preferences, previous interactions, and predicted interests. For example, platforms like Facebook, YouTube, and Twitter utilize such algorithms to select and prioritize content. On Facebook, for example, the News Feed algorithm uses data such as a user's past engagement, friend interactions, and click history to curate a personalized news experience. This results in the user being exposed primarily to content that aligns with their interests or beliefs, creating a filter bubble<sup>58</sup>. This phenomenon can limit exposure to diverse viewpoints, reinforcing existing opinions and narrowing the range of information available to users. As a result, the public's understanding of complex political or social issues may be distorted, shaped by what algorithms deem to be most engaging rather than what is necessarily balanced or objective.

In some cases, the effects of algorithmic filtering have led to media polarization, particularly during elections or significant political events. During the 2016 U.S. presidential election, for example, algorithms on social media platforms played a pivotal role in amplifying polarizing content and fake news, which spread rapidly among users within their filter bubbles. Studies showed that fake news stories were more likely to be shared than real news, largely

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<sup>56</sup> Rebhi, Tourkia. "The Legal Perspective on Artificial Intelligence in Health and Security Sectors between Innovation and Rights Protection." *Journal of Science and Knowledge Horizons* 5, no. 1 (2025): 362-376.

<sup>57</sup> Walia, Ms Ruchi, and Ms Khushi Jain. "Algorithmic Alchemy: The Transformative Power of AI in Shaping Media Narratives." *International Journal for Multidimensional Research Perspectives* 1, no. 3 (2023): 242.

<sup>58</sup> Walia and Jain.

because they were more sensational and emotionally engaging<sup>59</sup>. This amplification of misleading information highlights a major challenge in algorithmic driven media: the prioritization of engagement over accuracy, which can distort public perception and fuel division within society. Another example of how algorithms shape narratives can be seen in YouTube's recommendation system. In 2019, research revealed that the platform's recommendation algorithm often led users toward more extreme or sensational content, even when they had initially interacted with less provocative material. As the algorithm continually adjusted based on user interactions, it drove users deeper into narrow content loops, steering them towards more extreme political opinions or conspiracy theories. While this approach keeps users engaged, it has raised concerns about the platform's role in spreading radicalization and misinformation, especially when these narratives are presented as truth.<sup>60</sup>

The role of algorithms extends beyond just filtering content. They are also increasingly involved in automated content moderation. Social media giants such as Facebook and Twitter use machine learning algorithms to identify and remove content deemed inappropriate, such as hate speech, violence, or harassment. While the intention behind these algorithms is to maintain community standards, they are not without their flaws. Automated moderation systems often fail to capture the nuance and context of human speech<sup>61</sup>. For example, in 2018, YouTube's algorithm mistakenly removed videos that discussed sensitive political issues simply because they contained keywords associated with hate speech, despite the videos not being offensive in their context. This incident highlights how automated systems can overreach, censoring legitimate content in the process. Also, the over reliance on algorithms in content moderation raises significant concerns about transparency and accountability. Users often have little insight into why their content was flagged or removed, and there is no clear recourse for appealing these decisions. This lack of clarity can lead to self-censorship, as users may hesitate to share or comment on sensitive topics for fear of their content being arbitrarily flagged by automated systems<sup>62</sup>.

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<sup>59</sup> Nguyen, Dennis, and Erik Hekman. "The news framing of artificial intelligence: a critical exploration of how media discourses make sense of automation." *AI & Society* 39, no. 2 (2024): 439.

<sup>60</sup> Nguyen and Hekman, p. 240

<sup>61</sup> Nguyen and Hekman.

<sup>62</sup> Ryazanov, Igor, Carl Öhman, and Johanna Björklund. "How ChatGPT changed the media's narratives on AI: a semi-automated narrative analysis through frame semantics." *Minds and Machines* 35, no. 1 (2025): 12



As these technologies continue to evolve, the role of algorithms in shaping media narratives will likely become even more profound. Their ability to filter, recommend, and moderate content in real time has already transformed the media landscape, making it essential for regulators to ensure that such systems are transparent, fair, and respectful of freedom of expression. The challenge moving forward will be striking a balance between the benefits of algorithmic systems such as personalized content delivery and efficient moderation and the need to safeguard media diversity and unbiased reporting<sup>63</sup>.

## A. The Impact of AI on Journalistic Integrity and Media Bias

The integration of artificial intelligence into media operations has had profound effects on journalistic integrity and the potential for media bias. While AI offers remarkable opportunities for automating content creation and enhancing the efficiency of newsrooms, it also presents significant challenges related to how news narratives are shaped and presented to the public.

In addition, journalistic integrity, which traditionally emphasizes accuracy, fairness, and independence, is increasingly compromised by the automation of news production and the use of AI in editorial decisions. One of the primary concerns is that AI systems, particularly those designed to curate news content, are driven by engagement metrics rather than journalistic ethics<sup>64</sup>. These algorithms prioritize sensational, click worthy content over well researched, fact-based reporting, potentially leading to the dilution of journalistic standards. For instance, news aggregators and social media platforms often use machine learning algorithms to prioritize stories that are more likely to capture user attention. While this might increase user engagement, it can also mean that important but less sensational stories are pushed aside in favor of content that appeals to emotions or biases. This prioritization of engagement over accuracy can undermine the quality of journalism, as stories are selected based on their ability to attract clicks rather than their adherence to journalistic principles<sup>65</sup>.

A concrete example can be seen in the case of Google News, where its algorithm once gave disproportionate prominence to sensationalized headlines and clickbait stories, often at the expense of well researched articles. Such practices not only undermine the integrity of the press but also mislead

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<sup>63</sup> Ryazanov, et.al.

<sup>64</sup> Verma, Deepika. "Impact of artificial intelligence on journalism: A comprehensive review of AI in journalism." *Journal of Communication and Management* 3, no. 2 (2024): 152

<sup>65</sup> Verma, p. 153

audiences by presenting content that may be emotionally driven or misleading as fact based reporting.<sup>66</sup>

AI's role in shaping media narratives has also contributed to the exacerbation of media bias. Algorithms used in media platforms often reinforce existing opinions by curating news that aligns with users' prior interactions or expressed preferences. This phenomenon, known as the filter bubble, is where individuals are exposed primarily to content that mirrors their own views, limiting their exposure to diverse perspectives.<sup>67</sup>

This selective exposure is not limited to political bias. Media outlets with distinct editorial orientations whether liberal or conservative are increasingly relying on AI to personalize news delivery. This personalization can enhance user satisfaction but often reinforces echo chambers, where people are not challenged to consider alternative viewpoints. The problem is compounded when AI systems are trained on biased data. If an AI model is exposed to biased reporting or selectively curated content during its training phase, it can perpetuate these biases in its outputs, further skewing the media landscape<sup>68</sup>. An example of this can be observed during the 2016 U.S. presidential election, where social media platforms, including Facebook and Twitter, used AI driven algorithms to target users with highly personalized political content. Studies revealed that these platforms, in some cases, amplified content that was heavily biased or misleading, thus reinforcing political polarization and creating a distorted view of reality for many users. This not only contributed to media bias but also raised concerns about the ethical use of AI in elections and democratic processes.<sup>69</sup>

## B. Legal Challenges and the Need for Regulation

The impact of AI on journalistic integrity and media bias raises important legal challenges. First, there is the issue of accountability when AI systems influence editorial decisions or generate biased content, who is legally responsible? Can media companies be held liable for misleading or biased content generated by AI, or is the responsibility of the developers of the algorithms themselves? These are questions that current legal frameworks are ill equipped to answer<sup>70</sup>. As AI continues to play a larger role in media production

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<sup>66</sup> Verma.

<sup>67</sup> Gentzkow, Matthew, and Jesse M. Shapiro. "Media bias and reputation." *Journal of Political Economy* 114, no. 2 (2006): 292

<sup>68</sup> Gentzkow and Shapiro, p. 293

<sup>69</sup> Gentzkow and Shapiro, p. 294

<sup>70</sup> Farouk, Hanaa. "AI in media and journalism: Ethical challenges." *Egyptian Journal of Public Opinion Research* 22, no. 3 (2023): 23

and curation, legal regulations must evolve to ensure that AI systems are held to the same standards as traditional journalistic practices. The General Data Protection Regulation (GDPR) in the European Union offers one potential model, especially concerning the transparency and accountability of automated systems. Under the GDPR, individuals have the right to know when their data is being used to influence content and can request information on how decisions are made by algorithms, but such frameworks remain fragmented globally, and there is an urgent need for comprehensive international legal standards to address the ethical implications of AI in media<sup>71</sup>.

Another key issue is the potential for algorithmic discrimination. When algorithms are trained on biased data, they can perpetuate or even amplify existing societal biases such as racial, gender, or political bias in the content they produce. For example, AI systems might disproportionately filter out news stories related to minority groups, or give more visibility to stereotypical portrayals of certain communities. This problem requires a legal framework that ensures fairness, transparency, and accountability in AI systems used for media curation, as well as ethical oversight to prevent harmful biases from creeping into automated decisions<sup>72</sup>.

The bar chart above illustrates the dual impact of artificial intelligence (AI) on journalistic integrity and media bias. As shown in the graph, AI's influence on journalistic practices results in significant challenges to maintaining traditional ethical standards in media production. The data highlights that the most prominent concern is the reduction in accuracy, with 45% of AI's impact resulting in less precise reporting. This is followed by the increased bias (35%) introduced by algorithmic content curation, which can distort factual journalism in favor of sensationalized content. Finally, the promotion of sensational content accounts for 20%, underscoring the prioritization of engagement over truth. On the other hand, AI's contribution to media bias is evident in the results of the graph. Political and ideological biases are reinforced, as 40% of AI's effect on media focuses on political bias, with media bias and filter bubbles equally contributing to 35% and 25%, respectively. These findings illustrate how personalized algorithms often target and reinforce existing beliefs, further entrenching echo chambers in digital media<sup>73</sup>.

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<sup>71</sup> Farouk, p. 24

<sup>72</sup> Leiser, M. R. *Bias, journalistic endeavours, and the risks of artificial intelligence.* "Artificial Intelligence and the Media. Edward Elgar Publishing, 2022, p. 15

<sup>73</sup> Leiser, p. 16

This chart emphasizes the need for regulatory and ethical oversight in the use of AI within media platforms, as the data reveals both the positive and negative consequences AI has on journalism and public opinion.

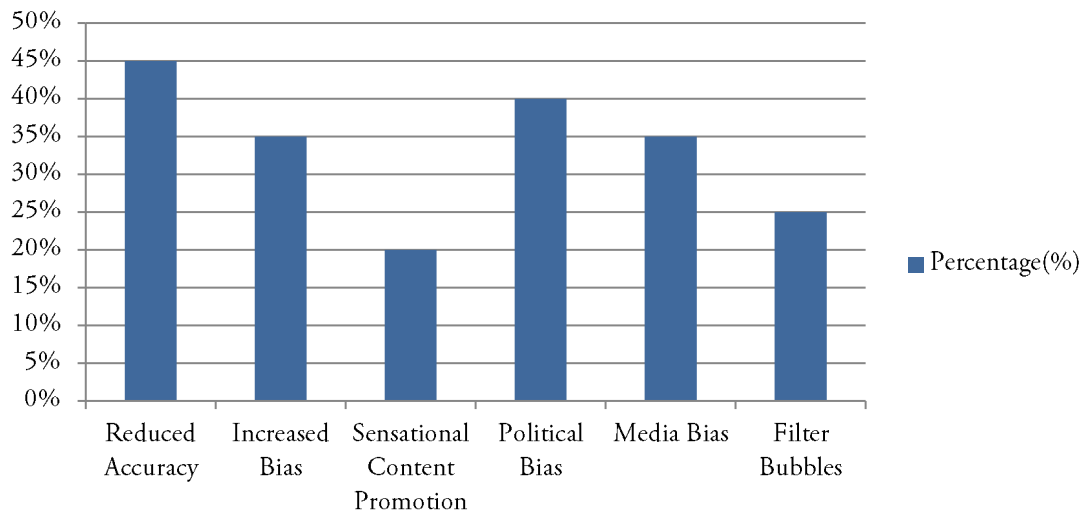


FIGURE 1. The Dual Impact of Artificial Intelligence (AI) on Journalistic Integrity and Media Bias

Source: *Adapted from theoretical analysis of AI's influence on media and journalism*

## Criminalisation, Punishment, and Illegal Restrictions on Freedom of the Press and Media in Jordanian Legislation

After examining the constitutional and legal protections for freedom of opinion and expression in the Jordanian Constitution and international agreements, especially those ratified by Jordan, it appears that the Jordanian government has not adhered to the same approach and pattern that is stipulated in the Constitution. Specifically, several articles of the Constitution and the government's legislation and regulations concerning freedom of the press and media do not guarantee the right to opinion and expression as required by the constitutional guarantees. The government must provide Jordanian citizens with the tools and platforms to express their opinions, such as radio, television, newspapers, and public spaces like streets and squares.<sup>74</sup>

After the ratification of the 1952 Constitution, several laws were enacted, among which was the Press and Publishing Law No. (79) of 1953. This law is considered the foundation of subsequent press and publishing laws due to its comprehensiveness. It was the first comprehensive Jordanian law issued after

<sup>74</sup> Qasim, "What Happened to Freedom of Expression in Jordan".

the ratification of the 1952 Constitution. The law appears to have been inspired by the spirit of the Constitution, as its provisions were largely in line with the philosophy of the 1952 Constitution.<sup>75</sup> One of the practical examples of this is the provision allowing the decision of the Minister of the Interior to deny a publication licence to be appealed before the Court of Cassation, which is the Supreme Court of Justice, as stated in Article (8) of the law. The article states, “When the Minister of Interior requests a licence and meets all legal requirements, he must grant the licence within one month from the date of the application. In the case of rejection, a reasoned decision must be issued within a month from the date of the application, which can be appealed before the Court of Cassation in its capacity as a court”.

This law is unique in that it clearly identifies the types of news that are prohibited from being published in Article 27. Additionally, it outlines the instances in which the Minister of Interior may revoke a newspaper’s publication licence in Article 13. While some have criticised the law, it presents a solid foundation that can be built upon and refined.<sup>76</sup>

Press and media freedom restrictions in Jordan have been increasing since the amendments made to the Press and Publications Law No. 8 in 1998. The first of these restrictions came through Article 13, which was suspended. The law’s high capital requirement, particularly for daily and weekly newspapers, deprives some citizens of the right to publish newspapers, violating the principles of equality and equal opportunities. This restriction gives only the richest Jordanians the opportunity to enjoy what the constitutional legislature intended to be available to all citizens without exception.<sup>77</sup> It’s worth noting that some of the amendments made to the law were unclear. For instance, Article 43 was amended to state that “Owners of printing presses, libraries, publishing and distribution houses, studies and research houses, and houses for measuring public opinion shall be jointly responsible for personal rights and trial expenses incurred.” This means that in cases where the law applies to publications, the owners of these establishments will be held accountable for the actions of their users.

After conducting a thorough analysis of the text, it is evident that the proposed amendment enforces a form of “collective punishment.” This practice is a form of intimidation that ultimately restricts the freedom of opinion and expression, particularly with regards to press and media freedom. A comparison

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<sup>75</sup> Khleifat, “Legal Restrictions on the Freedom of the Press Provided for in the Jordanian Legislation”, p. 20

<sup>76</sup> Khleifat, p. 59.

<sup>77</sup> Khleifat, pp. 59-60.

between the penalties outlined in the Press and Publications Law and the Cybercrime Law highlight this point. While the former imposes only financial fines, the latter introduces imprisonment as an additional penalty, alongside substantial fines. Additionally, the Cybercrime Law includes ambiguous phrasing that can be interpreted in multiple ways.<sup>78</sup>

The “Publications and Publishing Law” has been modified multiple times, which has resulted in several news websites being blocked. This is because they did not obtain a licence from the Department of Publications and Publications. Unfortunately, each amendment to the law has led to more websites being blocked. The “Cybercrime Law” has been used to justify the arrest and imprisonment of journalists, as well as increasing licensing fees. Additionally, websites that use the “Live” broadcast feature via social media are required to obtain a licence.<sup>79</sup>

In 2008, five journalists were imprisoned for three months by a Jordanian court. They were convicted of contempt of the judiciary, slander, and publishing insults. The journalists belonged to “Al-Arab Al-Youm” newspaper, “Al-Dustour” newspaper, and “Al-Rai” newspaper. These court rulings have had a negative impact on press freedom and are a step backward in the relative freedom enjoyed by the Jordanian press. In a similar case, the Amman Court of First Instance convicted the editor-in-chief of “Al-Arab Al-Youm” newspaper, the former editor-in-chief of “Al-Dustour” newspaper, and two journalists, Sahar Al-Qasim and Fayez Al-Lawzi, for contempt of the judiciary and commenting on its decisions, which are considered immune to criticism under the Jordanian Penal Code.<sup>80</sup>

Four journalists were tried for publishing a Jordanian citizen’s complaint to the Judicial Council. The complaint alleged an unfair decision made against the citizen and a conflict in the judges’ decisions. The journalists were charged with defaming the courts and exposing the course of justice to doubt and contempt, in violation of Article 191 of the Penal Code No. 16 of 1960, as amended for the year 1976, and Article 15 of the Contempt of Courts Law. Additionally, a journalist from “Al-Rai newspaper” was sentenced to three months in prison for publishing an article online that criticised a Jordanian official. It’s important to note that under Jordanian law, a decision to imprison someone for three months or less is replaced by a fine.<sup>81</sup>

<sup>78</sup> Qasim, “What Happened to Freedom of Expression in Jordan.

<sup>79</sup> Abo Alsondos, “Freedom of the Press in Jordan.

<sup>80</sup> See Arab Archives Institute, “Five journalists given three-month prison sentences over critical articles”, *IFEX*, March 18, 2008, retrieved from <https://ifex.org/five-journalists-given-three-month-prison-sentences-over-critical-articles/>.

<sup>81</sup> Arab Archives Institute.

It is worth noting that recent media legislation updates in Jordan have raised concerns regarding their compliance with legal and constitutional principles, as well as international agreements and treaties that Jordan has ratified. One notable instance of this is the modified regulations that have been enacted, which have been found to be in conflict with the Press and Publications Law and the Audiovisual Media Law. Specifically, these regulations lack any provisions that would authorise the imposition of financial fees or the yearly renewal of licences granted to websites. Such deviations from established legal frameworks could have significant implications for businesses and individuals operating in the media sphere in Jordan, and warrant careful consideration and analysis.<sup>82</sup>

According to a study conducted by the Supreme Media Council, press freedoms in Jordan are currently below average. Additionally, the international organisation "Reporters Without Borders" released a report that stated that Jordan's position in the annual press freedom index worsened from 96 in 2005 to 109 in 2006.<sup>83</sup> For those seeking to monitor media legislation in Jordan, it is worth noting that the government has enacted various amendments and laws since the Press and Publishing Law was adopted in 1993. Unfortunately, this has resulted in the closure of 13 weekly newspapers in 1997 due to the government's stringent financial requirements for founding newspapers, including high capital thresholds. A similar trend emerged years later when the government imposed prior licensing on websites, leading to the closure of around 173 websites in 2012.<sup>84</sup>

The Jordanian government has passed a law amending the Prevention of Terrorism Law No. (18) issued in 2014, which is now considered a terrorism law. The new law expands the definition of terrorism in Article 2 and enumerates terrorist acts in Article 3. This expansion poses a threat to the activity of any Jordanian, whether they are a journalist or not, and restricts their freedom. The law has severely impacted freedom of expression, to the point where using the Internet or creating a website to monitor crimes and violations of this law can result in extremely harsh penalties, such as life imprisonment or hard labour.<sup>85</sup>

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<sup>82</sup> Abo Alsondos, "Freedom of the Press in Jordan".

<sup>83</sup> The Arab Guide to Human Rights and Development, 1st ed. (The Arab Organization for Human Rights in cooperation with the Office of the High Commissioner for Human Rights and the United Nations Development Program), p. 97

<sup>84</sup> Tariq Dilwani, "The Jordanian Media in 2020: Restricted and Self-Censorship Amplified," Independent Arabia, 2021, <https://www.independentarabia.com/node/220831/>.

<sup>85</sup> Qasim, "What Happened to Freedom of Expression in Jordan".

There has been a rise in official violations against journalists and activists. They are now at risk of being arrested and tried before the military judiciary, which is considered an exceptional judiciary based on the Prevention of Terrorism Law and other laws.

Recently, a Jordanian official body approved a decision allowing the arrest of journalists and social media users. This has resulted in the Jordanian media community facing laws that permit the imprisonment of journalists. The Bureau for Interpreting Laws in Jordan has issued a decision stating that it is permissible to arrest journalists and users of social media sites based on the provisions of the Jordanian Cybercrime Law No. 27 of 2015 and the Code of Criminal Procedure of 1961.<sup>86</sup>

According to the Jordanian Cybercrime Law No. 27 of 2015, journalists and activists may face arrest for committing defamation and defamation crimes that violate the provisions of Article (11). Additionally, they may be charged under Article (114) of the Code of Criminal Procedure.

Prior to 2015, journalists in Jordan were tried and judged according to the Press and Publications Law. This law prevented their imprisonment or arrest and also included websites under its jurisdiction, requiring them to be registered and licensed. However, official violations against journalists and activists are both old and new, as previously approved laws allowed for their arrest and trial before the military judiciary, based on the amended Prevention of Terrorism Law of 2014 and other laws. Moreover, the Jordanian legislator included broad articles and texts in a number of laws that permit the arrest of journalists, which ultimately undermines freedoms and rights. Due to the gradual imposition of restrictions to curb the freedom of opinion of the Jordanian citizen, citizens have resorted to expressing their opinions through social media, which is considered less risky than clashing with the security services. These means have been used to incite people to boycott goods whose prices have been raised beyond their capacity. For instance, in a campaign against the increase in the cost of cell phones, the "Close Your Line" campaign emerged.<sup>87</sup>

It is acknowledged that people possess the intelligence to bypass the restrictions imposed by the state to prevent them from expressing their opinions and exercising their right to freedom of expression. The Jordanian constitution serves as the ultimate means of preserving and ensuring freedom of the press and media, and it is the state's constitutional duty to guarantee this inherent right.

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<sup>86</sup> Tamer Al-Samadi, "Jordanian Journalists Face Imprisonment and Arrest Again," Al Jazeera, October 31, 2015, <https://www.aljazeera.net/news/humanrights/2015/10/31/>.

<sup>87</sup> Qasim, "What Happened to Freedom of Expression in Jordan".



In 2017, there were several instances where the freedom of the press and media, as well as freedom of expression and opinion, which are protected by the Jordanian Constitution, were curtailed due to arbitrary practices. The detention and arrest of journalists were among the major concerns raised by media and human rights organisations. During that year, three cases of arrest were recorded, along with multiple cases of arbitrary arrests of journalists.

The arrest of journalists continued into 2018, when two journalists, Omar Al-Maharmeh and Shadi Al-Zinati, were arrested by the Amman Public Prosecutor. The arrest was made following a lawsuit from the Jordanian Minister of Finance, after the two journalists published news supported by documents regarding the Minister's failure to provide complete data in his tax return to his ministry. The public prosecutor brought four charges against the journalists, two of which were based on the Jordanian Press and Publications Law, one on the Electronic Crimes Law, and the fourth on the Penal Code.

The journalists were detained for a week, but were released on bail after 48 hours of detention, during which sit-ins were held by the Journalists Syndicate to protest against their detention.<sup>88</sup>

Regarding the state of press and media freedom in Jordan during the COVID-19 pandemic, it is important to note that international human rights law allows governments to implement exceptional measures that may limit certain rights in order to protect public safety and health. However, these measures must have a legal basis, be necessary, and be grounded in scientific evidence. They should not be arbitrary or discriminatory and should be implemented for a specific period of time. Additionally, they should uphold human dignity, be subject to review, and be proportionate to the desired goal.<sup>89</sup>

Article 19 of the International Covenant on Civil and Political Rights, which Jordan joined in 1975, guarantees everyone the right to seek, receive and share information and ideas of all kinds. The ICCPR does allow for some restrictions on freedom of expression to protect others, but these restrictions are limited and must be proportionate and necessary to achieve a particular aim as set out in Article 19,<sup>90</sup> but, it can be observed that some of the measures taken by public authorities were not justified, nor were they based on scientific evidence. For example, the order to stop printing newspapers due to fears of them transmitting the Coronavirus infection and preventing movement of

<sup>88</sup> Abu Farah, "Will the intimidation of journalists in Jordan end?" *Manshoor*, May 16, 2018. Retrieved from <https://manshoor.com/politics-and-economics/jordan-media-freedom/>

<sup>89</sup> Nidal Mansour, "Under Embargo... Freedom of the Media in Jordan," *Alhurra*, July 2, 2020, <https://www.alhurra.com/different-angle/Jordan-media-freedom>.

<sup>90</sup> Abdel Fattah Bayoumi Hegazy, *General Principles in Press and Publishing Crimes* (Cairo: Dar Al-Nahda Al-Arabiya, 2009).

journalists without government-issued passes, which not all newspaper workers obtained. These actions have restricted media institutions and may not have been necessary or proportionate<sup>91</sup>.

In 2020, the Centre for the Protection and Freedom of Journalists published a report titled "Under Embargo" that sheds light on the state of media freedom in Jordan during the Corona pandemic. The report examines the government's policies and measures towards male and female journalists and their compatibility with the state's human rights and legal obligations. It documents four cases of 17 violations against media professionals, including the arrest of Roya Channel's general director (Fares Al-Sayegh) and news director (Mohammed Al-Khalidi) for allegedly broadcasting a report that incited curfew violations. Additionally, the report highlights the arrest of Bangladeshi journalist (Salim Akash) for criticising the Bangladeshi embassy's neglect of Bangladeshi workers in Jordan.<sup>92</sup>

It can be said that violations against journalists in the Arab world are not an accidental event but rather an approach that has been established over the years, frightening the guardians of the world and stifling their voices. Serious violations of media professionals in Jordan may not be a common practice, as no killing or disappearance of a journalist has been recorded in its history as has happened and is happening in the Arab neighbourhood. However, there has been an increase in cases of arrest of journalists using restrictive laws. As a reminder, the report on the status of media freedom in Jordan for 2018 monitored 68 violations, and in 2017 it amounted to 173 violations.<sup>93</sup>

It can be said that violations against journalists in the Arab world are not an accidental event, but rather an approach that has been established over the years, frightening the guardians of the word and stifling their voices. Serious violations of media professionals in Jordan may not be a common practice, as no killing or disappearance of a journalist has been recorded in its history as has happened and is happening in the neighbourhood. Al-Arabi, but cases of arrest of journalists have increased using restrictive laws, and this can be seen in the report on the status of media freedom in Jordan for the year 2018, which monitored 68 violations, and in 2017 it reached 173 violations.<sup>94</sup> According to the 2018 report of the National Centre for Human Rights, there were 1,821 cases related to freedom of opinion, or re-publishing data or information through online networks or websites, in accordance with Article (11) of the

<sup>91</sup> Mansour, "Under Embargo... Freedom of the Media in Jordan,"

<sup>92</sup> Jordan's Centre for the Protection and Freedom of Journalists, (June 2020).

<sup>93</sup> Mansour, "Under Embargo... Freedom of the Media in Jordan,"

<sup>94</sup> Mansour.

Cybercrime Law. During this period, 161 people were arrested. Additionally, there were 757 cases brought under the Penal Code, based on the pretext of defaming an official body, speaking out, or inciting strife, which led to the arrest of 130 people.<sup>95</sup> An opinion poll published in the “Under Embargo” report indicates that 21% of people believe that the government provided credible information to journalists to a great extent during the pandemic. 54% believed that the government provided information to a moderate degree, 19% to a slight degree, and 6 percent did not believe that the government provided any information at all.

In 2020, the Centre for the Protection and Freedom of Journalists released a report titled “Under Embargo,” which examined the state of media freedom in Jordan amidst the Coronavirus pandemic. The report scrutinises the government’s policies and actions towards male and female journalists and their compliance with human rights and legal obligations. The report identified 4 cases that involved 17 violations against media professionals. These cases include the arrest of Roya Channel’s general director, Fares Al-Sayegh, and its news director, Mohammed Al-Khalidi, on charges of broadcasting a television report that encouraged curfew violations. The report also documents the arrest of Bengali journalist Salim Akash due to a report criticising the Bangladeshi embassy’s indifference towards Bangladeshi workers in Oman.<sup>96</sup>

On August 9, 2020, the Criminal Magistrate Court in Amman issued a gag order in the case involving the closure of a union. This order is based on the Jordanian Press and Publications Law, which allows judges to prohibit “the publication of any information related to any stage of an investigation into a case or crime.” Even so, in this particular case, the gag order seems to go beyond just prohibiting the disclosure of investigation details.<sup>97</sup>

During the ongoing protests by teachers against the closure of their union in Jordan, the freedom of the press and media was restricted. The Jordanian authorities arrested at least two journalists for covering these protests, and two more were beaten by security forces while attempting to report on the events. Laith Al-Junaidi, a journalist working for the Turkish Anadolu Agency, was also arrested while covering teacher protests in the northern Jordanian city of Irbid.<sup>98</sup>

On July 29, the police also attacked photojournalist Omar Al-Akour, who worked for the Associated Press, while he was covering a demonstration in Amman. The police attacked him even after he identified himself as a journalist:

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<sup>95</sup> National Centre for Human Rights, 2018.

<sup>96</sup> Jordanian Centre for the Protection and Freedom of Journalists, (June 2020)

<sup>97</sup> Human Rights Watch, Jordan: Increasing repression of journalists (August 18, 2020)

<sup>98</sup> Human Rights Watch.

“Al-Akour fell to the ground after being beaten, and the police smashed his cell phone, destroying the clips he had filmed of the clashes.”

In late 2020, journalist Jamal Haddad was arrested by Jordanian authorities and taken to the State Security Court. This was in response to an article he had published, in which he raised questions about officials receiving the Corona vaccine without an official permit and when it would be available to the general public. After several days in custody, Haddad was released on bail from the head of the Journalists Syndicate on December 29.<sup>99</sup>

Cybercrime Law No. 17 of 2023 in Jordan lays out severe penalties, which include imprisonment or large fines. The law has provisions related to criminal charges such as “undermining national unity” and “online character assassination.” However, these terms are vague and broad. In 2015, Jordan made 41 amendments to the Cybercrime Law No. 27, which empower authorities to block social media platforms, obstruct website functionality and demand the removal of specific publications.

Article 16 of the Cybercrime Law No. 17 of 2023 has authorised the judiciary to impose imprisonment, fines, or both. This article deals with the crime of “character assassination” and states that anyone who spreads, attributes, or unjustly attributes to a person, contributing to it through the information network, information technology, information system, website, or social media platforms, will be punished. This crime carries a sentence of imprisonment for a minimum of three months or a fine of no less than 5,000 JOD (Jordanian dinars) and no more than 20,000 JOD, or both of these penalties”. It can be argued that the financial penalties imposed by the law, which can go up to 20,000 Jordanian dinars (28,000 US dollars), are excessive and disproportionate compared to the severity of the crime. Moreover, it is difficult to enforce such penalties in a country that is considered a middle-income nation, with a per capita income of around four thousand dollars per year and a national GDP.<sup>100</sup>

The Cybercrime Law No. 17 of 2023 has provisions for punishing individuals who send, re-send, or publish data that contains false news, defamation, slander, contempt for any person, or transmit or promote pornographic and sexual acts. The law also penalises anyone who makes unlawful accusations against an individual through social media platforms, which could cause character assassination.

The legal system in Jordan contains unclear terms such as “undermining the regime,” “verbal defamation,” “changing the structure of society,” and

<sup>99</sup> Abo Alsondos, “Freedom of Expression in Jordan.

<sup>100</sup> Human Rights Watch, Jordan: Increasing repression of journalists (August 18, 2020)

“stirring regional strife.” These ambiguous phrases have led to the arrest of numerous journalists and activists who were detained for expressing their opinions on social media or participating in peaceful sit-ins. The recently amended Cybercrime Law has also allowed the detention of individuals before judicial review. Additionally, it makes the owners of social media pages legally responsible for comments made on their pages.

Since the law was issued, approved, and enforced, several Jordanian journalists have been arrested. Ahmed Hassan Al-Zoubi, a journalist, was sentenced to one year in prison and a fine by the Court of Appeal, after being sentenced to two months in prison and a fine by the Court of First Instance. Heba Abu Taha, another journalist, was also sentenced to three months in prison and a fine, while Khaled Turki Al-Majali, the publisher and owner of the Kul Al-Urdun website, was arrested and sentenced to three months in prison.<sup>101</sup>

## **Features and Characteristics that Characterise Legal Restrictions on Freedom of the Press, Media and Publication**

It can be argued that there is a legislative flaw within the legal system that leads to confusion. The legal texts pertaining to criminalisation and violations are abundant and often overshadow the legal texts that guarantee constitutional rights. In some cases, these texts may even contradict the Constitution and the law itself. Therefore, it is important to highlight the key features of existing legal restrictions, particularly those that affect freedom of the press, publishing and media.

*First*, expansion of journalistic crimes. After analysing legal documents that restrict freedom of publication, it is evident that there has been a significant increase in legal restrictions that limit the freedom of the press, media, and publishing. This contradicts the constitutional legislator’s policy regarding controls and the extent of criminalisation and punishment. The fundamental principle is that the legislator should not interfere unless there is an urgent or necessary need for intervention. Currently, there is no reason to interfere, and no other way exists to address or resolve the urgent situation other than through the legislature’s intervention. Furthermore, the legislator is recriminalising already criminalised acts.<sup>102</sup> For instance, the legislator criminalised what was already outlined in the Penal Code again in the Press and Publications Law and other laws:

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<sup>101</sup> Ibid

<sup>102</sup> Afana, "Freedom of the Press in Jordanian Legislation," February 16, 2025.

The crime of publishing content that harms national unity is defined in Article 37/A/5 of the Publications Law, which is similar to the crime defined in Article 150 of the Penal Code. In addition to this, four new crimes were introduced in Article 37 of the Publications Law, which were not included in the 1993 law. These crimes include:

1. Publishing any content that harms the judiciary or its independence, which is also defined as a crime in Article 224 of the Penal Code and Article 15 of the Contempt of Courts Law.
2. Publishing content containing false information or rumours.
3. Publishing state secrets and documents protected by law. This restriction seems unnecessary, as there is already a special law that deals with the protection of state documents.
4. Publishing content that incites strikes, sit-ins, or assembly against the law. This crime falls under the general rules of incitement defined in Article 80 of the Penal Code.

*Second*, flexibility in legislative drafting. The texts restricting freedom of the press and publication are flexible and ambiguous, and their interpretation is left to the judge's discretion Farah Afana, (2024). For example, Article 130 of the Penal Code relates to weakening national feeling, but it is unclear what actions constitute this crime. Similarly, Article 131 of the Penal Code refers to news that weakens the nation's psyche, but it is unclear what this refers to. *Third*, Punitive tightening. Punishments have been tightened on journalists and media professionals, including the pretrial detention of journalists.

## Conclusion

Freedom of opinion and expression, along with freedom of the press and media in Jordan, is currently imprisoned in constitutional legislation and laws enacted by the ruling authority. While the authority is committed to enacting laws in the name of the people, in practice, these laws often act as an obstacle between the ruling authority and the masses. This is especially true when it comes to political participation or expressing opinions and freedom of expression, through state-owned media, which the ruling authority uses to serve its interests and defend its mistakes in the name of public interest and benefit.

Freedom of the press and media in Jordan faces many challenges, the most prominent of which is the issuance of many media laws and legislation, regulations, and ministerial decisions that give the ruling authority control over independent websites, as well as freedom of the press. This control is exercised through imposing strict penalties, including arresting and imprisoning

individuals or imposing large and exaggerated financial fines. Some amendments to laws violate the provisions of the Constitution.

There are many laws in Jordan that govern freedom of the press and media, including the Press and Publications Law, the Public Meetings Law, the Law on the Protection of State Secrets and Documents, the State Security Court Law, the Journalists Syndicate Law, the Penal Code, the Preaching and Public Speech Law, and the Public Rights Law. However, all of these laws require legal amendments to be compatible with international human rights standards and conventions and to be consistent with the legislative policy in the Jordanian constitution. This is due to the large number of restrictions and ambiguity, the flexibility of drafting legislation, and the resulting practical violations of the exercise of freedom of opinion and expression. The following are the most important results that have been achieved:

1. Freedom of the press and media is intrinsically linked to a broad range of civil and political rights, and it cannot be discussed in isolation. The protection of this freedom requires strong constitutional guarantees that align with both national laws and international standards. Legal protections must be in place to prevent unjustified restrictions that could limit press and media freedom. Also, these protections should ensure that executive authorities do not possess unchecked power to restrict these freedoms. In comparison, Indonesia has also faced similar challenges in balancing media freedom with state control, yet their legal framework offers more defined limits on executive power in this area, with more active judicial oversight
2. Constitutional oversight by the courts should be activated, especially over laws and legislation related to press and media freedom. This oversight must ensure that such laws are constitutionally sound, respect human rights, and adhere to international standards. Indonesia's courts have played a significant role in upholding media freedoms, even as emerging technologies like artificial intelligence influence content regulation, whereas Jordan still faces gaps in judicial review and the application of international norms in media legislation.
3. A democratic environment that promotes press and media freedom should be fostered, encouraging diverse opinions, and supporting the pluralism of religious, intellectual, and political beliefs. This should include mechanisms for combating media bias, especially as AI technologies increasingly influence media content and coverage. Ensuring that diverse voices are heard in the media is crucial for a healthy democratic society.

## Recommendations

One crucial step in safeguarding journalistic rights in the digital era is to enable delegation to represent journalists in legal cases concerning publications, publishing, and freedom of opinion and expression. This is especially important in cases where technological monitoring or AI-driven content regulation are involved. As digital technologies become more pervasive, they increasingly influence the way content is regulated, often at the expense of press freedom. Allowing legal representation for journalists would ensure their rights are upheld in courts, offering greater protection in a media environment where surveillance and technological oversight are growing concerns. Such a provision would strengthen journalists' ability to report and express opinions without undue interference from state or corporate actors who may use technology to suppress critical discourse.

Another key reform would be the abolition of mandatory membership in the Journalists Syndicate, alongside a reevaluation of the authority to block unlicensed websites. The mandatory syndicate membership often imposes unnecessary constraints on journalistic independence and restricts the freedom to practice journalism without the need for state-mandated affiliations. In parallel, the ability of the government to block unlicensed websites should be reconsidered. A more transparent and accountable regulatory framework would ensure media outlets are governed by clear, fair, and non-discriminatory rules, which are crucial for ensuring the diversity of viewpoints in the media landscape. This approach would reduce the risks of arbitrary censorship and enhance the independence of journalists, allowing them to operate in a more open and free environment.

In addition to these reforms, there is a pressing need to end custodial penalties for crimes related to publications and opinions. The imposition of prison sentences for expressing or publishing certain ideas or viewpoints has a profound chilling effect on free speech. This is especially problematic in the context of digital media, where AI technologies are often deployed to monitor and restrict content. By shifting from custodial penalties to more proportionate civil penalties, the law can still hold individuals accountable for harmful or unlawful content while avoiding the severe consequences of imprisonment. This change would help ensure that individuals, particularly journalists and media workers, can express themselves freely without the fear of disproportionate legal repercussions.

Clarifying ambiguous terms in media legislation is another necessary reform. Many existing laws contain vague or open-ended terms that allow for a broad range of interpretations. This is particularly problematic with regard to



defamation and slander laws, which have historically been used as tools of repression, often to silence critical voices. Shifting the focus from criminal defamation to civil defamation would provide a more balanced and fair approach, reducing the risk of misuse by authorities. The adoption of clearer, more precise definitions would also limit the potential for overreach, ensuring that media practitioners are not unjustly penalized for expressing opinions that are critical or controversial. In the context of AI technologies, which are increasingly used to monitor online content, the need for clear, unambiguous legal standards is paramount to protect journalists from arbitrary censorship and state control.

The revision of the Press and Publications Law of 1998, as well as other related legal frameworks, is also essential to account for the evolving role of technology in media. The rapid rise of the internet, social media, and AI has fundamentally changed the way information is disseminated, consumed, and regulated. Laws that were designed in an earlier era need to be updated to address the unique challenges posed by digital platforms and AI-driven content moderation. Indonesia's recent amendments to its media laws offer a useful model, striking a balance between media freedom and regulatory oversight in the context of technological advancements. By modernizing the legal framework, the country can better protect press freedom while ensuring that regulations are adequate for the digital age.

Finally, it is necessary to reconsider laws that restrict freedom of opinion and expression, particularly those that grant discretionary power to administrative authorities such as the public prosecutor or administrative governors. These laws often create an environment where independent media outlets and individuals expressing dissenting views are vulnerable to state repression. Legal frameworks should be aligned with constitutional protections and international human rights standards to prevent the abuse of power. This is especially critical in an age where AI technologies enable increased surveillance and regulation of digital content. Drawing from international examples, such as Indonesia's efforts to limit state interference in media content, Jordan could benefit from adopting similar measures that reduce governmental control and enhance judicial oversight. Such reforms would protect the independence of the media and ensure that individuals' rights to free expression are upheld in the face of growing technological and political pressures.

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**In a democracy, the media must  
be free, independent, and able to  
report on issues without fear or  
favor**

— *Aung San Suu Kyi*, Burmese Politician and Nobel Peace  
Laureate

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